

Bridget Lidy

From: Anita Boutwell <anitaboutwell.wccw@yahoo.com>
Sent: Friday, November 20, 2020 12:40 PM
To: Mayor Johnson; Estella Edwards Shabazz; Alicia Blakely; Kesha Gibson-Carter; Detric Leggett; Bernetta Lanier; Nicholas Palumbo; Linda Wilder-Bryan; Kurtis Purtee; Clerk of Council; Bridget Lidy; Melanie Wilson; Jennifer Herman; Bates Lovett; Bret Bell; Myriam Baker
Cc: Kerrie Bieber; Jerry Welsh; Comm. Dean Kicklighter-2; Lee Smith
Subject: [Caution - External Email] FILE NO. 20-004418-ZA - Rezoning of Waste Management property located at 3001 Little Neck Rd., Savannah, Ga.
Attachments: LETTER TO INFORM OF COMMUNITY CONCERN AND OPPOSITION OF REZONING, ADDRESSED TO CLERK OF CITY COUNCIL, MARK MASSEY.pdf; LETTER TO MAYOR VAN JOHNSON & ALL CITY COUNCIL MEMBERS - NOV.4, 2020.pdf

Dear Sirs and Madams,

October 19, 2020, on behalf of this community, I sent a letter to the City, through Clerk of Council, Mark Massey, at his suggestion to do so. It has come to my attention that this letter was never received by the intended parties, to include Mayor Johnson and the members of Council. This letter was not in the Nov. 12, 2020 agenda under items 16 and 23 for FILE NO. 20-004418-ZA and Ms. Bridgett Lidy says she has not seen the letter and it is not in the records.

This is very concerning, considering this letter was this community's first communication to the City regarding this rezoning. This letter holds our initial concerns and arguments against the rezoning. It was sent in a timely manner to address this issue for a reason. The fact that the intended parties did not receive this information, as it was assure they would, serves as an interference to this community's communication to the Mayor and City Council.

This Oct. 19, 2020 letter is attached to this email and we request that you consider its information as being given to you as of the date it was written.

Also, the Nov. 5, 2020 letter we sent to the City members is also not on the public records as we can see. It too, was not included in the Nov. 12, 2020 agenda under items 16 and 23 for FILE NO. 20-004418-ZA .

We request that both the Oct. 19, 2020 and the Nov. 5, 2020 letters, as well as this email, be place in public records and included in the records for FILE NO. 20-004418-ZA .

Unfortunately, due to the holidays, previous planned schedules and the short notice, the WCCW committee is not able to meet with Dr. Shabazz before the Nov. 24, 2020 public hearing on this case, to resume discussions on this community's concerns about the rezoning of the WM property. Due to the holiday plans of individual community members, there's a good chance many community members will not be able to attend the Nov. 24 hearing. We ask the Mayor and City Council to consider the concerns and requests, as listed below, as the concerns and requests of each and every member of this community, whether available to attend the Nov. 24th council meeting or not.

1. We agree with the proposed “proffer” that states that Waste Management property **will** be restricted to Solid Waste Landfill operations **ONLY**. No other business allowed on the property that is allowed in the BROAD listing under the I-H zoning code.

2. **NO EXPANSION**. Which includes: **NO HEIGHT INCREASE**. **NO LATERAL INCREASE**.

3. Dean Forest Landfill **MUST BE** brought into this discussion as an alternative resource for waste disposal for the City of Savannah. Several city officials have made argument that Waste Management Landfill is the only resource the city has for garbage disposal and this is not true. They **must** be made aware that the City owns Dean Forest Landfill. This landfill is fully operational and is permitted to do **EVERYTHING** the Waste Management landfill can do. There is no known reason why the Dean Forest Landfill can not also be used for City garbage disposal. **RECOGNIZING DEAN FOREST LANDFILL** of its capabilities of waste disposal for the City **WOULD ELIMINATE** the **ARGUMENT** that the Waste Management landfill is the City’s only resource and it needs to be allowed to expand in order to supply disposal ability to the City.

We would also like it to be known that this community **IS NOT** requesting the cease of operations of the Waste Management landfill. Unfortunately, this notion was verbalized, by others not of this community, during the MPC meeting of Oct. 13 on this rezoning item. This notion is not true. We are not asking the City to cease the operations of Waste Management. Our requests are those as listed above.

We would like it to be recognized and put on record that, thus far, 351 concerned citizens have signed this community's petition against this rezoning and expansion of the Waste Management landfill.

Thank you kindly,

Anita Boutwell

Committee Chair

West Chatham Co. Community Watch (WCCCW)

<https://www.facebook.com/WestChathamCo.CommunityWatch/>

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October 19, 2020

To:
Clerk of Council
Mark Massey
Savannah, Georgia

From:
Anita Boutwell
Committee Chair
West Chatham County Community Watch (WCCCW)

Re: Letter to Inform of Community Concern and Opposition of the Rezoning of Waste Management's Property

Dear Mr. Massey,

Thank you for taking my call last week. It was a pleasure speaking with you and your information was very helpful.

As per your instructions, I am sending this 'To Inform' letter to you, which will serve to inform the City of community concern of the rezoning of Waste Management property to Heavy Industry. In my understanding of our conversation, this notice to the City, will give way for a separate Council meeting for the purpose of a public hearing, where all concerned citizens will have opportunity to attend and speak on the matter.

We also ask that this letter serve to inform the City of the details of the community's concerns.

Since you stated in our phone conversation that you would be passing this letter on to Mayor Johnson and the City Council, and unless otherwise notified differently, I will consider this as notice to them, as well.

This letter is to inform Savannah Mayor Van Johnson, City of Savannah, its Council and all others of interest of the wide spread community concern of and opposition to the rezoning of Waste Management's property to the City of Savannah's Heavy Industry Zoning District. This issue is of much concern to the citizens of West Chatham County, affecting our lives, our livelihoods and property. We request that the City of Savannah gives this matter the well deserving time it needs to review and consider all of the information and concerns and especially those of the citizens.

Also, since 6:30 pm meetings are of regular practice for the City Council, we kindly request that the City schedule the public hearing for this issue during a 6:30 pm City Council meeting time slot. This will give opportunity to all concerned citizens to attend. So many citizens are at work during the 2:00 pm meeting slot, therefore would be completely unable to attend the public hearing.

The MPC, during its Oct. 13 public meeting on rezoning Waste Management's property, said, and I quote, "The community's concerns are irrelevant." This MPC meeting was clearly guided by this line of thought. None of the citizens' concerns or presentations were addressed by the Commission, much less given time to be presented. Our concerns, as well as our presence in this community, are very much relevant. We are in hopes that the City of Savannah will denounce the MPC's stance that citizens don't matter and sees our relevance as very important in this and all issues.

The area of West Chatham County that this Community Watch represents does not only include citizens of County residents, but a very large number of residents of the City of Savannah. And this number of City residents continues to grow daily. As I'm sure the City is aware of, the New Hampstead Community, being of at least 4,300 acres and located in West Chatham County, is annexed into the City of Savannah. As a matter of fact, the New Hampstead Community's business is on the City Council's agenda for this upcoming Council meeting, Oct. 22. Already, Savannah citizens are moving into this community and as stated by New Hampstead Developers, 10,000 residential homes are slated for this very huge community. That is a lot of Savannah citizens just in this one development.

Many other community developments are in process of building subdivisions and communities inside the West Chatham County area, all of which are annexed inside the city limits of Savannah. So, it is safe to say that this West Chatham County area is comprised of at least as much as, if not more, of the City of Savannah than any other municipality. Therefore, there will be more Savannah citizens opposing this rezoning than citizens of other municipalities.

During the short time between being given notice to this petition to rezone Waste Management property and the Oct. 13th MPC public meeting on this issue, this Community Watch gathered well over 200 signatures in opposition. And we continue to collect and receive additional signatures of citizens opposing this rezoning.

During the Oct. 13th online MPC meeting, there were at least 35 citizens able to get online and be present in opposition, while there were dozens more that wanted to be present, but could not get attend the meeting. For many, the navigation of the system was very difficult. Many in this group of citizens would get to the online meeting but could not hear or respond during the meeting. Many others couldn't get even that far in the process. Then, there's the majority of West Chatham County citizens that are working during the middle of the day, so the time of the meeting kept them from being able to even try to attend.

I might note that this Community Watch was unaware, at the time of this meeting, that in-person presence to the meeting was available. Very unreliable internet service for most of this area served as a major problem to even try to get into the meeting. The lack of internet resources for a lot of citizens, such as computers, lap tops, capable cell phones, and wifi itself, is an even bigger obstacle for attending online meetings. So, certainly, this community would have appreciated knowing we could have attended the meeting in person.

For the City's information and consideration, here are our points of concerns:

First, under the City of Savannah's most current Zoning Ordinance, there is no reason for rezoning. Waste Management has operated their business, as usual, under lawful City regulations for the past year. There is no necessary reason why this can not continue in the future. Sec. 1.6 of the City's Zoning Ordinance has given Waste Management property proper and lawful zoning districts, at its time of annexation. This was made possible, in part, by the City of Savannah adopting into its Zoning Ordinance the entirety of Chatham County's Zoning Ordinance. Most importantly, it is made possible because the City simply says it is so possible, in Sec. 1.6 of its Zoning Ordinance. There is nothing stated in the City's Zoning Regulations that says a property, annexed into the City from the County, must rezone to yet a different zone district if one is later created by the City.

Inside the Development Agreement between the City of Savannah and Waste Management, approved by City Council Sept. 12, 2019, in Sec. 6, it states that the two parties agree that upon annexation of WM's property, the property will be initially zoned PDR-SL-CO & PDR-SM-CO, (the City's adopted Chatham

County Zoning ordinance). But before that time, both parties agree to work together diligently to create a General Development Plan and a zoning ordinance, both for the sake of Waste Management's landfill business and both with the priority to allow the height increase of Waste Management's landfill. Is this because Chatham County's Zoning Ordinance has solid waste landfill height restrictions? Because it surely does.

It is also admitted in this section of this same agreement, that the increase in height of the landfill will allow for more waste disposal capacity. That it will do, but it can't be ignored that in turn, this will increase Waste Management's revenue intake. How does the City of Savannah find the rightfulness in intentionally maneuvering around the City's own zoning laws in order to increase the revenue possibilities of one business? Does the City afford all property owners annexing into the City these same privileges to create a new ordinance for the growth benefit of their businesses?

In this same agreement, same section, it goes on to state that if the City can't follow through with its promises to secure these benefits for Waste Management, then Waste Management has the option to get out of this agreement, as well as de-annex from the City. This is all without Waste Management losing any previous benefits afforded to them by the City, such as landfilling biosolids and City water and sewage. With the City of Savannah so invested in the business of Waste Management's business, does the citizens of West Chatham County even have a chance at a fair public hearing?

The Waste Management landfill is not the only landfill in the city of Savannah. The Dean Forest Landfill has been in operation for decades. This landfill is owned by the City of Savannah, operating on City property for years. The property is zoned A-1, Agriculture, which is in direct violation of the City's own zoning ordinance. Without being properly zoned, the landfill does not/can not operate under City regulations, another violation. There are several state regulation violations within this situation, as well.

At present, our concerns are not necessarily in the unlawful operations of the Dean Forest Landfill, but in the City's lack of interest in landfill provisions at all, especially for its own landfill in City jurisdiction for years, up until Waste Management property was annexed into the City, with lawful and proper zoning regulations willingly and immediately recognized by the City upon annexation.

Our question here is this: What is it about Waste Management that causes the City to all of a sudden be interested in landfill provisions, when, for decades, the City hasn't been interested in providing it's own landfill with such provisions?

In the event the above information isn't enough, here are our points based on humanitarian reasons.

Under Superior Landfill's current zoning status, their mis-management of operations already adversely affects 1,000's and 1,000's of residents, every day, in too many ways to mention in this letter.

Rezoning Superior Landfill to HEAVY INDUSTRY will give their mis-managed operations the ability to increase those adverse affects in number, as well as to expand their operations with business that adds much worse ill-affects to citizens' health, well-being, lives, livelihoods and property values and for a much longer period of time. These consequences will not only affect our current families, friends, and neighbors, but will be inherited by generations and generations to come.

With an explosion of residential homes and small businesses already in progress, the number of affected citizens is undoubtedly going to increase by the 10's of 1,000's.

If Waste Management/Superior Landfill can't properly operate the level of business they have now, without harming the current public, it's irresponsible to give them more power to hurt so many more

people, in much worse ways and for added decades of time to come! Is this something that the City of Savannah is truly willing to have on its conscious for the next 30-50 years?

Mr. Massey, sir, I appreciate you receiving this 'Letter to Inform' for the City of Savannah. I look forward to hearing from you. As a matter of fact, any City official, with regards to this matter, is welcome to contact me with any questions or concerns.

And if you can arrange it, the West Chatham County Community Watch would like to be added to the City's registry to be notified of any City business that has likelihood to affect the West Chatham County area in which the WCCCW represents.

Thank you kindly,
Anita Boutwell
Committee Chair
West Chatham County Community Watch

November 5, 2020

From: Anita Boutwell
Committee Chair
West Chatham Co. Community Watch (WCCCW)

To: Mayor Van Johnson and City Council Members: Kesha Gibson-Carter, Alicia Miller Blakely, Bernetta B. Lanier, Detric Leggett, Linda Wilder-Bryan, Nick Palumbo, Dr. Estella Edwards Shabazz, Kurtis Purtee

RE: FILE NO. 20-004418-ZA - Rezoning of Waste Management property located at 3001 Little Neck Rd., Savannah, Ga. From PDR-SL-CO (PLANNED DEVELOPMENT RECLAMATION-SANITARY LANDFILL-ANNEXED) & PDR-SM-CO (PLANNED DEVELOPMENT-RECLAMATION-SURFACE MINE-ANNEXED) to I-H (HEAVY INDUSTRIAL)

Dear Sirs and Madams,

The citizens of West Chatham County, regardless of municipality boundaries, feel our livelihoods are our responsibility to protect. As we told County Commissioner, Dean Kicklighter last year, when we handed him over 400 pages of facts related to the proposed Bush Road Landfill, in order for elected officials to make better informed decisions that directly affect our livelihoods, it is our responsibility to make sure all facts of the matter are known. We are greatly appreciative that the Chatham County Commission viewed our information as the facts they were and ultimately put a halt to a project that was initiated by County staff without Commission knowledge or approval. With the same respectful intent, I offer you factual information on this rezoning that you may not be aware of. I thank you ahead of time for taking the time to review it.

First, I'd like to address the fact that there is absolutely no need for rezoning of the Waste Management (WM) property. They are able to operate their landfill, business as usual, just as they have for the past year. The City's Sept. 1, 2019 revised zoning ordinance clearly states this, without exception. It states that any property that is annexed from the County into the City can keep its same "at the time of annexation" zoning ordinance with the adding of the "CO" at the end, which is the denotation of the property's annexation into the city. The reason for this is because the City adopted the County's Zoning Ordinance, in its entirety. This gave WM the ability to operate under its same zoning ordinance it has operated under for the past 30 years.

<http://online.encodeplus.com/regs/savannah-ga/doc-viewer.aspx#secid-6485>

Nothing has changed in this past year. Nothing. The WM property was annexed into the City, with City Council approval Oct. 10, 2019. I might add an interesting fact, the City's new annexation provisions were put into effect this same day, Oct. 10, 2019. Nonetheless, WM kept its County zoning ordinance code, with the suffix CO, and has continued business as usual ever since. For your viewing, I have attached sec. 1.6 of the City's zoning ordinance, which states this annexation provision.

Also, I'd like to point out the fact that there is NO time limit, one way or the other, stated in the City's zoning ordinance, in reference to property annexed from County into the City. I have to make this point because it has been used as reasoning for the need for rezoning. There is no truth to such a claim. Mr. Yellin, representative to WM, first told me that they, (WM), HAD TO BE rezoned from the County's ordinance to the City's new I-H zone district WITHIN ONE YEAR of annexation. Then, during the MPC public hearing, he stated the rezoning HAD TO WAIT A YEAR before rezoning into the new I-H zone district. The fact of the matter is that NOWHERE in the City's ordinance, especially in sec. 1.6, is there any time frame or limit listed in regards to annexation.

There is however, a time limit for the "Development Agreement" between the City and WM of Dec. 31, 2020, as stated in its section 6, "Zoning". This date plays a part with our further facts of this case, as well.

http://agenda.savannahga.gov/content/files/development-agreement-waste-management_2.pdf

But first, an inconsistency with this contract deserves to be brought to your attention.

In this contract's section 5, "Annexation", it states: "Waste Management agrees to file a petition for annexation within thirty (30) days of the execution of this Agreement". WM petitioned the City for annexation on July 2, 2019, <http://agenda.savannahga.gov/content/files/waste-management-petition.pdf> and that petition was recognized in the Council's Aug. 15, 2019 meeting. That would mean this "Development Agreement" was in effect BEFORE it was apparently approved by City Council on Sept. 12, 2019.

http://agenda.savannahga.gov/publishing/september-12-2019-city-council-regular-meeting/176_4146.html

We have asked for a SIGNED copy of this “Development Agreement” through an Open Records Act Request, to confirm its date of execution, but received the same unsigned copy as is linked here.

Inside this “Development Agreement” between the City and WM, sec. 6, “Zoning”, there is more information relating to this rezoning of WM’s property I’d like to bring to your attention.

1. This section is a business deal, between the City and WM, to amend Savannah’s City Zoning Ordinance, by creating specific zoning districts solely to benefit WM. The clear plan laid out in this section shows the willingness of the City to rezone WM’s property to not one, but two, districts not yet in Savannah’s zoning ordinance for the specific benefit of WM’s increase of their landfill’s height. As a reminder, this agreement is assumed to be in force before July 2, 2019 and the amendments to the City’s zoning ordinance didn’t go before the Council until Sept. 15, 2019. So, the premeditation to change the City’s zoning specifically for the benefit of WM’s business is clearly exhibited here.

2. This sec. 6 deal also includes the City helping WM to procure a General Development Plan for WM’s landfill that will also benefit WM’s business. The priority here is the same, to increase the height of the landfill, which in turn, will benefit the revenue intake of WM’s business.

3. In reference to the mention of “state and federal regulations” mentioned in this section: In my personally talking with Mr. Keith Stevens, Ga. EPD Permit Manager, he confirms that the state does not regulate the allowed height of the landfill or zoning of the property it’s on. These areas are left to the local government. State regulates the procedures that go into the expansion, such as placement of piping, grade slope, drainage, etc., but not the permission to expand. However, the General Development Plan would have to account for these state regulations and that’s why it is mentioned in this section. For your convenience, the following is Mr. Stevens contact info. O. 404-362-2539, C. 321-458-1015 keith.stevens@dnr.ga.gov

4. It should be noted that the County’s zone district PDR-SL, Planned Development Reclamation-Sanitary Landfill, does have landfill height restrictions. County code Sec. 4-6.10.3f states “A landfill shall not exceed a height of one hundred and twenty-five (125) feet above the existing grade of the landfill”.
<https://www.thempc.org/docs/ord/zoning/countv/4-6.10.pdf>

Therefore, even operating under PDR-SL-CO, WM would not be allowed to increase the landfill’s height. This shows not only the need for WM to annex into the City, but also to make a deal with the City to have the City create a NEW zoning district that will allow WM to increase its landfill height. To my knowledge, none of this actual reasoning for WM’s annexation into the City or the need for a new zone district has been brought to light. So, I felt it necessary to do so here.

5. It is also very noteworthy to mention that the City owns Dean Forest Landfill, on City property, yet has never had landfill zoning provisions inside the City’s Zoning Ordinance. This further shows that the creation of the NEW I-H landfill zone district is strictly for the benefit of WM and its business.

6. In the last of this sec. 6, the City gives WM opportunity to withdraw from this whole “development agreement” IF the City can not ensure this I-H rezoning by December 31, 2020. This will allow WM to “de-annex” from the city, keeping all the benefits WM has gained from the City and this “Development Agreement”.

7. Mr. Yellin told me before the MPC hearing, that WM had to annex into the City in order to tap into the City’s water and sewage system. This is not true. Sec. 5, “Annexation”, of this “Development Agreement”, says right the opposite, in capitalized lettering: “THE ANNEXATION OF THE PROPERTY SHALL NOT BE A CONDITION TO THE CITY’S PROVIDING SEWER SERVICE TO WASTE MANAGEMENT AND THE SUBJECT PROPERTY”. Examples of City practices are found with Henderson Golf Community, where it is tapped into the City’s water/sewage system, but its property remains in the County and the Oct. 22th Council approval of Bryan County’s tap in to the City system, as well.

I’d also like to note that WM did not pay a tap in fee. The contract states it wasn’t really waived but would be recovered in “other statutory fees”. These “other fees” are not named.

I realize that the Nov. 12 Council meeting is solely about the rezoning of WM’s property to I-H, but I feel it’s important to point out that this entire “Development Agreement” hinges on the City’s ability to accomplish this

rezoning by December 31, 2020. And this one “Agreement” governs several other agreements: the landfill’s leachate agreement with the city, the water and sewage agreement, annexation, de-annexation, amending the City’s zoning ordinance, creating new zoning districts. So, it’s hard not to conclude that all that is in this “Development Agreement” is directly connected to the rezoning of the WM property.

So, in all actuality, none of this rezoning is really about what we’ve been told: “WM had to be annexed in to the City in order to get City sewage”, “WM being tapped into City sewage will help the community”, “WM has to rezone to stay in business”, “A new zoning district had to be created because the City did not have landfill provisions”, and the list goes on.

In fact, this rezoning is merely a business deal, with a time stamp, to ensure WM’s ability to increase its landfill’s height. If the demands of the contract aren’t met by the deadline date of December 31, 2020, the deal is off.

Because of it being in the same time frame, I feel it necessary to also mention the Biosolids landfiling contract between the City and WM. I find the circumstances a bit odd, considering the facts surrounding it. Because so much business is happening between the City and WM during this same time, it feels like this too, could very well be part of the above mentioned business. I reference the Aug 15, 2019 Council meeting for approval of this contract.

http://agenda.savannahga.gov/publishing/august-15-2019-city-council-regular-meeting/172_4027.html

Inside the motion to approve, it states that no other bids were taken for this contract because there were no other landfills in the area willing to landfill biosolids. Again, I refer to the City’s own Dean Forest Landfill, which does in fact landfill biosolids. I find it strange that the City would not take a bid from its own landfill, surely with the good possibility to pay less than the \$595,000 being paid to WM. This contract is also up December 31, 2020. http://agenda.savannahga.gov/content/files/purchasing-summary_226.pdf I also find it interesting that the \$595,000 comes from the water and sewage fund. Kind of like the money is making its way in a circle, maybe. <http://agenda.savannahga.gov/content/files/7335-bio-solid-landfilling-funding-ver.pdf>

I can’t close without reminding the Mayor and Council of the 10’s of 1000’s of residents that will be affected by the expansion of WM’s landfill if the rezoning goes through. As I’m sure you know, this area is growing leaps and bounds, with one subdivision after the other and too, the huge New Hampstead Community with a projected 10, 000 homes.

We are not looking to shut down the landfill. We simply do not want it to expand, in any direction. We do not want to give WM the possibility of further industrial type business so close to this ever growing residential area. The landfill can operate as it always has under it’s current zoning district. It does not need rezoning to I-H district to do that. Allowing the rezoning to I-H allows the landfill’s expansion and allows for the possibility for more industrial business. Neither are a good choice to be in the middle of so many people’s daily lives.

I thank you kindly for this opportunity to share our factual information on this rezoning issue. I do hope it helps in all ways possible. If you have any questions, please feel free to contact me.

Anita Boutwell
WCCCW Committee Chair
Anitaboutwell.wcccw@yahoo.com