



## August 30, 2018, 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 (arrived at 2:15 p.m.), Tony Thomas, John Hall and Estella E. Shabazz

Rob Hernandez, City Manager

Bret Bell, Assistant to the City Manager

Brooks Stillwell, 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 Pro-Tem Carol Bell.

Upon motion of Alderwoman Bell, seconded by Alderwoman Shabazz, unanimous approval was given for the Mayor to sign an affidavit and resolution on Real Estate and Personnel for an Executive Session held today where no votes were taken.

**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 30th day of August, 2018 the Council entered into a closed session for the purpose of discussing Real Estate 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: AUGUST 30, 2018 upon motion of Alderwoman Bell, seconded by Alderwoman Shabazz, and unanimously carried.**

### APPROVAL OF MINUTES

[1. Motion to Approve the Summary/Final Minutes for the City Council Work Session and City Manager's Briefing of August 16, 2018](#)

[08.16.18 WS minutes.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 Meeting of August 16, 2018](#)

[08.16.18 Minutes.pdf](#)

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

## **PRESENTATIONS**

### [3. An Appearance by the St. Joseph's/Candler Smart Senior Program to Announce the 2019 Smart Living Expo & Health Fair](#)

Representatives from the St. Joseph's/Candler Smart Senior Program came to thank the City of Savannah and Council for their partnership and support of the 2018 Smart Living Expo and Health Fair which was held at the Savannah Civic Center on June 20<sup>th</sup>. Jenny Koch stated this year was the highest attended event since the inception. She then asked that the City partner with them again for the 2019 Expo. Upon motion of Alderman Miller, seconded by Alderman Foster, and unanimously carried Council agreed to support the 2019 Expo. Ms. Koch briefly introduced volunteers of the 16 member advisory board.

### [4. An Appearance by the Coastal Jazz Association to Announce the 2018 Savannah Jazz Festival](#)

Representatives of the Coastal Jazz Association and the City of Savannah's Department of Arts, Culture and Historical Resources came forward to announce the 2018 Savannah Jazz Festival. Mayor DeLoach read a statement discussing the history of the jazz festival, the City's support of the festival, and encouraged the community to take advantage of this opportunity. Coastal Jazz Association President Howard Paul briefly reviewed the schedule of events for the 2018 festival. Paula Fogarty, Interim Executive Director of the Coastal Jazz Association, recognized the festival's partners, which include various City departments. She stated over 30,000 attendees are anticipated this year and more information can be found online at [www.savannahjazzfest.com](http://www.savannahjazzfest.com). She concluded by acknowledging 1<sup>st</sup> Vice President Board of the Directors of the Coastal Jazz Association, Tanya Milton.

## **ALCOHOLIC BEVERAGE LICENSE HEARINGS**

### [5. Request to Approve Alcohol License for Jyoti Patel for Montgomery Market](#)

[Density Report - Montgomery Market20180806\\_11430484.pdf](#)

[Measurement Report -Montgomery Market20180806\\_17171510.pdf](#)

[Alcohol Documents - Montgomery Market20180810\\_07492619.pdf](#)

**Attorney Stillwell:** Mr. Mayor, as I understand it, the applicant has requested that they add an additional applicant on the petition today. Is that correct?

[Attorney Scheer responded but he was not in front of the microphone.]

**Attorney Stillwell:** They've requested that an additional applicant be added on the petition today, is that correct?

[Attorney Scheer responded again but was not in front of the microphone.]

**Attorney Stillwell:** If you could explain that to Council, because if you have an additional applicant, we're going to have to do a background check on that applicant, I just heard about this.

**Attorney Scheer:** We just heard about it too, we were told about an hour ago. Within today's date there seems to be a problem about Ms. Patel, who doesn't speak very good English, had stated that she would be the manager, but not on a day to day basis. The City has told us today that we needed to have the actual person who's going to run the store there. If I might make a suggestion if we could have the hearing and a vote to approve it subject to obtaining the proper criminal background check on the applicant that would serve the purpose. Because this is the second time we're here, and although I do like billing at an hourly rate, sometimes it's an economy of a service.

**Mayor DeLoach:** Somebody enlighten us here.

**Attorney Stillwell:** Ms. Jones, could you explain what's happened here because I was just informed of this too.

**Judee Jones, Revenue Department:** Good afternoon, my name is Judee Jones with the City of Savannah's Revenue Department. Lieutenant Young conducted an interview with the applicant in regards to this application. At that time they were informed that there was

going to be another applicant and they were supposed to bring that application in. I contacted Mr. Call this morning and informed him that we have not received the application to move forward. So, when he handed it to me I noticed there was another name on here, and that applicant has to go through our background check in order for us to proceed.

**Alderman Johnson:** So, your testimony is that we didn't require it, they requested it. They requested to have, the applicant requested to have...

**Ms. Jones:** That was an interview conducted with Lieutenant Young.

[Alderman Johnson asked Lieutenant Young to come forward and state her name for the record.]

**Alderman Johnson:** So, the applicant requested to have another applicant on the application?

**Lt. Young:** That's correct, we actually had an administrative hearing with them in reference to an underage operation. We also had a neighborhood meeting and at both occasions they said they were going to submit as far as the new application with a responsible party is to add on what Ms. Jyoti Patel.

**Alderman Johnson:** Okay, and as of right now that applicant is not listed on the application?

**Lt. Young:** That's correct. As far as the application that was submitted for this Council hearing, it was just given to Ms. Jones on today.

**Alderman Johnson:** Okay, thank you.

**Mayor DeLoach:** Steve that doesn't quite sound the same, help me out here.

**Craig Call:** My name is Craig Call, I represent Ms. Jyoti Patel and the Montgomery Market. I was at both of those meetings. I nor my clients never said we intended to submit an amended application. Ms. Judee Jones called me today and said that it was a requirement then she needed it for her records, which is the only reason I filed an amended application today because Ms. Jones said it was necessary. Ms. Patel is the owner of the business and she is also the applicant for the license. She does manage the operation, she does not go to the store every single day. She goes a couple, two to three times a week. She manages the operation of business, all the documentation, the paperwork, she manages who works there, and what they do. We submitted the application to the best of our ability and were told today that it was necessary to be changed. I personally do not think it needs to be changed.

**Mayor DeLoach:** You want to add something to that?

**Lt. Young:** Yes, during the neighborhood meeting we discussed the security plan and her attorney actually said that she is not in the country. We actually talked about the general managers, those general managers came to the interview. Their criminal background would not allow them to be on the application. So, these things were discussed ahead of time and her attorneys and also the applicant Ms. Patel was aware.

**Mr. Call:** I just want to clarify one thing. She is out of the country on a visit now. Not that she resides out of the country.

**Mayor DeLoach:** We understand that, but we also know she's the managing partner so they got to have a shorter rope with the managing partner than you do with somebody that just happens to be there.

**Attorney Stillwell:** So, is the applicant going to be here in two weeks? I mean she's not here today?

**Mr. Call:** The applicant's here.

**Attorney Stillwell:** But she was out of the country and now she's back?

**Mr. Call:** She's been flying back and forth every two, since the last meeting and this one. She's only out of the country right now on a visit with her son. She is not living out of the country. She resides here in Chatham County.

**Attorney Stillwell:** Okay, but this is the applicant?

**Mr. Call:** Yes, this is Ms. Jyoti Patel.

**Alderwoman Shabazz:** Mr. Mayor, if you don't mind can we have the neighborhood association president who is here, Dr. Jones, who is here before you come up. Dr. Jones, let me ask a question about the policy to Ms. Judee Jones and our officer. Does our policy state that in these businesses that the person who manages the operation has to be on site?

**Ms. Jones:** We have a statement on our application that indicates who's going to be the day to day responsible person and that will be the ABL responsible applicant.

**Alderwoman Shabazz:** And on that application that was submitted to the City, who was that person listed?

**Ms. Jones:** Both listed Jyoti Patel.

**Alderwoman Shabazz:** And this is the person who is present here.

**Ms. Jones:** That is correct.

[Alderwoman Shabazz asked Dr. Betty Jones, Feiler Park Neighborhood Association President, and Lynne Hill, Sylvan Terrace Neighborhood Association President, to come forward.]

**Alderwoman Shabazz:** President Jones, in reference to what you know about the day to day operations due to the fact that you live so many yards away from the store and this particular business is in your neighborhood can you give us some insight with the neighborhood association, with the meetings, and with your know abouts of the operator. Because our ordinance, our rule is that the person needs to be on site. Can you give us some insight?

**Dr. Jones:** Not a lot, however, our concern has been the transfer of the license because from one to another to another this has been constant and that's our main concern. Plus the things that have happened up at that store, we've had two shootings there and we are concerned about that because we have seniors that live because it's located in a, in a residential area and some of the residents are close by that store and with the shootings, those bullets can go into their homes. We've had that in other areas of the City and we don't want it in our area. Now we talked and I talked with Mr. Call because we were trying to come together about a neighborhood agreement about the operation of the store, but we are still against having a liquor license, we definitely don't want that.

**Mayor DeLoach:** They have the beer and wine now, but they are applying for alcohol is that the idea?

**Dr. Jones:** Yes. And the other concern was when we had our neighborhood meeting and we were talking about the business and about everything that occurred there, we ended up finding out that she would not be there and she would be out of the country most of the time. So, that meant if she's out of the country most of the time who would be operating the business, because we've had others who've had a license transfer and they've had background checks or just didn't work out or they had problems otherwise with the business. So, we wanted to know who would be there on site.

**Alderwoman Shabazz:** And that was the concern Mr. Mayor that I wanted everyone to know, exactly what's happening down in the community and what is being told to the president and the residents in the community. Our rule is stating that a person has to be that operator or manager and has to be on site, and the person whose name is on the application and that person whose name is on the application will not be present at all times. So, that's a problem.

**Mayor DeLoach:** So, Steve, can you go to the neighborhood association with somebody that is going to be here on a regular basis and get their overall approval of saying, okay, we can use him.

**Attorney Scheer:** I think Mr. Call can best address that because they've worked out an agreement.

**Mr. Call:** We just worked on and signed a neighborhood agreement today. We've been working on it, we reached an agreement and we signed it. We met with Ms. Jones and the association with Jyoti and her son in law. Again, Ms. Patel is the active manager of the store and I want to quote the Savannah City ordinance which states, the manager is defined as a natural person over the age of 21, has responsibility for day to day management of the operation including sale of alcoholic beverages at the location to be licensed or supervision of management of the operations including sale of alcoholic beverages, and who is the owner or a full time employee of the corporation, partnership, proprietor or other ownership entity, such person shall actively operate the licensee's business on a day to day basis and reside within a 50 mile radius of the establishment for which set individuals responsible for day to day management of the licensee's operations. Nothing in that requires them to be onsite every single day.

**Mayor DeLoach:** Well, it says day to day. I don't know what that means, but it sounds like day to day means day to day.

**Mr. Call:** Even managers of big box chain stores don't go to the store every single day.

**Mayor DeLoach:** Maybe it shouldn't say day to day then or you need to get somebody to do it day to day.

**Mr. Call:** I'm just saying there was a statement made that something requires them to be on site and that's not in the ordinance.

**Mayor DeLoach:** I'm just telling you where it's going now. I'm just trying to clear up where it's going and then more than likely going to go. If you don't do something other than what you're doing right now, is there a possibility of getting someone to satisfy the neighborhood, or it's not going to be fun.

**Mr. Call:** That's what I thought we had done already, that's my question.

**Attorney Scheer:** Well, if we need to run a criminal background check, then obviously that's going to jeopardize it. We provided your attorney with the standard constitutional challenges, which all lawyers have to make should it be turned down, but we certainly understand that we want to comply with the Council and we want to do what's right. Originally this was going to be a show cause hearing then it was turned into a regular hearing so, we were kind of blindsided by this requirement.

**Mayor DeLoach:** Well now I think this is a little bit better here now than having a show cause, don't you? Well let's talk about how good this is, not how bad it is. Okay, so the point is we need to get somebody and you got a background check on somebody that the neighborhood association is okay with?

**Attorney Scheer:** I don't think we'll ever get anybody that they would be okay with. But we have somebody that would satisfy the requirements of the ordinance, yes.

**Lt. Young:** As Ms. Patel's attorney mentioned we did her background check, the son in law, we have his information and her daughter they are not able to be on the application as a responsible party. The application that Ms. Jones got today has someone else and we have not run that criminal background check on that person.

**Mayor DeLoach:** Okay, my deal is we can approve it based on that person passing Ms. Jones's test, do you like that Ms. Jones? Can we do that y'all? Would y'all be willing to do that since we have to do something?

**Alderman Shabazz:** Mr. Mayor I just want to make a few more statements in reference to not just that being one problem but I was given this information from our police department in reference to other activities that have been called in to that particular address. One of those is a call of interest under the current license holder and that was December 2017 which was a call for entering auto. Another on March 14, 2018, there was a domestic call, and I'm talking about the calls to the police. There was a domestic call for trouble to the address, there was a female cut by a male that started over some money. There was a problem with an underage buy operation that happened on June 25, 2018, where a minor purchased a 12 ounce of beer where the minor was not asked for an ID. This is a problem if we don't have a legal and a noncriminal manager at this address then we're going to have some problems. Now, the major thing that really happened at this address happened a few weeks ago on August 11, 2018. It was reported that there were shootings that took place at Montgomery Market and over at The Hub, it happened at that location. When there are shootings from one store to the other that is a serious problem. Due to the fact that there are other communities in the City that would not allow certain activities like this, these calls, to be happening again and again, they would not allow it. We would have show cause hearings, we would have licenses suspended, and we would have these folks out of business. So, I am saying if when that happened on August 11<sup>th</sup> enough was enough for me in reference to the folks that I represent who live in that area. There's been a number of calls even from The Hub, and we'll deal with them once they come back up here for a liquor license. Back and forth with them and their criminal activities of marijuana and crack that was located at that address. There were criminal, and I'm just reading the police report, there were criminal activities that happened at that and on another particular date at the same location. So, this particular and I'm in favor and I'm just being sort of really quiet and trying to be really nice right now in my words with this situation in giving out this license because they don't need the license, they need to be closed down. We don't need this type of business and activity that continues to happen over and over again at this location.

**Attorney Scheer:** [Inaudible] police department to testify that there was absolutely no connection with any of those matters at that store, am I correct that there's no connection?

**Lt. Young:** There's no connection with that shooting to the store.

**Alderman Shabazz:** The call and I heard that the Assistant Attorney told me that. But it was also told to me what I just stated, that the call was to that location. Am I correct?

**Lt. Young:** The call was to Montgomery Street, so it was right there at the intersection with both businesses across the street from each other.

**Alderman Shabazz:** And that is where this store is located?

**Lt. Young:** That's correct, ma'am.

**Mayor DeLoach:** So, where are we right now?

**Attorney Stillwell:** Your options would be, there is no legal requirement that the holder of the license be at the store all the time. I do think it's prudent and I think Ms. Jones had asked that the person who's actually going to be the manager have a background check. I think that is prudent and a good thing to do. So, I think your options are you can approve the license subject to the background check being passed or you can continue the hearing until the background check is completed or you could vote to deny the license. So, that's the option of Council.

**Mayor DeLoach:** Did you say it is an option? Options mean we can do that. Are you saying that we can do that?

**Attorney Stillwell:** Would you like my recommendation or for me to tell you what you have the right to do.

**Mayor DeLoach:** I'd love your recommendation.

**Attorney Stillwell:** Our recommendation is that you approve the license with the stipulation that the person who has been submitted for the background check pass the background check prior to the license being issued.

**Mayor DeLoach:** Does that work for you Ms. Jones?

**Dr. Jones:** Not really [inaudible].

**Attorney Stillwell:** I would point out, I'm not unsympathetic to Ms. Jones, but there's no legal basis for having this turned down as an alcohol license.

**Dr. Jones:** [inaudible] some legal ramifications to get this better, so our hands will not be tied. We're going to go back to the drawing board ourselves and try to find a way to stop it. [inaudible] we appreciate the overlay in the district and know that's why they have not tried to come back with a new license because they definitely would be denied if they came back as a new license [inaudible].

**Alderman Johnson:** I feel your pain, we keep dealing with these types of issues. I think if our enforcement was better and more consistent on these types of things, we could deal with these issues. I'm not going to support it, just on the matter of principle. But I think that we need to really make sure we have a coordinated opportunity to address it with our State delegation to be able to, you know, because the fact is they're making laws in Atlanta that affect us here in your neighborhood and they don't live in your neighborhood. They don't know what you're going through with these types of businesses. I'm sure this will probably pass. But to the City Manager and to the lieutenant we need to ensure that they're doing what they're supposed to do and at the moment they don't, we need to address it aggressively. People should not have to live victimized in their own communities by businesses that are profiting off of those things. Ms. Jones, businesses only survive as long as people go there so, you know, if the community is that dead set against it being there then if they're not making any money, they won't be there.

**Mayor DeLoach:** Well, can we just go ahead and put them on notice that if for any reason it comes up again that you can say we'll have a show cause hearing.

**Attorney Scheer:** We read your message loud and clear.

**Alderman Hall:** What systems are in place to ensure that loitering comes to a halt and this kind of thing where these people have got money invested in the business? They are not the ones out there shooting and cutting and that could have been a vacant lot, if somebody was hell bent on shooting somebody at that location, they would have been shot. So, what can we do? What can the City Police Department do to help clean up the area, because everybody who patronizes that store is not bad, but what can we do?

**City Manager Hernandez:** So, Alderman Hall I know we've had this conversation here before because it's one of the frustrating aspects in certain areas of the City especially when it comes to convenience stores and so forth. Ultimately the property owner is responsible for patrolling his or her own property and ensuring that individuals are not loitering on the site. Now clearly with the police department we have our patrols throughout the neighborhood but it's incumbent upon the property owner to number one, have the property properly marked against loitering and then if people are loitering on their property and they refuse to leave, then they can reach out to the police department and then we will respond. But in terms of just general enforcement of no loitering on private property, that's not the role of the police department.

**Alderman Hall:** Okay, now if they can't get someone to move along and they call the police, is that a strike against their license?

**City Manager Hernandez:** Is that a strike against their license?

**Alderman Hall:** Would that be recorded as a call?

**Lt. Young:** Alderman Hall, no sir. We encourage our business owners to contact the police if they have any issues. That's one of the requirements that is listed under the alcohol ordinance, how they would handle their premises. So, they indicated on the security plan that they would make contact to their patrons outside, and ask them to leave and if they get any resistance that they would call 9-1-1.

**Alderwoman Shabazz:** I would like to reiterate the statement that was made to the community and those who are listening to this Council meeting and those who live around that area. If you want some change to happen, if you don't want the store there, don't patronize it. If you want change to happen, you've got to make certain moves. You've got to do things differently, especially in our communities where all of these things happen. So, we have to, I'm just making a call to action right now and I want to make a motion.

**[Motion]:** Upon motion of Alderwoman Shabazz, seconded by Alderman Johnson, and carried a motion was made to deny the alcohol license with the following voting in favor: Aldermen Bell, Johnson, Thomas and Shabazz. Mayor DeLoach, Aldermen Miller, Durrence, Foster and Hall voted against the motion.

**Alderman Thomas:** We have a motion and a second on this to deny it. In the discussions here, I heard that Ms. Patel travels back and forth to India and I understand she's gone back and forth in the last two weeks, is that correct or did I hear that wrong?

**Mr. Call:** Well, she's been going to London, but she is there to visit her son that she has not seen in some time. She does not live in London or live in India, she lives in Chatham County, Georgia.

**Alderman Thomas:** Well, you made a comment about how managers at Big Lots or other stores don't come every day, but they do have some regularity of coming to a store that they manage of that size. Is Ms. Patel going to be the day to day operator of the establishment?

**Mr. Call:** Yes, and I believe that's what she told the police department as well, that she goes to the location at least two to three times a week and she's managing the books, the payroll, making sure everything is running as it's supposed to be.

**Alderman Thomas:** Now how can she do that if she's traveling back and forth to London?

**Mr. Call:** Again, she is not doing that on a regular basis. She's doing that right now because she's visiting her son. It's not like she has a calendar of when she's back and forth to London and Georgia.

**Alderman Thomas:** I'm just asking.

**Mr. Call:** I'm sorry if I was confusing in that point, but that's not what I was trying to convey.

**Alderwoman Bell:** So, according to the requirements, is there some sort of regularity that the on site manager has to be in the store?

**Lt. Young:** According to the ordinance that's why we ask for a responsible party. When we interviewed and I want to make it clear that we record our interviews and also our administrative hearings and that's where it came up in reference to adding someone else onto the application. That's why she had her son in law there, it was explained to her at that time that he does not have the criminal record in order to be placed on the application. So, these interviews were done, this was continued so probably three to four weeks ago. So, at that time they were aware that they needed to have someone there because she's not always there, she's unable to communicate a lot of times with the public or with the police when they come by so that's why it was requested that if she was going to actually have someone added on one to go ahead and submit that application. When her attorney was there at the neighborhood meeting and also when her son in law and

daughter came, that was explained to them during the interview process. So, we asked for the location to actually have a general manager in the event there is an incident that occurs so that we can have somebody that we can call to contact in order to respond to the business.

**Alderman Thomas:** Lieutenant one question for you, maybe I missed it. What is the number of calls of service total for this location?

**Lt. Young:** Under the current license holder it's 16. Yes sir.

**Alderman Thomas:** 16, in what kind of period?

**Lt. Young:** It's a short period of time.

**Alderman Thomas:** Can you give us kind of a synopsis of what those calls are for?

**City Manager Hernandez:** If I'm not mistaken those were the calls that Dr. Shabazz was reading from earlier.

**Lt. Young:** That's correct sir.

**Alderman Thomas:** So we've had 16 calls in what period of time?

**Lt. Young:** That would have been since November 9, 2017.

**Alderman Thomas:** So, not quite a year, three quarters of a year, there were 16 calls. You know, last week we had before us an issue with an establishment that had 300 calls for service and I asked in that meeting at what point does the City become concerned at the level of calls and resources that are being exhausted to that location, tax payers resources to respond to calls for service at an independently, privately held store with that number of calls. So, at what level? Are any of the calls for service, of the 16 since November 9, 2017, are any of them serious in nature?

**Lt. Young:** Yes sir.

**Alderman Thomas:** Example.

**Lt. Young:** As indicated before the shooting that was there, that was in the area, the domestic trouble, the cutting that was listed. Five out of the 16 would have been considered serious of nature.

**Alderman Thomas:** A cutting that occurred on the site?

**Lt. Young:** The actual calls were to that business.

**Attorney Scheer:** Lt. Young the police department found no nexus and no connection between the business in any of those crimes, is that correct?

**Lt. Young:** As far as the shooting incident. The main one is the underage buy that we had there in August, but the other five would have been calls to that location. It didn't actually occur or have anything to do with the business.

**Alderman Thomas:** So, people get cut and they just drive up to this convenience store and call from that store. Is that what we're talking about?

**Lt. Young:** That's correct sir.

**Alderman Thomas:** I mean there is no place else they can get cut and drive to.

**Lt. Young:** In that area I can't tell you if a victim decides on what location they're going to go to. I can't tell you that sir.

**Alderman Thomas:** Were they the operators since November 9, 2017?



**Lt. Young:** Yes.

**Alderman Thomas:** You know, this is the issue that we have with these licenses and I'm seeing the neighborhood leaders here. You have a legal, zoned business and it's very difficult to say no to because of a right. But you have concerns about someone getting cut driving up to this place, and of course they're going to throw it off and say it's not us, you know, but they still migrate back to that location somehow. The shooting, the cutting and the other issues, I mean that was just two, there were 14 others, they all go back to that address. At some point the policy has to protect the environment of the neighborhood and that's what fails you right there. We can talk not about this case particular, but others that have had 300 calls for service and we still never had them up here to show why we should allow them to stay in business. So, I feel for you with this. I've had in my area that I represent certain hot spots that have these calls for service that are exactly like what you're going through. Personally, I don't know if I'm legally bound to vote yes for this license because it's zoned in that way. But I do feel for you. But I am very concerned and this is to the attorneys here. Ms. Patel, who you said speaks very little English, and y'all said that so she's operating an establishment in a neighborhood that's predominantly English, speaks very little English. She's traveling back and forth, you said just this time and everything, but it concerns me about who's going to be the actual day to day operator and what's going on in that location. I'm just wondering, is it prudent, you said Mr. Sheer, I believe, or you, that somebody else was being placed on the license or being put up, do they understand the rules of alcohol and how it should be handled at that location and what triggers these type of incidents? I guess that's for the attorney, either one.

**Attorney Scheer:** Alderman Thomas, we understand what you're saying and we've taken every reasonable steps to ensure that it's in compliance with all the local laws, all the ordinances and state law. Every request that's been made of us, we have complied with. We have been told by the Savannah Police Department that there is absolutely no relationship to the crimes that occurred and that location. The address is 60<sup>th</sup> and Montgomery Street that's where the calls come to. The store is near 60<sup>th</sup> and Montgomery Street. As one of the applicants told me, if somebody comes into their store and says I need to use the phone they're going to let them use the phone to call the police and that shouldn't be held against. The police department has stated that there is no nexus between the operation of the store and any of those calls. We will continue to allow if somebody is hurt, if someone comes into that store because it happened on the corner or around the corner and they're still going to let them use the phone.

**Alderman Thomas:** In all due respect, Mr. Scheer I agree with much of what you're saying. I think that the problem is these stores. Pennsylvania Avenue has one they become the nucleus of what happens around them, but they all end up being at that location. I think it's unfortunate and like I said earlier, who gets cut and drives up to the same address, I think that's bothersome in itself. But at some point they have to have a responsibility for the area too. They have to be eyes and ears and they have to be communicating that. But I feel for these neighbors because I've seen this play itself out for 20 years, concerned neighbors come before this body, the body passes the license and then all of a sudden an incident happens there. And we've already had, if I'm correct an underage sale at this location?

**Lt. Young:** Yes sir.

**Alderman Thomas:** So, that is an issue that is their responsibility, selling to underage kids around that store. So, what assurances will we have that that doesn't continue? So, I've got a real concern, I think that they have some right and a privilege to do this, but at the same time they have a responsibility and I think that they need to understand that responsibility and work with these neighborhood community leaders to make sure that those issues don't repeat themselves.

**Alderman Miller:** Mr. City Attorney, I think I heard you say there's no legal basis for turning this down?

**Attorney Stillwell:** Correct.

**Alderman Miller:** And I think I heard us say that if they call somebody to the store it's not held against them, but then if somebody gets hurt and then you call the police to the store that's in this list of things I'm hearing. I also heard the underage sale and that's a serious thing. I agree with Alderman Thomas and Alderman Shabazz on that. But that was one thing that I heard out of all this that really applied to the store, and again we're back at that same legal situation where they have a legal right to this license, so you want to call a question.

**Alderwoman Bell:** Well I just have one comment and it's really nothing new, but I think Mrs. Jones, the Neighborhood Association President, voiced it a few minutes ago, it's a rather precarious position that it places us in. We feel your pain, I don't like it. If we vote against it and deny it, then we are subject to being sued by the attorney or whoever, whether it's Steve or whoever and he's smiling as I say this for denying these people their right. But Tony mentioned one thing that bothers me for an operator to be attempting part time and when she's there to operate an establishment in an English speaking environment and she speaks no English or very little English, maybe inadvertently things are happening and she doesn't even understand what's going on around her.

**[Vote]:** Upon motion of Alderwoman Shabazz, seconded by Alderman Johnson, and carried a motion was made to deny the alcohol license with the following voting in favor: Aldermen Bell, Johnson, Thomas and Shabazz. Mayor DeLoach, Aldermen Miller, Durrence, Foster and Hall voted against the motion. The motion failed.

[**Motion and vote**]: Approved upon motion of Alderman Durrence, seconded by Alderman Miller, and carried contingent on the background check of the additional person. A board vote was taken with the following voting in favor: Mayor DeLoach, Aldermen Miller, Foster, Durrence, and Hall. Aldermen Bell, Johnson, Thomas and Shabazz voted against the motion. The motion passed.

## 6. Motion to Approved Alcohol License for Charles H. Morris of Kehoe Venues

[Density Map - Kehoe Venue20180823\\_16594949.pdf](#)

[Alcohol Reports - Kehoe Venue20180823\\_16422841.pdf](#)

[Measurement Report - Kehoe Venue20180823\\_16414364.pdf](#)

[660 E Broughton St 18-004185-ABL Memo 20180827.pdf](#)

**Alderman Johnson:** I'm almost afraid to even ask the question because I'm almost sure I know what the answer is. Was there not a distance requirement for this venue?

**Attorney Stillwell:** There's no distance requirement except for package stores.

**Alderman Johnson:** Was the distance requirement, was that changed in the last ordinance?

**Attorney Stillwell:** Yes, it was.

**Alderman Johnson:** So, that was one of the items that just was eliminated?

**Attorney Stillwell:** It was part of the amendment that was passed recently, yes.

**Alderman Johnson:** So, would we not just as a matter of process invite, or inform the neighbors of this church who just came a couple of months ago, upset about this. The fact of the matter is we changed it to eliminate this, to make it easier for this to happen. I don't think personally it is right. But now it's on the agenda. I'm sure the church is not aware of this at all. Yet this is in a position where it can be approved without any notification. I just don't think it's fair.

**Alderman Hall:** Were any signs posted?

**Alderman Johnson:** No, because they don't have to be.

**Alderwoman Bell:** So, why don't they have to be Brooks, I missed that.

**Alderman Johnson:** Because in June when we did the revision to the Alcohol Ordinance essentially we took out the distance requirement. So, now what was not allowed a couple of months ago is now allowed. And you know, that was one of those things that I cautioned you all about, but now this church, these members, who came in good number, to express their concerns before this Council now that requirement for them to be notified has been taken away by the action of this body and essentially what was not permitted is now permitted. I just don't think it's cool.

**Harold Yellin, Attorney for Charles Morris, Petitioner:** Number one, there was a sign posted and Judee Jones can confirm behind me that a posting is required and it was posted on site. So, anybody who would see the sign would know to be here today.

**Alderwoman Bell:** For how long?

[City Manager Hernandez asked Ashley Simpson, Revenue Director, to come forward and respond to questions from Council.]

**Ms. Simpson:** The signs were posted at the establishment on August 7, 2018 and I believe they would still be posted.

**Attorney Yellin:** Twenty three days ago.

**Alderman Johnson:** On the property or adjacent to the property?

**Ms. Simpson:** Our policy requires it to be on the property. I haven't seen this one myself, but it should be on the property and our alcohol investigators and the police department post those signs.

**Alderman Bell:** So, that would have been three weeks?

**Ms. Simpson:** Yes.

**Alderman Bell:** And it's still up now?

**Ms. Simpson:** It should still be posted, we have not sent anyone to take that down at this point in time until after the hearing.

**Alderman Johnson:** I just find it interesting, but go ahead.

**Alderman Miller:** Mr. City Attorney, can you reiterate to us what the reasons were leading up to the change in the policy?

**Attorney Stillwell:** Well, the City already exempts, there's no distance requirement except for package stores, for almost all uses in the downtown area. That's been the policy for quite a long time. When the Alcohol Ordinance was rewritten, a couple of years ago, Ms. Herman correct me if I get this wrong, we added a new use that we called entertainment venue or something like that. Jen, why don't you explain it to Council... there was a new use created and at that time that wasn't exempted from the distance requirements, although all other similar uses were and Dr. Shabazz at that time asked us not to include that particular use and instead to do it in the next round of changes, which is why we did it that way. So, is that correct?

**Jen Herman, Deputy City Attorney:** Sort of. So, there's a State statute that enables us to set distance requirements with regard to package stores and that had been a part of the prior ordinance before the 2017 substantial revision. It was omitted in the 17 version, inadvertently, and we caught it and put it back in. In the meantime, the event venue classification came into existence, which had not existed under the prior ordinance. So, when the initial correction was made to re-implement the local distance requirements, the event venue piece was specifically left out so that there could be community involvement and engagement in that process unfolded. It then came back as a proposed amendment and was approved. So, the event venue is now included among the local distance requirements. So, under this set of circumstances, the distance requirements do not apply.

**Alderman Miller:** So, continuing my question, the change was made to coincide with State law?

**Attorney Stillwell:** The State law allows cities, and I don't know if it allows counties too, but it allows city government as local home rule authority to exempt uses from distance requirements. The City's Alcohol Ordinance does not have distance requirements for many types of entertainment venues in the downtown area, and that's been a long standing City policy. If that were not a policy, probably the majority of the alcohol, the bars in the downtown area, the restaurants in the downtown area couldn't have alcohol licenses.

**Alderman Johnson:** This would be for new ones though.

**Attorney Stillwell:** Well, new ones, well yeah. But I mean, for example, any restaurant that's next door to one of our historic churches or B&B's that are next door to the churches or schools. But the City's Alcohol Ordinance for many years has had that exemption. The only reason this particular use wasn't exempted when we did the Alcohol Ordinance over two or three years ago was this particular type of use didn't exist until two or three years ago. If you remember we had a lot of discussions about the differences in different types of entertainment venues. You may remember there were some, like there was a big dispute about the one the Society of Cincinnati owns over on a Whitaker Street that some of the neighbors objected to. So, we had to create several different types of definitions of entertainment venues, wedding venues, restaurants and so forth. But this particular type of entertainment venue, that use didn't exist until recently, until the latest alcohol ordinance was written.

**Alderman Hall:** This is strictly an entertainment venue where it's not a package shop or anything like that, it's an event venue. So, the only time alcohol will be served is when an event is held at that location, is that correct?

**Attorney Yellin:** Yes sir, that is correct.

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

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

## ZONING HEARING

### [7. Motion to Deny the Rezoning of 3137 Martha St from R-6 to B-G \(Petitioner: Frank Streiff for Aaron Brent Burroughs\)](#)

[3137 Martha St Rezoning 20180807 Planning Commission Recommendation.pdf](#)

Withdrawn per the petitioner's request.

### [8. Motion to Rezone 5414 Skidaway Rd from R-6 to O-I \(Petitioner: Harold and Josh Yellin for Chatham County Hospital Authority\)](#)

[5414 Skidaway Rd Rezoning 20180807 Planning Commission Recommendation.pdf](#)

[5414 Skidaway Rd Rezoning Draft Ordinance 18-003857-ZA.pdf](#)

**Alderman Hall:** In regards to item number eight, the petitioner is requesting to rezone 5414 Skidaway from R-6 single family to O-I office institutional and is also requesting a first and second reading on this.

**Mayor DeLoach:** Okay, I don't think anyone is opposed to it, what do you have on this.

**Marcus Lotson, Metropolitan Planning Commission:** Mr. Mayor, as Alderman Hall mentioned the petitioner's property, which is at 5414 Skidaway Road just south of DeRenne Avenue. They are requesting to rezone that property from the R-6 classification to the O-I classification. The petitioner is the Chatham County Hospital Authority who is requesting the rezoning, on behalf of Savannah Speech and Hearing. The intent is to establish a new speech and hearing facility on this property to replace their existing facility on 66<sup>th</sup> Street. When Memorial Hospital was sold back to the Hospital Corporation of America, there was an agreement to relocate the Savannah Speech and Hearing facility from their existing facility to a new facility and this is part of that. As it relates to the proposed zoning classification, the Planning Commission believes it is compatible with the adjacent properties and will serve as a transition there at this location adjacent to Southside Baptist. The MPC recommends approval.

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

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

**Ordinance read for the first time in Council August 30, 2018, then by unanimous consent of Council read a second time, placed upon its passage, adopted and approved upon a motion by Alderman Hall, seconded by Alderman Miller, and unanimously carried.**

#### AN ORDINANCE

##### To Be Entitled

AN ORDINANCE TO REZONE CERTAIN PROPERTY FROM AN R-6 (ONE-FAMILY RESIDENTIAL) ZONING CLASSIFICATION TO AN O-I (OFFICE-INSTITUTIONAL) ZONING CLASSIFICATION; TO REPEAL ALL OTHER ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES.

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

SECTION 1: The following described property be rezoned from its present R-6 zoning classification to an O-I zoning classification:

Beginning at a point located at the intersection of Cokesbury Drive & Skidaway Road [X: 994306.618209 & Y: 735784.111501], said point being, THE POINT OF BEGINNING

Thence proceeding in a NE direction along the approximate centerline of Skidaway Road for an estimated distance of 168.3 ft. to a point,

Thence proceeding in a SE direction [S 67-43-42 E] along a line for an estimated distance of 456.8 ft. to a point,

Thence proceeding in a SW direction [S 20-34-27 W] along a line for an estimated distance of 190.2 ft. to a point,

Thence proceeding in a NW direction [N 68-25-28 W] along a line for an estimated distance of 463.6 ft. to a point, said point being located along the approximate centerline of Skidaway Road,

Thence proceeding in a NE direction along the approximate centerline of Skidaway Road for an estimated distance of 27.4 ft. to a point, [X: 994306.618209 & Y: 735784.111501] said point being, THE POINT OF BEGINNING

PIN: 2-0136 -06-002

SECTION 2: That the requirements of Section 8-3182(f)(2) of said Code and the law in such cases made and provided has been satisfied. An opportunity for a public hearing was afforded anyone having an interest or property right which may have been affected by this zoning amendment, said notice being published in the Savannah Morning News, on the 12<sup>th</sup> day of August, 2018, a copy of said notice being attached hereto and made a part hereof.

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

EFFECTIVE DATE: This ordinance shall be effective as of the date hereof.

**ADOPTED AND APPROVED: AUGUST 30, 2018**

## **ORDINANCES - FIRST READING**

### [9. Motion to Amend Article A, Chapter 1, Part 7, Motor Vehicles and Traffic, of the Code of Ordinances to Prohibit Shared Mobility Devices from Being Placed in Public Rights of Way](#)

#### [SHARED MOBILITY DEVICE ORDINANCE 2018.pdf](#)

**Alderman Durrence:** This is just the first reading so no action is going to be taken at this point, but the point of this is simply to prevent something from happening before we get a chance to look more carefully at it. This does prohibit the use of these vehicles in a shared dockless way, for now. There's nothing to prevent us from modifying this in the future. If someone can offer a plan that would allow us to manage this in a way that it doesn't become a public nuisance.

No Action necessary

## **ORDINANCES - FIRST AND SECOND READING**

### [10. Motion to Rezone 161 Canebrake Road from R-A-CO to RB-1 \(Petitioner: Keith White\)](#)

#### [161 Canebrake Rd Rezoning Draft Ordinance 18-003471-ZA.pdf](#)

Ordinance read for the first time in Council August 30, 2018, then by unanimous consent of Council read a second time, placed upon its passage, adopted and approved upon a motion by Alderwoman Bell, seconded by Alderman Miller, and unanimously carried.

#### AN ORDINANCE

#### To Be Entitled

AN ORDINANCE TO REZONE CERTAIN PROPERTY FROM AN R-A-CO (RESIDENTIAL – AGRICULTURE – ANNEXED) ZONING CLASSIFICATION TO AN RB-1 (RESIDENTIAL – BUSINESS) ZONING CLASSIFICATION; TO REPEAL ALL OTHER ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES.

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

SECTION 1: The following described property be rezoned from its present R-A-CO zoning classification to an RB-1 zoning classification:

Commencing from a point [X: 932450.488735 & Y: 728407.306939] located at the approximate intersection of the centerlines of Canebrake Road & Canebrake Road Extension,

Thence proceeding in a NW direction along the approximate centerlines of Canebrake Road for an estimated distance of 191.9 ft. to a point, [X: 932290.925093 & Y: 728513.989182] said point being, THE POINT OF BEGINNING

Thence proceeding in a SW direction [S 53-21-28 W] along a line for an estimated distance of 184.4 ft. to a point,

Thence proceeding in a NW direction [N 50-46-31 W] along a line for an estimated distance of 173.4 ft. to a point,

Thence proceeding in a NE direction [N 47-17-12 E] along a line for an estimated distance of 162.6 ft. to a point, said point being located on the approximate centerline of Canebrake Road,

Thence proceeding in a SE direction along the approximate centerline of Canebrake Road for an estimated distance of 196.44 ft. to a point [X: 932290.925093 & Y: 728513.989182], said point being, THE POINT OF BEGINNING

PIN: 2-1029 -01-001

SECTION 2: That the requirements of Section 8-3182(f)(2) of said Code and the law in such cases made and provided has been satisfied. An opportunity for a public hearing was afforded anyone having an interest or property right which may have been affected by this zoning amendment, said notice being published in the Savannah Morning News, on the 30<sup>th</sup> day of July, 2018, a copy of said notice being attached hereto and made a part hereof.

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

EFFECTIVE DATE: This ordinance shall be effective as of the date hereof.

**ADOPTED AND APPROVED: AUGUST 30, 2018**

[11. Motion to Approve Annexation of 5.09 Acres Located at 7 West Gateway Boulevard, near Fort Argyle Road \(204 Hospitality LLC, Petitioner\)](#)

[7 West Gateway Blvd annexation ordinance.pdf](#)

[7 West Gateway Blvd annexation petition and maps.pdf](#)

Ordinance read for the first time in Council August 30, 2018, 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.

**AN ORDINANCE TO ANNEX TO THE CORPORATE LIMITS OF THE CITY OF SAVANNAH PROPERTY LYING CONTIGUOUS TO THE EXISTING CORPORATE LIMITS AND BEING THE TERRITORY DESCRIBED IN THE SURVEY ENTITLED “A RECOMBINATION PLAT OF: TRACT 5, TRACT 5A & TRACT 1, TRACT 1A, TRACT 2, TRACT 2A GATEWAY SAVANNAH PHASE II” PREPARED BY THOMAS & HUTTON ENGINEERING, CO.; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH AND FOR OTHER PURPOSES.**

**WHEREAS**, 204 Hospitality LLC. the owner of a certain tract of land contiguous to the corporate limits of the City has submitted a petition requesting annexation to the City; and

**WHEREAS**, the provisions of Chapter 36 of Title 36 of the Official Code of Georgia Annotated (O.C.G.A. 36-36-20 et seq.) have been complied with;

**NOW THEREFORE 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:** The following tract being contiguous to the City of Savannah and described as:

Property Description. ALL those certain lots, tracts or parcels of land situate, lying and being in the 7th G.M. District, Chatham County, Georgia, known as Tract 5 of Gateway Savannah Phase II. Said property containing an aggregate of five and nine hundredth (5.09) acres of land, lying contiguous, and, as one body of land, being more fully described as follows:

Commencing from a point of beginning along Gateway Boulevard West and then proceeding 181.08' North 39 29' 09" West, to a point then 158.45' North 50 30' 31" East, to a point then 245.98' North 39 29' 09" West, to a point then 355.25' North 40 27' 47" East to a point, then South 49 31' 52" East to a point along the right of way of Gateway Boulevard West, thence along a curve of radius 750.00' a distance of 316.36' with a chord bearing of North 44 53' 55" east and chord distance of 314.02', to a point thence a distance of 199.98' South 56 58' 58", thence along a curve of radius 1180.00' a distance of 83.62' with a chord bearing of South 54 57' 10" West to the POINT OF BEGINNING; said tract or parcel of land having an area of 5.09 acres, more or less and being identified as parcel identification number 1-1034-01-032,

is hereby annexed into the City of Savannah and made a part of said City.

**SECTION 2.** The Clerk of Council is hereby authorized and directed to file a report on this annexation with the Georgia Department of Community Affairs and with Chatham County as provided by O.C.G.A. 36-36-3.

**SECTION 3.** All ordinances or parts of ordinances in conflict herewith are hereby appealed.

**ADOPTED AND APPROVED: AUGUST 30, 2018**

[12. Motion to Amend the Zoning Ordinance to Provide a Zoning Designation for 5.09 Acres on West Gateway Boulevard to be Annexed into the City of Savannah \(204 Hospitality, LLC, Petitioner\)](#)

[7 West Gateway Blvd zoning ordinance.pdf](#)

[7 West Gateway Blvd annexation petition and maps.pdf](#)

Ordinance read for the first time in Council August 30, 2018, 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.

**Alderman Thomas:** Mr. Mayor, before we move on from that, I just want to let the public know if you've ever eaten at The Shell House Restaurant out at 95 and 204 this is the old abandoned hotel that is across the street from the Shell House. It's being added into the City and I'm sure that structure will disappear and a new structure will appear. So, it's great to be bringing that back to life and getting rid of that blight that's sitting out there now.

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE TO PROVIDE A ZONING DESIGNATION FOR THE PROPERTY PETITIONED TO BE ANNEXED OWNED BY 204 HOSPITALITY LLC TO THE CITY OF SAVANNAH BY ORDINANCE ADOPTED AND APPROVED AUGUST 30, 2018; TO REPEAL ALL ORDINANCES IN CONFLICT HERewith; AND FOR OTHER PURPOSES.**

**WHEREAS,** by ordinance adopted and approved August 30, 2018, the property identified as PIN 1-1034 -01-032, more fully described in that ordinance, a copy of which is hereto attached and made a part hereof, was annexed into the City; and

**WHEREAS,** the annexed property is zoned as designated "P-B-C-CO" on the zoning map of Chatham County, Georgia; and

**WHEREAS,** the City has adopted within its zoning code all County zoning classifications so that the City has a set of zoning classifications in common with the County zoning classifications;

**NOW THEREFORE,** be it ordained by the Mayor and Aldermen of the City of Savannah that:

**SECTION 1:** The area annexed to the City described above is hereby added to the zoning map of the City, and the zoning classification designated for the property shall be the City zoning classification which is common with the zoning classification as designated by the County zoning map.

**SECTION 2:** This ordinance shall be effective upon the effective date of the annexation of said property in the City of Savannah pursuant to O.C.G.A. 36-66-4 (e) and the law in such cases made and provided.

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

ADOPTED AND APPROVED: AUGUST 30, 2018

## RESOLUTIONS

[13. Motion to Adopt Resolution Authorizing the Submission of the FY 2018 Supportive Housing Program Grant Application to the U.S. Department of Housing and Urban Development \(HUD\)](#)

[council-resolution-authorizing-fy18-supportive-housing-application\\_1.pdf](#)

### RESOLUTION

**WHEREAS** the City of Savannah is expected to receive \$693,715 from the U.S. Department of Housing and Urban Development to implement a Supportive Housing Program;

**WHEREAS** it is necessary for the City Council to authorize the submission of the Supportive Housing Program application to the U. S. Department of Housing and Urban Development for FY2018 funding in the amount of \$693,715 to implement the Supportive Housing Program known as City 54;

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Aldermen of the City of Savannah, Georgia, hereby resolve and authorize Rob Hernandez, City Manager, to submit to the United States Department of Housing and Urban Development the City's FY2018 Supportive Housing Program application.

**ADOPTED AND APPROVED: August 30, 2018** upon motion of Alderman Miller, seconded by Alderman Foster, and unanimously carried.

## BIDS AND CONTRACTS

[14. Motion to Award Annual Contract for Critical Workforce Facility Provisions to the Guardian Centers \(Event No. 5452\)](#)

[Critical Workforce Facility Purchasing Summary.pdf](#)

[Critical Workforce Facility Funding Verification.pdf](#)

[Critical Workforce Facility Scope.pdf](#)

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

[15. Motion to Award Annual Contract for Electric Motor Repairs to Carbone Technology, Inc. \(Event No. 6287\)](#)

[Electric Motor Repair Purchasing Summary.pdf](#)

[Electric Motor Repair Funding Verification.pdf](#)

[Electric Motor Repair Scope.pdf](#)

[Electric Motor Repair Bid Tab.pdf](#)

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

[16. Motion to Award Annual Contract for Victory Drive Median Maintenance to Russell Landscape Savannah, Inc. \(Event No. 6284\)](#)

[Victory Dr Median Purchasing Summary.pdf](#)

[Victory Dr Median Funding Verification.pdf](#)

[Victory Dr Median Scope.pdf](#)

[Victory Dr Median Bid Tab.pdf](#)



Approved upon motion of Alderwoman Shabazz, seconded by Alderman Miller, and unanimously carried per the City Manager's recommendation. Alderman Durrence was not present for the vote.

[17. Motion to Award Annual Contract for Flygt Pump Parts to Xylem Water Solutions](#)

[Flygt Purchasing Summary.pdf](#)

[Flygt Funding Verification.pdf](#)

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

[18. Motion to Procure Ultraviolet Ballasts from Xylem, Inc. \(Event No. 6383\)](#)

[UV Lights Purchasing Summary.pdf](#)

[UV Lights Funding Verification.pdf](#)

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

[19. Motion to Procure SCADA Parts from Emerson Process Management \(Event No. 6489\)](#)

[SCADA Purchasing Summary.pdf](#)

[SCADA Funding Verification.pdf](#)

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

[20. Motion to Renew Annual Contract for Fuel Cleaning Services with Southern Fox Services, Inc. \(Event No. 4161\)](#)

[Fuel Cleaning Purchasing Summary.pdf](#)

[Fuel Cleaning Funding Verification.pdf](#)

[Fuel Cleaning Scope.pdf](#)

[Fuel Cleaning Bid Tab.pdf](#)

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

[21. Motion to Procure Tiburon Software Support and Maintenance from TriTech Software Systems \(Event No. 6469\)](#)

[Tiburon Purchasing Summary.pdf](#)

[Tiburon Funding Verification.pdf](#)

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

[22. Motion to Renew Annual Maintenance Agreement for for CityWorks Software with Azteca Systems \(Event No. 6485\)](#)

[City Works Purchasing Summary.pdf](#)

[City Works Funding Verification.pdf](#)

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

[23. Motion to Renew Annual Contract for Cellular Services with Verizon \(Event No. 3461\)](#)

[Cellular Service Purchasing Summary.pdf](#)

[Cellular Service Funding Verification.pdf](#)

[Cellular Services Scope.pdf](#)

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

[24. Motion to Renew Annual Contract for Senior Meals with Senior Citizens, Inc. \(Event No. 4242\)](#)

[Senior Meals Purchasing Summary.pdf](#)

[Senior Meals Funding Verification.pdf](#)

[Senior Meals Scope.pdf](#)

[Senior Meals Bid Tab.pdf](#)

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

[25. Notification of Emergency Procurement of Vehicle Repair Services from Williams Fire Apparatus, LLC \(Event No. 6493\)](#)

[Fire Pumper Repair Purchasing Summary.pdf](#)

[Fire Pumper Repair Funding Verification.pdf](#)

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

[26. Motion to Renew Annual Contract for Red Light Camera Systems with Redflex Traffic Systems \(Event No. 6487\)](#)

[Red Light Camera Purchasing Summary.pdf](#)

[Red Light Camera Funding Verification.pdf](#)

**Alderman Thomas:** This is for red light cameras and I was asking questions about where they're at, the locations and you can see White Bluff and Abercorn; Abercorn and DeRenne; Abercorn and Mall; and Abercorn and Montgomery Crossroads. They cost \$166,000 per year and last year they generated \$727,880 in revenue. Now this needs to be stated, they're generating revenue because people are breaking the law and taking lives at risk by running these intersections. I raised the issue about another dangerous intersection that I'd like us to look at and that is the Rio and Abercorn, at the end of Savannah Mall that goes on to 204 headed out to Georgetown. The reason I raised that is that I have probably received 30 or 40 concerns over the last few years about dump trucks that are blowing that light, loaded with hauls, that are doing 50 to 60 miles an hour, with no way to stop going through those red lights, and it's happening every day. That intersection is also a very busy intersection with Hunter Army Airfield headed in, in the mornings, and out in the afternoons, and also with the east and west traffic that's coming down 204, especially during the high traffic times. We've got a serious issue going on there. And I know that the red light cameras are based upon the number of accidents. I think there's no debate that White Bluff and Abercorn is a dangerous intersection. But I think we have another dangerous intersection on Abercorn at Rio Road where people are trying to make that light to get on 204 and not stopping, whether they're coming in to town or going out. So, I would request that we take a look at that intersection, and evaluate it to see if it would not qualify for one of these cameras as well. And if so, if we could put that into our budget somewhere to add that as a public safety issue for our community.

**Heath Lloyd, Chief Infrastructure and Development Officer:** That's a very reasonable request, we will look into that request, Rio and Abercorn, we can do that.

**Alderman Johnson:** How often do you evaluate based on accidents, injuries, to see if there is another intersection that made the top ten or top five list. How often is that evaluation?

**Mr. Lloyd:** That's a good question Alderman Johnson, so the answer to that is every year. So, we're constantly evaluating the number of crashes at each of our intersections. So, every year we look at it. I think we just looked at it a few, maybe six weeks ago. The idea there is, what is the crash volume that we should really go in to look more deeper, but we're always analyzing that.

**Alderman Johnson:** I would like, just when you get a chance Mr. City Manager, a copy of the top ten. I would be interested because I know that 37<sup>th</sup> Street and Montgomery Street and MLK is usually a very big intersection as well. There are a couple I would just like to offer for some consideration as well.

**Mr. Lloyd:** I think the reasonable thing to do is provide to all the Council basically those intersections so you can look at the top five. I would remind Council though that all of the streets that are in Savannah obviously are not City of Savannah streets, some of them are state maintained streets. So, keep that in mind.

**Alderman Thomas:** With that said, I've got two points. One, 204 is in the City of Savannah. Also somebody reminded me of this and I didn't even think about this at first when I brought this up, but one of our Savannah firefighters was killed at that exact same intersection. A 30 year old male with a child and one on the way. He was killed by a speeding and reckless driver at the intersection of Rio and Abercorn so I mean the crash, the death, everything is there at this intersection to take a look. I'd be surprised to know what the speeds were coming through that intersection, especially of some of these trucks that are coming in and out I mean, it's amazing.

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

[27. Motion to Approve the Sale of Surplus Property Located at 601 E. Liberty Street to Standard Companies \(Event No. 5983\)](#)

[601 E Liberty Scope.pdf](#)

[601 E Liberty Purchasing Summary.pdf](#)

[601 E Liberty Funding Verification.pdf](#)

**Alderman Johnson:** I'm not going to be able to support this. I know that it will pass, but I think my concern is still and remains the fact that we need to look at the landscape of what's happening here in our City, particularly as it relates to affordable housing. Downtown and the downtown core and expanding out is becoming increasingly more expensive to be able to live and ultimately the people who live there can't afford to live there anymore. This was in my mind a wonderful opportunity to provide affordable and workforce housing for folks that live and work downtown. Obviously that opportunity is going away, but at some point we really are going to have to reckon with the fact that Savannah is going to be too expensive to live and people who work in Savannah going to have to come from outside of Savannah just to be able to work.

**Alderman Thomas:** This is for the City Manager, on the sale of these properties in the past you have said they will go into an account.

**City Manager Hernandez:** Yes.

**Alderman Thomas:** I see that this is going into the general fund. So, the money goes to the general fund, is this to be allocated for any other purposes than a planned administrative building or to balance the budget or pay rents or what?

**City Manager Hernandez:** So, the plan so far anytime we sell these properties that were purchased with general fund dollars is we have a holding account that these funds are deposited in to. We are holding these funds for a future municipal complex.

**Alderman Thomas:** Okay, and you anticipate that to be built when?

**City Manager Hernandez:** We still have a lot of work to do on that. We still have to flesh that concept out with members of City Council. I think we presented just a preliminary idea that we would build a new municipal office building and public safety headquarters in the Arena Development District.

**Alderman Thomas:** And this was the \$55 million or \$70 million?

**City Manager Hernandez:** I'm sorry.

**Alderman Thomas:** How many millions?

**City Manager Hernandez:** It's to be seen, to be determined.

**Alderman Thomas:** To be determined.

**City Manager Hernandez:** It all depends on the site that we end up at.

**Alderman Thomas:** So, this money is going to be able to survive in the general fund without going somewhere else.

**City Manager Hernandez:** Ultimately, that is your call. But as your City Manager, I have to recommend to you where you expend your funds and we are putting this in a holding account solely for that purpose. I will of course, as I've done before, resist any effort to transfer funds out of any reserve accounts, and I would resist any effort to do so in the future. But ultimately that is your call.

**Alderman Thomas:** How much money is in there now?

**City Manager Hernandez:** I think there's only about one million, probably close to \$2 million at this point. Because even though you've authorized the sale, we have only closed on one at this moment and that was the sale of the Paulsen Building, which closed recently for I think for \$1.9 million less closing costs.

Approved upon motion of Alderman Durrence, seconded by Alderman Miller, and carried per the City Manager's recommendation with the following voting in favor: Mayor DeLoach, Aldermen Bell, Miller, Foster, Durrence, Hall. Aldermen Johnson, Thomas and Shabazz voted against.

[28. Motion Approve the Sale of Surplus Property Located at 2-10 E. Bay Street to Foram Development \(Event No. 5982\)](#)

[East Bay Surplus Purchasing Summary.pdf](#)

[East Bay Surplus Funding Verification.pdf](#)

[Surplus Property - 2-10 E Bay Street Scope.pdf](#)

**Alderman Johnson:** Iconic, again it just boggles my mind and bothers me that we are selling space we own to rent other spaces. I think, being someone in an old house, you fix up what you have and take care of what you have, you don't just, just, I'll leave it at that.

**Alderman Foster:** This particular property is historic property. It is not suited for municipal offices. The City has let it deteriorate over the years. I think now is the most appropriate time to sell the property when it's at a peak value. The job of the City is not to develop where developers are dying to develop. The job of the City, with public money is to develop where we need redevelopment. This goes over into the west side of Savannah, and that's where the money is going to wind up creating jobs and creating new development in an area that needs money going into it to redevelop it. I would point out also that the new tax revenue coming in from this facility just going into private hands, far exceeds the rental income or the rental expense of moving into rented property in the interim period. So, it clearly is more efficient and in the best long-term interest of the City's strategic plan.

**Alderman Thomas:** I understand what Alderman Foster has stated but I'm a little bit more of a sentimentalist and I believe that the City is giving up its imprint on the historic waterfront on the River Street. I think that we will give up a building that if we did maintain, if we did find other uses for, would have been a valuable building to our history and our fabric that is Savannah. I have no doubt that this sale is going to be approved. We discussed earlier the leases that are in place regarding this building. But what was surprising to me is that there did not seem to be an understanding of what all could be developed with this building with a reference to the rooftop and other components of the building itself. I think this is a mistake that we're making, but I know that I'm going to be out voted on this one, but I think that in all fairness, I had to put those comments on the record.

**Alderman Johnson:** Mr. Mayor, if I could just to respond to my friend Alderman Foster's comments. For a building that was ill suited to serve for municipal uses, we've been using it for municipal uses for many, many years. So, I mean obviously it did serve its purpose. I mean obviously there is some question about the state of the building and the cost to be able to upgrade it for our current uses. But the fact was is that, you know, it worked pretty well for many years for many departments that needed proximity to City Hall and you know, we're just commercializing again.

**Alderman Thomas:** I do want to note for the record that the moving of the employees out of this building resulted in us signing a five year lease with the Savannah Morning News Building to the tune of about \$4,000,000. So, in a building that we're now renting, we are giving up \$4,000,000 in rent to the Morris family, the owners of the building, not the Savannah Morning News any longer. The Morris family, we're exchanging \$4,000,000 of this sale for the rent that's in that space currently for five years. So, the reason my earlier questioning about when does the City Manager anticipate having this municipal complex built is because if we don't have it within the next five years, that means we're going to have to continue with the lease somewhere, which is going to suck these millions of dollars out of that account that we're talking about.

**Alderman Foster:** And as I pointed out the new tax revenue will far exceed that.

**Alderman Thomas:** I hope you're right Mr. Foster.

**Mayor DeLoach:** I do want to make note there were a couple things that my colleagues did make comment on was the fact that it did serve a great purpose at one time, but the City has not spent any money on a Gamble building in years. It is dilapidated, it is a shame to put people inside that building to work there and we continue to do that. Just like we do at the Police Headquarters where you got mold growing and everything else but we got people in there and it's a shame. We have people in dilapidated buildings, including this one here that needs to be repaired. But we do and we've got them in about 200 buildings all over the City. You can just drive the car around to all the places, and you've pretty well made a down payment on the air conditioning on what we have going on over at the Morris Building. It is cheaper to consolidate the group of people and put them in one place where they can function than it is to be riding all over the City of Savannah going from one place to another where you have two people in one building and another person in another building and you're just letting them hang out there. We need to consolidate it, we need to get a good facility where our people can be in a Grade A property because we have Grade A employees and they deserve better than what we're giving them right now.

**Alderman Durrence:** I just wanted to respond to one thing my distinguished colleague Alderman Johnson said about how the building worked really well for a long time. But the same can be said for Alderman Foster and I, we did work really well for a long time, but we got old.

Approved upon motion of Alderman Miller, seconded by Alderman Durrence, and carried per the City Manager's recommendation with the following voting in favor: Mayor DeLoach, Aldermen Bell, Miller, Foster, Durrence, Hall. Aldermen Johnson, Thomas and Shabazz voted against.

[29. Motion to Procure Administrative Furniture for the Cultural Arts Center from McWaters, Inc. \(Event No. 6209\)](#)

[CAC Admin Furniture Funding Verification.pdf](#)

[CAC Admin Furniture Scope.pdf](#)

[CAC Admin Furniture Bid Tab.pdf](#)

[CAC Admin Furniture Purchasing Summary.pdf](#)

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

[30. Motion to Procure Exterior Furniture for the Cultural Arts Center from McWaters, Inc. \(Event No. 6207\)](#)

[CAC Exterior Furniture Funding Verification.pdf](#)

[CAC Exterior Furniture Scope.pdf](#)

[CAC Exterior Furniture Bid Tab.pdf](#)

[CAC Exterior Furniture Purchasing Summary.pdf](#)

**Alderman Johnson:** Silently but quickly our Cultural Arts Center is coming to fruition and items number 30 through 33 are our issues dealing with exterior furniture, performance, programming furniture and lighting. I just wanted the City Manager for everyone's information just to give a brief update on the status of this center.

**City Manager Hernandez:** Sure I'd be happy to do that Alderman Johnson. Also throw in item number 29 which is also related. So, construction of the new Cultural Arts Center is progressing as we speak. Right now we are scheduled for substantial completion sometime early to mid-winter. We're looking at somewhere around November 15<sup>th</sup> for substantial completion, which means our employees will be in the building sometime around there. But look to a public and formal dedication sometime after the 1<sup>st</sup> of the year.

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

[31. Motion to Procure Performance Furniture for the Cultural Arts Center from Center Office Systems \(Event No. 6211\)](#)

[CAC Performance Furniture Funding Verification.pdf](#)

[CAC Performance Furniture Scope.pdf](#)

[CAC Performance Furniture Bid Tab.pdf](#)

[CAC Performance Furniture Purchasing Summary.pdf](#)

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

[32. Motion to Procure Programming Furniture for the Cultural Arts Center from Center Office Systems \(Event No. 6210\)](#)

[CAC Programming Furniture Scope.pdf](#)

[CAC Programming Furniture Bid Tab.pdf](#)

[CAC Programming Furniture Purchasing Summary.pdf](#)

[CAC Programming Furniture Funding Verification.pdf](#)

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

[33. Motion to Procure Theater Lighting and Furniture for the Cultural Arts Center from Sight and Sound Technologies \(Event No. 6212\)](#)

[CAC Theatre Lighting Purchasing Summary.pdf](#)

[CAC Theater Lighting Funding Verification.pdf](#)

[CAC Theatre Lighting Scope.pdf](#)

[CAC Theatre Lighting Bid Tab.pdf](#)

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

[34. Motion to Award Construction Contract for Dean Forest Landfill to Baker Constructors, Inc. \(Event No. 6025\)](#)

[Dean Forest Phase 1D Funding Verification.pdf](#)

[Dean Forest Phase 1D Purchasing Summary.pdf](#)

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

[35. Motion to Award Contract for Construction Manager at Risk for the Arena to AECOM Hunt \(Event No. 6096\)](#)

[Arena CMAR Scope.pdf](#)

[CMAR Purchasing Summary.pdf](#)

[Arena CMAR Funding Verification.pdf](#)

**City Manager Hernandez:** If I may just add, and I'm not speaking for anybody coming to the podium, but my understanding is that the individual that has requested to speak is invoking the firm's right for an appeal hearing before Mayor and City Council. Can I confirm that from Mr. Murphy?

**Walter Murphy, JE Dunn Construction Company:** My name is Walter Murphy, with JE Dunn Construction Company. As the City Manager spoke, I formally want to appeal his rendering of our appeal to the potential award of this project. I want to mention a couple of key points. First let me say in my 47 years in the construction business in this town, I have never formally opposed a potential award on a job, and I don't take today very lightly. The fee proposal, as you looked at in the work shop today was very clear. It asked for the sum total of all the values. Now this was submitted in late May. The question about disparity of the numbers didn't come out until we notified

the City approximately two weeks ago. These forms have been in your possession for nearly the entire summer. Today, you were misled in the work shop. The DBE participation is not guaranteed. If you look at all the documents it says proposed, I have all the forms that we filled out, it's not guaranteed. If you look at your tally sheet and where it says DBE, it says, anticipated. Now we met with the DBE officials early on in this project and we happen to know a lot about DBE participation in this town. We've lived it, we've walked it, and we've talked. We presented to them five years of real numbers, not proposed numbers and not what you can get. County jobs audited, School Board jobs audited and Memorial Hospital audited. Now, the other two points I want to bring to your attention, which nobody's talked about. Your program manager and staff have not requested any OTL cost. You know what OTL costs is, out of town living expenses. We're competing against two out of town firms. Average out of town costs per person is approximately between \$2,500 and \$3,000 a month. So, let's just say you have eight or ten people coming from out of town, for a twenty-four month construction period, six months pre-con, 30,000 times 300 months. That's a lot of money, that hadn't been factored into your decision. It's easily between \$500,000 and \$1,000,000. The last thing that hadn't been brought to your attention, no one has requested the price of the G&L insurance for the job. Now, G&L insurance run somewhere in the neighborhood between one and two percent. Well \$140 million times one and a half percent, that's another \$2,000,000. Now, somehow over the last two weeks of this \$3.5 million got added to our competition on this proposal, we were told it was a scrivener's error, I don't think so. I think the bid is nonresponsive and I want to remind the City Manager we were the highest ranked firm on the Cultural Arts Center and we didn't acknowledge addendum number three. We found the error five minutes after we turned in the bid and we were disqualified. So, what I want to know is, is there just a separate ground rules for out of town firms because we at JE Dunn, we're your local builder and we're going to do the right thing for the M/WBE community, the DBE community, and the local subcontractors. I ask that you withhold this award and dig deep into these numbers and clearly understand them before you make a big decision on \$140 million dollar job. Thank you.

**Alderman Miller:** Mr. Murphy, before you leave, let me ask a question on what you just said because it's an area that I'm not that familiar with. The out of town living expenses is that something that you understand is part of what the City will pay that we would not pay with your contract?

**Mr. Murphy:** The out of town living expenses are not included in any numbers you've looked at yet. That's going to be determined by whoever you do business with. Same thing with the G&L insurance. Let me ask you something, Julian wouldn't you rather get a competitive number on the G&L insurance before somebody walks in and says, oh, that's two percent when you could have maybe gotten it for one percent.

**Alderman Miller:** Well, that's what I'm trying to ask. Would it be different with different companies?

**Mr. Murphy:** It could be. What I want to know is who's looking out for the taxpayers here? We've hired a program manager. We got two point something million dollars that hadn't been sort of competitively bid, that's a lot of money and you just added \$3.5 million. How you did that, I don't know.

**Alderman Miller:** Okay, again, I'm trying to understand here and I'm trying to look at the future. Are you saying that those expenses should have been part of the bid?

**Mr. Murphy:** No, they weren't asked to be a part of the bid.

**Alderman Miller:** But are you saying they should be?

**Mr. Murphy:** They should have been highlighted and said we want to know what your G&L expense is and we want to know what you're out of town living costs are going to be. Because I can tell you half my guys live here we won't have to charge the City OTL.

**Alderwoman Shabazz:** Mr. Murphy, I am looking at the purchasing summary form and I'm looking at the company and trying to understand what you're saying, well I understand what you're saying. I'm clear. I'm clear on what you're saying. Just let me say it for the public's sake because everybody is not clear on what you're saying, so I just want to make it a little clearer for the people that's listening. The company that's being recommended, AECOM Hunt, is a company out of Orlando, Florida, which is an out of town company; Turner Construction Company, is a company that is out of Atlanta, Georgia, out of town, out of Savannah; and JE Dunn Company as it is written in the documentation that we have from our purchasing summary is a company that is in the City of Savannah. So, this is the reason why you're making those statements about the out of town cost. Am I correct because you, your company is located inside the City of Savannah?

**Mr. Murphy:** That's correct. We have 44 people working and our office is on 24 Drayton Street, the fourth floor of the Realty Building.

**Alderwoman Shabazz:** I just wanted to make that statement so everybody could understand what you're talking about.

**Alderman Johnson:** Mr. City Manager, I want to give you the opportunity obviously you've heard Mr. Murphy's concerns. I wanted to hear your perspective on that and why the additional costs that he stipulated were not included and what would that have changed with the price one way or the other or with the rankings or your recommendation been any different?

**City Manager Hernandez:** Sure I'm going to ask that our Director of Purchasing, Ms. Molly Huhn, and our Director of Arena Development, Mr. Pete Shonka, come up to the podium to address specifically G&L insurance and out of town living expenses, because I personally do not know the answers to those two questions. Let me just start by making some general comments. First and foremost, we were fortunate to have three outstanding construction companies bid on this life altering development. You know, most communities get a shot at building an arena once every 50 years unless you're in a major league community, then it seems like you're building a new facility once every 12 years. So, we're fortunate that all three companies chose to bid on this proposal. We have done business, certainly I know that we do business with at least two of them, I'm not sure if we have done business with AECOM in the past, but I know we have done business with Turner and we have done business with JE Dunn and I can tell you that we are extremely satisfied with the relationship that we have and have had with both of those companies. Unfortunately, we are required to go through a process, a public procurement process, and there is a great degree of subjectivity and objectivity in that process, but ultimately we have to recommend a firm that is going to, for lack of a better term win the contract. So, when somebody wins, that means somebody else loses and unfortunately as part of this project two firms will end up losing and will not get the bid. Going through the objective process that we have, we have recommended a winner and that is AECOM, we feel that they followed the process. There is nothing that certainly causes me any concern to consider the scriveners error to be a fatal flaw and I can explain a little bit more in just a second. I want to note for the record, for the official record, Madam Clerk, that staff went through and explained the circumstances surrounding the change in the total proposal cost from \$7.3 million to \$11.1 million. I'm not going to do that here. I just want to reference that in the official record. JE Dunn filed a protest with my office yesterday. I looked at it, I considered it as I have done in the past, and I can tell you that in the past I have ruled in favor of a proposer when they have indicated to me that we did not follow our process. So, I just want the record to show that I have a record of throwing out bids as part of the appeal process when I don't think that our process was followed. However, I think that in this particular instance our process was followed and again the correction that was made as a result of what I consider to be a scriveners error it was not a material irregularity nor was it a fatal flaw. With respect to the time delay before this information was placed on your contract for award, there's an easy explanation for that. We decided that we were going to hold off on recommending an award until we had our arena networking session where we can ensure that our DBE community had maximum time to talk and meet with the three proposers for the construction manager at risk and others. At that time nobody, I didn't even know, who the recommended award would go to. So, that was the reason that we had a delayed before bringing this item before you. Now I'm going to ask Ms. Huhn and Mr. Shonka if they can address the specific issue related to G&L insurance and out of town living expenses and a representative from our program manager, JLL, is also here, he can approach the podium as well.

**Alderman Johnson:** Mr. Manager as they come up I just want to request because this deals with some interesting and complex procurement jargon that we make it as simple as we possibly can while explaining it not only for members of Council but also for people that are watching. I just think, you know, some of it can be kind of complex, so do the best you can.

**Pete Shonka, Executive Director Arena Development:** First of all, we had a panel of five City staff who evaluated these proposals and rated them. We had three really excellent firms. The consensus of the staff at the end of that process was, it was graded pretty tight and we were very comfortable with sending those forward and allowing price and DBE participation to kind of figure out who the winner was. We're not a part of that grading of the proposals that's done by two other different offices. We had three good firms here, we were very lucky in that respect and that's how we move forward. On the price, and the question of out of town living accommodations that is in AECOM's bid, it is included in the \$11,000,000 number. The insurance is not, they have a quote for the insurance of about \$981,000. One of the things that the City is looking at and this is what other cities have done is, is it cheaper for the owner to supply that insurance. That's not something that we're committing to at this point, but is something that we're looking at whether it's cheaper for the City to do that or is it cheaper for the contractor to do that? I don't know if there's any other specific questions I can...

**Alderman Johnson:** So, what the insurance required?

**Mr. Shonka:** No, it was not a part of the bid

**Alderman Johnson:** So it's in the bid or could not be in the bid.

**Mr. Shonka:** It's not in the number.

**Alderman Johnson:** In any of the numbers?

**Mr. Shonka:** I don't think it's in any of the numbers. It wasn't asked for.

**Alderman Johnson:** And the out of town living expenses?



**Mr. Shonka** They are in the bid. They are in the expenses, I think it was on the worksheet, is that correct?

**Jim Curry, JLL Program Manager:** Yeah, I reviewed it and confirmed AECOM has relocation expenses and travel expenses in their number.

**Alderman Johnson:** But the relocation and travel expenses would also indicate, give some idea about how much local labor and effort is used in this. Obviously they have a higher number.

**Mr. Curry:** It's actually not a lot of money and in the worksheets I think the relocation is for two people and that's a total of \$15,000, and I believe the travel number is \$42,000 and that's only for a few people. So, they aren't using a lot of people here and I will tell you \$42,000 for a two year actually, including pre-con, a three year process is not a lot.

**Alderman Johnson:** Okay, so that was included. Was it included in the other?

**Mr. Curry:** The issue didn't come up we were just making sure we had a clear low fee. So, we wanted to make sure that that particular fee was true and accurate. So, I did not look at the other two for that particular expense.

**Alderman Johnson:** So, Mr. City Manager we're comparing apples and apples and oranges and oranges?

**City Manager Hernandez:** At this point yes, I believe so.

**Alderman Johnson:** Thank you.

**Alderwoman Bell:** Did we include somebody from the program manager on the review panel, who was on the review panel?

**City Manager Hernandez:** We typically don't like to identify the individual members of review panels. There were five City employees.

**Mr. Shonka:** I was just going to say the project management team was in the room, but they were not a part of the evaluation team.

**Alderman Johnson:** So, Mr. City Manager, given... are you saying then that we're prepared to move forward or are you saying that you need more time? Are you saying that the Council needs more time? I mean, this is an extremely, very extremely important decision and I think everybody has to be very, not only clear but comfortable with your assessment and the assessment of your team, we're not talking about peanuts here.

**City Manager Hernandez:** No, I totally understand that this is a big decision before you. However, I am recommending that Council move forward. If I felt that I was uncomfortable with this item moving forward, I would have withdrawn it or would have requested that you continue. So, my recommendation is that you move forward with it and accept our recommendation that you award the contract to AECOM \$11,166,016.

**Alderman Foster:** My big concern about what occurred in this process, now a lot of my questions have been answered satisfactorily, but I would like to get an understanding. We put out an agenda item that was three or four million dollars incorrect and I'd like to get an understanding for the public as to why that occurred and what are we going to do in the future to make sure something like that never happens again.

**City Manager Hernandez:** I need to answer that question Alderman Foster. We just didn't catch it, and Mr. Murphy was correct, he brought it to our attention and that should not have happened. We need to make sure that we have the process, the quality control process in place that when we put an item on the agenda, those numbers are in fact double and triple checked and that did not happen in this case. That's why we publish what's called the Tuesday night memo. That is from time to time we will discover an agenda item that has a scrivener's error or a correction is necessary and rather than just pulling the item, we'll go ahead and we'll publish that memo and we'll let you know that hey, we've discovered there was an issue and we had to go back and update it. So, again that reflects poorly on me and I apologize and I will tell you that again, we will double down in terms of staff's efforts to make sure that our numbers are in fact correct when we published the agenda to prevent circumstances like this again in the future.

**Alderman Thomas:** Mr. Shonka, you made a statement earlier that the project manager was in the room when they were doing the evaluations.

**Mr. Shonka:** When we were doing the interviews and evaluations.

**Alderman Thomas:** The project manager, would that be Jim, with JLL?

**Mr. Shonka:** I believe Jim was present.

**Alderman Thomas:** What level of participation would they have had in the process being in the room at the time?

**Mr. Shonka:** I guess they would occasionally ask questions if there's something that the panel didn't ask that they thought needed to be brought to bear. So, they were allowed to ask questions, they didn't ask very many. They were usually a part of the discussion as we are moving forward. But when we came down to actually scoring them. So, the way this happened we would have a team come in, interview them, they'd leave, we'd have about 15 minutes of discussion, then bring the next group in, interview them, and again a few minutes of discussion, and that was the way it was for all three firms. At the end of that process, they were not a part of the evaluation that the City staff huddled up and we made our scoring, based on those interviews.

**Alderman Thomas:** Can I ask a question to Jim, please? Jim, your company is JLL, correct?

**Mr. Curry:** That's correct, sir.

**Alderman Thomas:** Have you ever done any work with Turner construction?

**Mr. Curry:** Yes, not with the Atlanta office, but they're firm yes.

**Alderman Thomas:** Have you ever done any work with JE Dunn?

**Mr. Curry:** No.

**Alderman Thomas:** Have you ever done any work with AECOM?

**Mr. Curry:** No. I'm sorry, let me correct something. I interpreted that question of whether me personally, has your company ever done it? All three.

**Alderman Thomas:** You've worked with all three. Okay. So, your role in discussing this while these City workers, City staff, employees, I don't know who they are, they are unidentified according to the City Manager. What would your role have been in the room then?

**Mr. Curry:** Technical advice for one. Sometimes there's terminology and processes that are, I wouldn't say they were... it was a very knowledgeable crew that Mr. Shonka had put together, but it was our arena experience that was brought to bear.

**Alderman Thomas:** Is it customary that, I mean I don't, I don't know this because I don't get involved in the procurement, but is it customary that someone of your stature would be in when they're evaluating contracts for award?

**Mr. Curry:** Not just customary, we always do.

**Alderman Thomas:** You always do it?

**Mr. Curry:** Yes and we never have a vote and in my, our job, I can assure you in this process we never recommended one firm or another we were just trying to make sure that we were helping assess.

**City Manager Hernandez:** If I may add that is certainly a practice that is used in other local governments and the more complicated the project, the more likely it is that you are going to have a group of advisors as part of the selection process.

**Alderman Thomas:** Well, I guess my question is if he's the project manager, would he have had a preference in when the five people that you tasked to evaluate the contract, how would he have responded to each? Is it based upon who he wants to work with or who he thought was the best or who he thought had strengths or weaknesses?

**Mr. Curry:** The answer is sometimes when I've been in that position, we have expressed a preference because we know of certain fatal flaws in some of the proposers. But as Mr. Shonka stated and I wholeheartedly agree we had three firms and what I said was, you're in a

really good position because you could put the name of the three firms on a wall, put blindfolds on, throw with dart and the person you landed on could build the arena.

**Alderman Thomas:** I understand that. Did you express a preference with this?

**Mr. Curry:** No sir, because I didn't have a preference to be honest with you sir.

**Alderman Shabazz:** What I want to state is that on our Council, I am an advocate of local businesses and, and I'm also an advocate of when our City policies and procedures are followed correctly. I want to state that for the record.

**Alderman Durrence:** I'm very nervous, I've never spent \$140,000,000 before and what I'm going to say isn't meant to disparage any staff member or contractor or project manager or anybody else, but it just, I'm concerned about a couple of things. I've heard a lot of answers and responses to my concerns and, and I have no reason to doubt them, but I'm just nervous. When there was such a huge disparity in those numbers, it seems like that should have been a red flag for somebody to at least go back right then and say, how can there be a \$5,000,000 difference and look closer at that before one of the contractors brought it to our attention. That makes them nervous. Now we found the error, I will assume that that's all it was, was a scrivener's error, but it makes me feel like maybe we ought to take a couple more weeks and look a little bit more closely and just be sure that there isn't something else. The other thing that I mentioned in the work shop, and again I'm assuming that the answer I got was an adequate answer, but I'm still nervous about it is how we get commitments for the DBE participation when we don't even know what the plan's going to be or who the subcontractors are going to be and I'm sure all of these folks gave us their best good faith answer. But I don't want to get two years down the road and somebody say, well, we just couldn't make that number and we've given points based on that number and it seems to me like that might've been an item that we should have done just as a neutral item at this point so nobody got more or fewer points for that item. I'm just nervous, that's all, I'm done.

**Alderman Johnson:** The Purchasing Department, purchasing in this case, procurement is really there to ensure that the process is followed. The redundancy comes from staff and we have a project manager whose role is to kind of be a check and balance on what the staff is doing, and then obviously, ultimately it gets to you. So, I think the how's are very important because had Mr. Murphy not brought it to our attention the question is would we have figured it out at some point? Although the result had not changed the reality is that are there other errors out there that may not have changed and I'm concerned about that. Knowing what I know about purchasing and how that process goes that's really not their role. Their role is just to make sure in terms of format that it's rolling the way it's supposed to roll. Would it help Mr. Durrence's nervousness and maybe mine that we have the opportunity to direct you to fine tooth this thing again. The question is had he not come forward we would have been voting thinking that we had crossed... I just think the decision is too important.

**City Manager Hernandez:** I think Alderman Johnson you are right this is a major decision. My recommendation is to move forward. However, I totally understand that if you are uncomfortable making a decision at this point and you're asking us to go back and review our process once again, we will do that. Again, you don't make these types of decisions that often and when you make the decision, I want you to make the decision based on you having a high degree of comfort that the numbers are right. I don't want you to make a decision either in support of or against the recommendation if you are comfortable. So, I need you to be comfortable to vote in either direction and if I'm hearing that a majority of the members of Council are uncomfortable, then I will work with all of you over the next two weeks or so to ensure that I get you there.

**Alderman Johnson:** I want to make sure you have a high degree of comfort. I mean because again, you know, you're making a recommendation on that.

**City Manager Hernandez:** I wouldn't be making the recommendation if I was uncomfortable.

**Alderman Thomas:** What concerns me about this is a scrivener's error with the largest contract that we will ever award, I mean that to me is the issue. We already have a firm that has protested. I was here, you weren't, when we had Ellis Square and our City Attorney was on the other side of the bench during that one. So, I remember how all these scrivener errors and misunderstandings ends up for the taxpayers. Now we ended up with a great product with Ellis Square but we paid a lot more money for it than we ever agreed to and I would rather us know exactly what we're getting in to than have all these scrivener errors and misunderstandings from the beginning. So, to ask for a little time just to take a second look I think would be prudent.

**Alderman Bell:** I think all of us have some discomfort. I would have felt better and Pete maybe I didn't get this from you and Molly, but are you telling us that staff recognized the error early on after you did your calculations, but because you were not bringing it to us?

**City Manager Hernandez:** No, that's not true.

**Alderman Shabazz:** So, you didn't even recognize the error until the contractor... that makes me real nervous.

**Mr. Shonka:** JLL actually recognized it. JLL, our project management team recognized it and sent me a text message before I heard from the City Manager and JE Dunn. So, they had recognized it previously.

**Alderman Johnson:** But the City Manager wasn't aware of it until he heard from...

**Mr. Shonka:** Because we were still working through it.

[Alderwoman Shabazz asked for an opinion from Attorney Stillwell.]

**Attorney Stillwell:** I have not been involved in this at all at this point, but I think that the comment that the City Manager made that it would be a good thing to get everyone very comfortable is a very prudent thing to do and I'm hearing that from all of you. So, my recommendation would be that you continue it for two weeks and that you let the City Manager do exactly as he suggested and work through this with each and every one of you and make sure everybody's comfortable with the decision. I'm like every one of you, I feel very strongly that we need to move this arena forward, it's taken a long time to get to this point and if we don't start getting dirt turned, we're not going to ever get it turned. So, I'm strongly in favor getting on with it. I think two weeks is not going to kill anybody and I think that you all need to be on board with what you're doing.

**Alderman Foster:** I just wanted to comment that I have, feel the same way. Thanks to Mr. Murphy and JE Dunn for coming here. They brought up some questions that were great questions that Council had not heard and we got some really good answers and information that I think is critically important for our understanding of this large project and for that reason and some of the other things said I think another two weeks and a continuation is the appropriate thing at this point so that we get a great understanding and a good feeling of confidence that what we will be approving is the right thing to do.

Continued to the meeting of September 13, 2018, upon motion of Alderman Johnson, seconded by Alderwoman Bell, and unanimously carried.

**City Manager Hernandez:** For Alderman Hall's benefit and for others, we will schedule individual briefings over the next two weeks to explain the process, the numbers before we bring it back for a vote on September 13<sup>th</sup>.

**Alderman Johnson:** And create a comparative document that allows us to see visually and compare apples to apples, and oranges to oranges in terms of these things so we're seeing it in a comparative way instead of hearing more case study. I mean we're hearing it, but I think seeing it here, here, and here between those three, I think will make it better for those of us that are more visual.

**Alderman Miller:** Can I add one more thing to that, as we look at this, several of us have pointed out the severity of this error. That's a pretty big mistake and for it to go this far I would assume that we already have run down the source and how it happened. I don't want to know what it is, but the severity of it should not be lost because we're going to be doing an awful lot of contracts and we need to have confidence in that.

**Alderman Hall:** Are we totally ignoring the scoring?

**Mayor DeLoach:** We already voted, I'm sorry you weren't in here, but we already voted I apologize.

**City Manager Hernandez:** I need to ask a legal question of the City Attorney, because as far as I see it there were two issues before you today. Number one, there was a decision to award the contract or not. You have made the decision to continue it for two weeks. But you also have an appeal, an actual request from one of the proposers, and I don't remember if he stated what the remedy he was seeking but I think... doesn't City Council have to bring some closure to that appeal?

**Alderman Johnson:** Doesn't Council have to award it, before it can be appealed?

**Attorney Stillwell:** Why don't you let me look into that and I'll give you advice on that and we'll advise Council on that at the next meeting.

**Alderman Johnson:** I think it has to be awarded before it can be appealed.

**City Manager Hernandez:** My understanding is it has to be recommended for award.

**Alderman Johnson:** So, he's appealing your recommendation?

**City Manager Hernandez:** Correct.

**Alderman Johnson:** Which we have not acted on yet.

**Attorney Stillwell:** Why don't we continue the entire matter for two weeks, everything that is pending here today about this contract.

**Alderman Johnson:** So, does that require a different motion or is that administrative?

**Attorney Stillwell:** I have not looked at this at all, I would recommend you continue the entire hearing for two weeks.

**Alderman Johnson:** We made a motion about this decision, the question is there an open appeal. So, do we make a motion regarding the appeal or do we...

**Attorney Stillwell:** Everything that's pending including the appeal is continued for two weeks.

**Alderman Johnson:** That wasn't my motion though, my motion was about the award. Well I'm making a motion now that the appeal be continued for two weeks.

**Attorney Stillwell:** To the extent that Council has to decide on that, I will have to review that, I have not reviewed it at all, yes, okay, yes. The answer is yes, it's continued for two weeks. That is your motion.

## AGREEMENTS

### [36. Motion to Approve Indemnity and Hold Harmless Agreement with AECOM Concerning Use of the Fell Street Box Culvert](#)

[AECOM Hold Harmless Renewal 1.pdf](#)

[fell-street-pump-station-map.pdf](#)

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

### [37. Motion to Authorize the City Manager to Approve Mutual Aid Agreements with Surrounding Jurisdictions](#)

[Mutual Aid and Assistance Agreement.pdf](#)

**Alderman Miller:** Number 37 is a motion to authorize the City Manager to approve mutual aid agreements with surrounding jurisdictions. This allows our emergency first responders to respond to other communities and other communities to respond to us when needed. I think it's a very good thing.

**City Manager Hernandez:** Recognized Roy Minter, Director of Police Services. He will assume the title of Chief upon receiving his Georgia certification.

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

### [38. Motion to Approve the Labor-Management Agreement with Local #574 International Association of Firefighters, Savannah Professional Firefighters Association](#)

Continued to the meeting of September 13, 2018 per the recommendation of the City Manager.

## MISCELLANEOUS

### [39. Motion to Approve Major Subdivision of Lots 1-5 of Lot 16 and the Northeastern Quarter of Lot 17, Berrien Ward](#)

[Berrien Ward Major Subdivision.pdf](#)

**Alderman Durrence:** This sounds like a huge project when we're talking about a major subdivision. Well, what we're talking about is about a block, a city block. What I'd like to request that the City Attorney look at is for things like this, that technically are not a major subdivision except that it's more than four lots, could he look at this and see if this sort of thing might be handled better administratively?

**Attorney Stillwell:** I certainly can. I think that would probably require an amendment to the ordinance, but I can look into it.

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

[40. Motion to Approve Transfer of 1002 Cubbedge Street to Chatham County/City of Savannah Land Bank Authority](#)

[1002 Cubbedge Transfer Request.pdf](#)

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

[41. Motion to Approve Transfer of 913 West 39th Street to Chatham County/City of Savannah Land Bank Authority](#)

[913 W 39th Transfer Request.pdf](#)

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

[42. Motion to Approve 15-Foot Utility Easement for Georgia Power at Joseph Tribble Park, 12517 Largo Drive](#)

[Map and Picture of 12517 Largo Drive - Joseph Tribble Park.pdf](#)

[Parcel001ExhibitA.pdf](#)

[Easement - Joe Tribble Park.pdf](#)

**Alderman Thomas:** Is that the easement that runs down the the ditch bank?

**Mr. Lloyd:** Yes sir, it runs along the ditch canal, this will support your air raider as well as your cameras at Joseph Tribble Park.

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

## **ADDED AGENDA ITEMS**

[43. Motion to Amend the Savannah Business Opportunity Program](#)

[Redlined SBO Policy Amendments.pdf](#)

**Alderman Shabazz:** This item states the motion to amend the Savannah Business Ordinance Program and with this particular amendment that the City Manager is recommending I have a few questions that I need to ask. Mr. City Manager, the first question I want to ask you, what you have submitted to us as an amendment, my question is how is this amendment to the Savannah Business Ordinance Program policy going to impact local growth and development due to the fact that we are talking about SPLOST dollars and we're talking about SPLOST funds should always in my belief, and I'm pretty sure that this Council believes, that SPLOST dollars should always be used to improve the local economy and its local taxpayers.

**City Manager Hernandez:** Dr. Shabazz, what we are attempting to do here with our recommendation is to do just what you described, but not just with SPLOST dollars with all funding sources that the City may implement with the exception of federal funding. What we're trying to do is, we're trying to keep more of our money locally and we're trying to build the capacity amongst our smaller firms and also our disadvantaged firms. And so what we are proposing here is to essentially limit the marketplace, if you will. And our proposal to you so far is that we establish a local disadvantaged business enterprise program. And under that definition of local, it would limit it to our metropolitan statistical area, which is used by the Census Bureau in putting together a variety of data and that would include Bryan, Effingham and Chatham County as, as an example.

**Alderwoman Shabazz:** Okay sir with that being said, first of all, for the public's sake that's listening, can you just read the first paragraph of the amendment that you're proposing here today?

**City Manager Hernandez:** Sure. The proposed enhancements to the Savannah Business Opportunity Program aimed to increase participation in City procurement by local disadvantaged business enterprises. The amended program requires that for eligible contracts, no less than 10 percent of the annually established DBE goal be met through participation by certified disadvantaged businesses located within the Savannah Metropolitan Statistical area, which includes Bryan, Chatham and Effingham counties in Georgia.

**Alderwoman Shabazz:** So, you're stating that eight percent of the 18 percent goal of Savannah's hard earned money go to counties of Chatham, Effingham, and Bryan counties where others live, work and play on local city tax dollars, sir.

**City Manager Hernandez:** No, I think you said eight percent, we're saying 10 percent be restricted to our market area.

**Alderwoman Shabazz:** I am talking about, from the ten percent that you're talking about, eight percent of that 18 percent goal, we set a goal of 18 percent and that is what we're operating on right now, which is according to our policy currently. You're saying that eight percent of that 18 percent of the Savannah's hard earned money go to counties of Chatham, Effingham, and Bryan counties where others live, work and play on local Savannah tax payer's dollars.

**City Manager Hernandez:** No, that's not what I'm saying. What I'm saying is eight percent would/could actually go to disadvantaged business enterprises outside of Chatham, Bryan and Effingham counties. Currently, under the existing DBE program and under our previous M/WBE program, there were no marketplace restrictions, so you could be a DBE firm out of Atlanta or Valdosta and you would still qualify under our program. Under the amendment you still would qualify. However, we are establishing a ten percent local and again, local is defined as Chatham, Effingham and Bryan County.

**Alderwoman Shabazz:** Mr. Mayor, Alderman Johnson has a question but if you don't mind after he is finished can I please finish my question to the City Manager.

**Alderman Johnson:** I think we talked a little bit about this during the work shop. In the final analysis local is Savannah. We have a responsibility to Savannahians. It is important that when money is spent, there should be a premium on individuals that are within our gates and there should be an opportunity or more opportunities to those for monies that can be spent here to be spent locally. Understanding that by extension I certainly can understand Chatham County by extension because I guess technically that could be considered local, but I think we asked you for some information about our, our neighbors and how they viewed Savannah and unless we have that information ready I'm not prepared to vote on this today. I really would like to know how our businesses are viewed by Bryan and Effingham counties. I think that's a significant part of that. Obviously if it's a reciprocal relationship, I can see that, but if they have their policy to basically say Effingham County first or Bryan County first, then I think we have to go Chatham first, and I think that's a big part of that. The second thing was, and I did ask that it be added, an advocacy portion to our outreach to be able to determine underutilized functions that are out there for the businesses to become involved in so we would have increased capacity in some of those areas that right now we just don't have a local businesses engaged in. I would leave that to you to determine the best way to do that but I think it's absolutely necessary since our businesses here are overrepresented in some areas and we clearly have to go outside of our town, outside of our region, to be able to find some of those disciplines. So, I would like to see that incorporated in some meaningful way and it has not occurred as of yet.

**City Manager Hernandez:** So, you're right. Based on the additional information that was requested today, I don't think we're ready to move forward with this. So, if you want to continue it for another two weeks until we get you that information, we're fine with that.

**Alderwoman Bell:** One other suggestion, since you're going to meet over the next two weeks with each of us individually perhaps during that same time you could present whatever recommendations you would make in response to the questions that were asked today or suggestions regarding the Savannah Business Opportunity Program.

Continued to the meeting of September 13, 2018, upon motion of Alderman Johnson, seconded by Alderwoman Shabazz.

**Alderman Foster:** First of all, I think what the City Manager and staff has come up with improves the chances of business staying local. I understand what you're saying, and I think Council doesn't quite get the MSA part of it yet, that was a little bit confusing. But you did say that being local means these three counties could get a higher percentage that might otherwise would be going out of state or somewhere else. So, that's important and I think that is an improvement, and I have to say Alderwoman Shabazz when we're talking about Effingham and Bryan, we need to remember the \$140,000,000 in SPLOST funds, 40 percent of it is paid for outside of Chatham County and a big portion of that comes from Bryan, Effingham and they come in here and they're going to spend money at our arena. So, I don't feel real bad about that. So I just had to point that out though.

**Alderman Hall:** In regards to what Alderman Foster just said, I really don't want us to be isolationist here in Chatham County. If you look at Highway 21 early in the morning, coming into Savannah it's a lot of traffic. They spend money here every day and I don't want

to send the wrong message in any way that we don't want to do business, or we don't want people, trades people from Effingham, Bryan, and Liberty counties coming to Savannah to work. Because after all we do have people who leave this county and go to these neighboring counties to work. So, we just want to be careful about that and not send the wrong message.

**Alderman Thomas:** Earlier I made the recommendation that we just find out what other communities are doing with their policies on procurement and I asked that we kind of get some information on that. But I do have a question, we talk about and I know why, but I don't know why, we talk about Effingham and Bryan being our MSA. I would argue that Jasper County, South Carolina is part of our MSA, but we're divided by that river. If you look, as John pointed out, it's a snail's pace going across in the mornings and coming back in the afternoons with work trucks and everything else. So, we have a big group of people that aren't included in that if we're looking at the MSA, but it's divided by the State line and everything like that. So, we're ocean to one side and blinded by the north to the other. But I would ask that Savannah first be the goal that we're seeking to put Savannahians to work first.

**Alderman Johnson:** We want to be Savannah first. We don't want to be Savannah only. To Alderman Hall's point we're not being isolationists however, when you talk about businesses moving to our community and they can make a choice whether I can get all the benefits of being in Savannah without being in Savannah, I think that's something, that's significant, which is why I think what we've asked for him to tell us what our neighbors are doing, add to that South Carolina. I would be interested in knowing about Jasper County. Thank you, Mr. Mayor.

**Chester Denham:** I probably know more about taxes and I'm talking about SPLOST and E-SPLOST than even all of you all up there, because I've been involved with this thing for quite a while. I was involved with it from when we first started with the SPLOST, I've been supporting it ever since. I'm here because of the situation when we talking about taxes and money and the people who I represent. I'm sitting here, but I represent more people than you would think I represent and that's what I'm talking about. The taxes and everything else. I have been involved with this thing and supporting this, and asking people to support it, on account of my connection with my radio station, television station, my connection with the Randolph Institute, my connection with labor, my connection with churches, my connection with people who I touch base with. So, number one is that I've supported taxes and people who support me and I'm here now to talk about their interests. One of the main concerns that I'm concerned about and I guess you all are concerned about the same thing because you were talking about it, this is the largest contract that the City ever had and this is a lot of money and a lot of jobs. I want to make sure that people receive work for the money that we are spending and you all are talking about the same identical thing. Number one is that I'm here to talk about minority and I'm here to talk about African Americans, here to talk about blacks, here to talk about City employees, and I'm also here to talk about County employees. All of this information that I want to make sure I touch base on and talk about it. The contract that you were talking about right now in the first place to award it to whoever receives it that once you all sign over the contract to the company, whoever gets the bid, once you sign that, then you have no control after that, because you have signed the contract, you've done your work, your obligation and these sort of things. So, now if someone comes back to you all and say that the average individual is not receiving their fair share which you all signed off to, or what they should have been receiving, you have no control. You can't do anything about that once this is done. I heard y'all talking now about City and County, the City Manager made a statement just a few seconds ago that you all added on another two counties. I have the situation here that Dr. Shabazz was just talking about, the eight percent. This disturbed me a great deal. Let's look at the figures with the eight percent or whatever it is, City employees or the people who live directly in the City will not, that percentage will change after this happens because when you include the other two counties, that work divided up amongst the City employees. Once this happens in the two other counties, then the amount of work that will be distributed then will dilute the City people who live in the City. For instance, Chatham County, and this is the City population of people, and I'm going to briefly run through this in the City. African Americans make up 54 percent, Caucasians 40 percent, Hispanics 5.2 percent, etc. That's in the City. The County, its spread out a little bit in the County so that's going to decrease the African American percentage, which will now become 40 percent, Caucasian 53 percent, Hispanics 6.9 percent. Now that's a breakdown. Let's look at Bryan County, African American 4.9 percent, Caucasian 79.2 percent and Hispanic, 7.2 percent. Effingham African American 13 percent, Caucasian 82 point something percent but what I'm saying now when you spread this out that's going to dilute the employees or the people directly within the City. So, now that eight percent or ten percent or what have you becomes very important then because again, the City employees will receive less. Now the percentage is that each county out of that SPLOST money, and we're just talking about SPLOST money now will receive each one of those places going to receive a portion of SPLOST money anyway. They have a percentage of money that comes into their county. Are they going to share that with the City employees that or people right here within the City? Another thing the City Manager just mentioned just a few minutes ago is that, and we were talking about it, tax money. In other words he's including aside from SPLOST all the tax dollars. So, that's going to infringe on people who own property and those other kinds of thing. Now, that's going to be taking advantage of a lot of people who living directly within the City, including myself and people who pay so much more taxes, but now you're going to share this with another county. Are those counties going to share whatever they receive with this county? What I'm saying is that before y'all start adopting, making rules and making laws and talking about all of these things you just can't do it overnight because people are not going to be satisfied with that. And when I say people I'm talking about individually we just have a few of us here now, but we will have droves of people coming in, in special meetings with town hall meetings before these things get adopted because we just can't sit idly by and let certain things happen. I have a lot more to say, but I'll say it in the next meeting or what have you.

**Mayor DeLoach:** I know what you're saying. I heard what you said about the fact that you are concerned about us spreading this out to additional counties rather than keeping it inside the City of Savannah. I understand that and I got that point. Now at the next meeting give us another point.



**Mr. Dunham:** Maybe in between the next meetings, I will have a special program where I can invite some of you all on the Dunham Reports to come in and talk overall about the community and we can pickup.

Continued to the meeting of September 13, 2018, upon motion of Alderman Johnson, seconded by Alderwoman Shabazz, and unanimously carried.

#### Announcements

**Alderman Miller:** I don't know how much longer we will have Chief Mark Revenew coming to these meetings. While we welcome our Director of Police Roy Minter and you'll be Chief soon, I understand that. I want to recognize Chief Revenew I think he had 30 years of experience and I think he had more years of experience in the last eight months than he had in those previous 30 years. You did a heck of a job for this community and this City and this department and I just didn't want to let you out of here before we thanked you one more time.

**Chief Revenew:** I just want to say thank you. It has been a tremendous experience, a learning experience that I've enjoyed. I've worked with each one of you individually, I may have not done everything perfect, but I responded to every one of your concerns as best I could and I hope to work with you more in the future. Thank you.

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=RfufUZCnP7u>

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