



September 13, 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, Van Johnson, II, 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

ABSENT: Alderman Bill Durrence (vacation)

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, Litigation 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 13th day of September, 2018 the Council entered into a closed session for the purpose of discussing Real Estate, Litigation, and Personnel. At the close of the discussions upon this subject, the Council reentered into open session and herewith takes the following action in open session:

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

ADOPTED AND APPROVED: SEPTEMBER 13, 2018 upon motion of Alderwoman Bell, seconded by Alderwoman Shabazz, and unanimously carried.

Upon motion of Alderwoman Bell, seconded by Alderman Miller, and unanimously carried the agenda was amended to move item 24 up to follow item 7.

Mayor DeLoach stated items 4, 8, and 30 have been withdrawn. He also announced Alderman Bill Durrence is on vacation.

APPROVAL OF MINUTES

[1. Motion to Approve the Summary/Final Minutes for the City Council Work Session and City Manager's Briefing of August 30, 2018](#)

[08.30.18 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 30, 2018](#)

[08.30.18 Minutes.pdf](#)

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

PRESENTATIONS

[3. An Appearance by Representatives of Yates-Astro to Receive a Proclamation Honoring 90 Years in Business.](#)

Representatives of Yates-Astro Termite and Pest Control, including the company mascot “Jimmy the Roach,” appeared before City Council to receive a proclamation in honor of their 90th anniversary. Byron Loomis thanked Mayor and Council on behalf of Yates-Astro for the honor.

Mayor DeLoach read the following:

Proclamation

WHEREAS: Yates-Astro Termite and Pest Control has been providing comprehensive pest management services to residential and commercial properties in Savannah and surrounding communities for 90 years; and

WHEREAS: Yates Pest Control established by F. H. Yates in 1928, faithfully served the pest control needs of the City of Savannah for 47 years and in 1975 the company was acquired by Lamar Culbreth and was subsequently renamed Yates-Astro Termite and Pest Control; and

WHEREAS: Lamar Culbreth, son of Rick Culbreth, assumed management of Yates-Astro Termite and Pest Control in 1977 to become the second generation of pest control operators in the Culbreth family; and

WHEREAS: Under the adaptive leadership of two generations of the Culbreth family, what began as a small pest control company has grown into one of the largest reputable pest control operators in the southeast with regional locations in Rincon, Richmond Hill, Statesboro, Hinesville, and Brunswick; and

WHEREAS: Yates-Astro Termite and Pest Control, being family and locally owned has established a strong tradition of serving in multi-faceted ways to benefit the communities in which it operates; and

WHEREAS: Yates-Astro Termite and Pest Control has become an industry leader of the highest standing and one that I am proud to say calls Savannah one of its home cities; and

WHEREAS: On this day, September 13, 2018, the City of Savannah acknowledges an important occasion in history of the pest control provider, the 90th anniversary of Yates-Astro Termite and Pest Control Company.

Now Therefore, I, Eddie W. DeLoach, Mayor of the City of Savannah, do hereby proclaim September 13, 2018, as “Yates-Astro Termite and Pest Control Day” in Savannah and urge local citizens to join me in congratulating Yates-Astro Termite and Pest Control for 90 years of service in Savannah and surrounding communities and wish them many more years of success.

[4. An Appearance by the Hunter Army Airfield Victim Advocacy Program to Receive a Proclamation Designating October as Domestic Violence Awareness Month](#)

Withdrawn

ZONING HEARING

[5. Motion to Accept the Withdrawal of an Amendment to the Zoning Ordinance Regarding Materials on Buildings 5 Stories or Greater in the Savannah Historic District \(Petitioner: Phillip McCorkle, for 7 Drayton Hotel, LLC\)](#)

[7 Drayton St 20180823 ZBA Decision Approving Window Variance 18-003663-ZBA.pdf](#)

City Manager Hernandez: This is just a request to withdraw. The item has been resolved.

Mayor DeLoach: Do we want to talk about that withdrawal and say everything's great?

Robert McCorkle, McCorkle & Johnson: I don't have anything to add, as I understand it's been resolved and they're just requesting a withdrawal.

Mayor DeLoach: Did he find the other windows?

Attorney McCorkle: I understood they found some windows that everyone can live with.

Mayor DeLoach: What were they, just curious?

Attorney McCorkle: Honestly, I don't know. I wasn't handling it so I don't know the answer.

Withdrawal approved upon motion of Alderman Foster, seconded by Alderman Johnson, and unanimously carried.

[6. Motion to Rezone 2824 and 2830 Dixie Ave from R-6 to B-C \(Petitioner: Robert L. McCorkle for Patrick All\)](#)

[2824 and 2830 Dixie Ave Planning Commission Recommendation 18-002315-ZA.pdf](#)

[2824 and 2830 Dixie Ave Draft Ordinance 18-002315-ZA.pdf](#)

[Adjacent property owner support for rezoning of 2824 and 2830 Dixie Avenue.pdf](#)

Marcus Lotson, Metropolitan Planning Commission: Back at your June 7th regular meeting you all heard a proposed rezoning for the properties at 2824 and 2830 Dixie Avenue. The Planning Commission had heard that item prior to and it was forwarded to this body for action. I should mention that at the time it was heard by the Planning Commission, the subsequent vote ended up in a tie so, we did not bring you a firm recommendation as it relates to the rezoning. As we discussed the rezoning at that time during the Council meeting, it was determined by this body that an additional study should happen regarding a greater area of properties in this corridor. Those areas included essentially the properties between Bee Road, the Truman Parkway and properties north of Kerry Street and Victory Drive. So, I'm going to talk a little bit about the rezoning request that the petitioner has before you today, just mostly as a refresher and then more largely about the greater area that we discussed during your last meeting when this was heard. The petitioner is requesting to rezone his two properties that are on the east side of Dixie Avenue from the current R-6 classification, which is a single family residential zoning to the B-C classification, which is the community business zoning. There is significant commercial property that surrounds this property and other residential properties on Dixie Avenue, there has been a lot of change in that area lately, as you know of including most notably the rezoning associated with the former Johnny Harris and Wicklow Stables properties.

Mayor DeLoach: When you say it's new, Johnny Harris has been there a couple of years.

Mr. Lotson: Right, but those are the only commercial rezonings that that took place in recent memory. So, in terms of what the petitioner was requesting to rezone his two properties from R-6 to B-C that came before you and no action was taken on that zoning. But we did review the greater area that I described to you before which includes approximately 115 properties that comprise about 75 acres of land. There are six properties that are owned by the City within those boundaries and 25 vacant lots. There are seven nonresidential zoning classifications that include commercial uses as well as light industrial uses. There are three residential zoning classifications within that area that permit both single and multifamily residential. And there's also mixed use and conservation districts in that area. Within those districts, institutional, commercial, and residential uses are all developed there today. So, the properties that about Victory Drive on the south side are zoned B-H and B-C, which is Highway Business and Community Business, of these B-H properties were zoned originally when zoning was established in the City of Savannah so they've been there quite a number of years and these are on either side of the former Johnny Harris property between Bee Road and the Truman Parkway. This district, as I mentioned, is the original district that was applied to these properties. The zoning that was established in the City of Savannah we found that the B-H zoning is not compatible with the current character of Victory Drive, the B-C zoned properties in this area, those that were rezoned by this body in conjunction with the Johnny Harris redevelopment. Properties that about Victory Drive on the north side in the study area, are all zoned single family residential, with the exception of an existing antique store. Five of the six properties on the north side are owned by the City of Savannah and those properties are vacant. So, in review of the overall zoning in the area, there are some districts that are incompatible with the current uses

and desired land uses. However, there are areas that have zoning that match the current land uses especially in the area between William Street and Wicklow Street north of Kerry, which is primarily single family residential. So, relative to the proposed zoning for the new zoning ordinance, it does address the incompatibility that currently exists, the development standards associated with those districts ensure the proper transition occurs from the standpoint of buffers and setbacks. So, staff has reviewed the proposed zoning and found it to be appropriate for the properties in the study area, and based on these findings Council could direct staff to make a zoning recommendation for those approximately 115 properties in the study area under the current zoning ordinance for current zoning districts. This would include a creation of an advisory group to craft those findings and recommendations, input from various property owners in the study area, and a resulting recommendation that will be presented by staff to the Planning Commission, and that action could be forwarded to the Council. Alternatively, staff could provide a comprehensive presentation of the proposed zoning in the new zoning ordinance for the properties in the study area, perhaps in a workshop, to find out if that proposed zoning would allay the concerns of the stakeholders and the Council for this particular area that we've been asked to look at.

Mayor DeLoach: I have a number of people who would like to speak along with the attorney that represents the property.

Mr. Lotson: I would like to add just quickly that just keep in mind that there is sort of one action that you're being asked to here today, which is the petitioner's property that he's requested to be rezoned and this additional information I gave you.

Mayor DeLoach: The thought you're going with instead of just taking this one isolated spot, we're talking about to incorporate the 115 lots into a common zoning area so that we get a more comprehensive development?

Mr. Lotson: Yes, I think those are the two options you have, to address the petitioner's property alone or the greater area.

Mayor DeLoach: I'm understanding from you that the feeling of the MPC staff is to look at something for a more comprehensive...

Mr. Lotson: Yes, we have looked at that.

Mayor DeLoach: How many acres did you say?

Mr. Lotson: 115 properties, about 75 acres.

Alderman Foster: That was what I was trying to figure out, what are the options you're putting in front of us. What we had asked for I believe was a more comprehensive plan for the area and I'm not sure, was that the second option that you laid out for us?

Mr. Lotson: Yes sir, we do have the option to do a full-fledged sort of zoning study for that area. We would need to include obviously input from all those property owners in that area, and other stakeholders that are concerned with the development in that area. That's a much sort of greater process than what I'm bringing forward back to you today in terms of the information that we've found about the area. We have a proposed zoning for the new zoning ordinance as you know, and we believe that those districts are appropriate, but that hasn't been adopted yet. So, if your consideration is to rezone this property or those properties prior to that, then we need to look at that as it relates to the current zoning ordinance and determine whether it makes sense to do a large scale rezoning at this point relative to how soon we may or may not pass NewZo.

Alderman Miller: I'm a little confused. This thing has been brought up twice. Once we delayed it because one of the property owners was not able to join us. The last time we delayed it because we asked for a plan and someone was kind enough to go back and read and type out for me exactly what I said at that time. I said, to further explain what we're talking about we have six or seven properties that are pretty much surrounded at least on three sides by commercial property and we had the owner of two of the properties who want to rezone to B-C. Some of the other property owners are in favor of it, at least one is not in favor of it and we don't have a plan for this area. I think what Mr. Hall is asking is that let's come up with a plan for this before we vote on it. And I said, am I correct? Mr. Hall said, that's exactly what we're talking about. We haven't done that plan, I'm asking here... we haven't done that plan what you're asking now is time to actually do that plan or something like it?

Mr. Lotson: Yes sir, because what we discovered when we looked at the zoning that could be applied to these properties is that we've already made that recommendation as it relates to the new zoning ordinance. However, translating that to the current ordinance the decision has to be made whether or not to rezone all those properties under the current regulations or move forward with what we're proposing that we have planned right now to get adopted at the beginning of the year.

Alderman Hall: Mr. Lotson, from Kerry Street to the Truman, isn't that already zoned commercial?

Mr. Lotson: All of it except for those properties on the east side of Dixie Avenue.

Alderman Hall: The petitioners proposal is to get something redrawn on the east side of Kerry, is that correct?

Mr. Lotson: On the east side of Dixie. And there are other residentially zoned properties on that street.

Alderman Hall: You mentioned the stakeholders in that area, is that correct?

Mr. Lotson: Yes, that's correct.

Alderman Hall: So, would you call a stakeholder someone who lives in Ardsley Park?

Mr. Lotson: Well, Alderman Hall that's a difficult question and I'll tell you why because typically stakeholders are property owners in the area, people who have some other interests in that area as well but that interest could go beyond property...

Alderman Hall: I understand if they were property owners in that particular area.

Mr. Lotson: Right.

Alderman Hall: Thank you.

Alderman Thomas: Was there a plan for a grocery store in that area?

Mr. Lotson: There was a plan that was being considered. Are you talking about as it relates to the former Johnny Harris property?

Alderman Thomas: Yes.

Mr. Lotson: There was a plan that had been not submitted, but I guess considered for that property and to my understanding that's no longer alive. There's been a number of people who have speculated on that property since has been rezoned.

[Alderman Hall asked for clarification]

Mr. Lotson: It was never submitted, officially.

Robert McCorkle (Attorney for Petitioner): My firm has a long history with this property and with the property that's in between Truman Parkway and Bee Road. In 2015, as Marcus mentioned we rezoned 11 acres of property across the street from this, that borders an entire two block radius of City property going up from Victory back to Kerry and from Wicklow to Dixie. November 24, 2015 you raised the issue of when that was actually done and that's when it was done. City Council voted to rezone all those properties, including the entire east side of Dixie Avenue from R-6 to B-C. At the time of that rezoning, the future land use map for all that property remained R-6, residential. We did have staff and MPC recommendation for approval of rezoning the other side of the street. The comments from MPC and staff at the time were that all of this property from Truman down to Bee Road was destined to be commercial and there was discussion at that time going back to 2014 about this possibility of having some plan for the entire area. So, that plan has been being discussed to some degree for four years. Since then but to my knowledge, nothing has ever, ever happened to actually progress any plan in the area. In 2017, one thing that was not mentioned earlier was that we rezoned a one acre piece of property that backs up to Dixie Drive. That one acre piece of property is located directly behind my client's property and the other properties on the west side of the Dixie. We rezoned that property to planned business general so that a 54 foot self-storage facility could be constructed on the site. If you actually look at item number four in your packet that I handed you, you will see the picture of where that project is as of right now. You'll look at that picture and you'll say, man, that's a pretty big building they're building back there in my client's backyard and it is but please know that that thing's only two stories tall as it's shown in that picture and there's another two stories coming, so they're going to have a 54 foot self-storage facility in the backyard of the rear of their property. So, that rezoning of that one acre was done with support of everybody on Dixie Avenue, except for one owner and that's the property that was owned by Dohrman Construction Renovation and Consulting. Otherwise my client and other owners were supportive of and wrote letters in favor of that rezoning. The result of all of these rezonings and the reality of the situation is that my client's property and all of those seven lots on that side of Dixie have been orphaned as residential zone in the middle of commercial. On the front page of your packet, you'll see the actual zoning map. I don't think that necessarily does it justice as to how isolated these properties are. If you'll flip to the second page, you will see my beautiful coloring there that will show you the two pieces of property surrounding it. I colored the piece at the bottom of the property green just to note that though, there are properties on that map that say they are R-6, they're not used for residential purposes other than the seven lots on our

side of the street. That property is owned by the City of Savannah as a dog training facility and the lot next to it is a former horse yard, horse paddock area that is no longer used and is also vacant. So, all of those properties is either vacant or owned by the City of Savannah. If you look at the pictures again on item number three on the thing, you will see what is directly behind my client's property, which is contracting offices and warehouses. So, if you're standing looking at his site, you will see warehouse doors and warehouses on one side of his property. Item four is the self-storage facility that's being constructed and that's what you'll see on the other side of his property. Item five is a picture of the police dog training facility that is on the south side of his property. So, of these seven parcels that have been left alone in this area, three of them are vacant, four of them are rental properties, so we've got three vacancies and four rental properties, those seven properties owned by a total of four owners, four own the seven. You will see on item six in your packet, we have support confirmation from three of those four owners. So, of those seven lots on our side of the street, we have confirmation of support from six of the seven lots. You're also going to hear today from the owner who owns the property immediately next door to us, who will be the most affected person by this who is in support of the rezoning. You will hear from an owner directly across the street from us who would be directly affected by this, who is here to speak today in favor of it. So, what we're asking for y'all to do today is to allow us to have the highest and best use of our property, like the surrounding owners that you've already rezoned. There have been some things said about it, Ms. Woods spoke at the previous meeting, she was allowed to speak against the property and she talked a lot about spot zoning. I just want to make a comment about that. There is no definition in the world that makes this spot zoning. Spot zoning is defined as when an individual parcel of land is singled out for a zoning classification that is totally different from the neighboring properties and creates a spot zoning spot on the map. You will see looking at the zoning maps, this is the opposite of spot zoning. What we're actually doing is rezoning to a lower district than the district immediately behind us, and the exact same district as the district directly across the street. You'll also see in the staff report there was commentary that this is a residential street. Staff report says that the only nonresidential use on Dixie Avenue that has primary access on Dixie Avenue is a telecommunications tower. I don't know how many of y'all have been to the Whole Foods shopping center or how you got into it, but my guess is you got into it on Dixie Avenue. That entire shopping center, both the Whole Foods section and the section that has the restaurants and the other stores that are up in the front little separate shopping center. Both of those shopping centers main access point is off of Dixie Avenue. The Shiv's Liquor Store parking lot is in the right of way of Dixie Avenue. The back end of Whole Foods shopping center, all of the 18 wheeler trucks, all the panel trucks, all the delivery trucks, all access those sites on Dixie Avenue. Limerick Avenue, is a dead end street off of Dixie Avenue behind the Whole Foods has multiple contractor warehouse offices on it that only accesses down Dixie Avenue. The self-storage facility being constructed only has access off of Dixie Avenue. So Dixie Avenue is far from a residential street and anybody who says it's a residential street, I just strongly disagree with that based on the actual usage of the street. Third, this use is not going to introduce new uses or adverse impacts to this area. That was one of staff's position on our petition. The reality is all of the uses are already there. The entire street on the other side of the street is already zoned what we're asking to be zoned. So, we're not adding a single use to Dixie Avenue, not one. What my client wants to do with this property, his crazy use for this right now is to put his office there. He owns All Electric Company and he wants to have an office in his house. If you turn the last page of the packet, you'll see the piece of property we're talking about that he wants to use for his office. It's a good picture because you'll see on the right side of the picture, you'll see the contract and warehouse is located directly behind him and on the left side of the picture you'll see the two stories of the five stories of the self-storage facility that is going up behind them on the other side. So, the picture does justice to show you how close those properties are to him. So lastly, as far as the MPC recommendation about rezoning the whole area, nothing has happened with that in four years that would be an incredibly complicated process to rezone 150 pieces of property included in that 115 or whatever it is, pieces of property. You have property owned by many families in this area that own commercial properties in that zone that will be highly upset if their property got rezoned as well as you have a lot of businesses that have been established and been there for a long periods of time and rezoning 115 acres by some overlay district or a district that doesn't necessarily call for is a difficult process.

There was comment about NewZo, just so y'all know about waiting until NewZo happens. This is the new zone map. I'm sorry I didn't have multiple copies of this so everybody can see that. This is the NewZo map, you will see that the NewZo map as it currently exists on the website today does not change the zoning of a single piece of property in this area. This is our lot right here they're still showing it as R-6, this is the other R-6 half of which is probably vacant over here is still showing as R-6. This is still B-C, it's still B-G behind it. The shopping center is still business highway. So, NewZo proposes to change nothing. That study's been going on for more than a decade to try to determine what to do with these various pieces of property in that study, over a decade says that they're going to do absolutely nothing with any of this property. So, I'm concerned about waiting for something like that to happen when my only concern is trying to get my client to be able to have his office there. So, we would ask you to approve this petition.

Alderman Foster: Robert, can you explain, I looked at the picture and you said what's going to happen is it's going to be an office for the current owner?

Attorney McCorkle: Yes.

Alderman Foster: The existing house is just going to be converted into an office?

Attorney McCorkle: Yes.

Alderman Foster: There's no other construction?

Attorney McCorkle: As far as I know there's no other construction going on in the house. I can ask the client, but as of right now that's what they intend to use it for. But our goal was to avoid spot zoning, if that makes sense. There was discussion about us going to O-I as a potential alternative. I will say to y'all that if the decision of this Council is not to allow us to go B-C, like the surrounding properties, we certainly prefer O-I over nothing. My consideration at the time of doing this was if we zone it O-I it will truly create spot zoning, it will be the only O-I sitting there as it is, as opposed to being zoned the same as everything that's already around it. So, that's why we did it but if that's not in your purview today and you're not, you know, we'd certainly consider O-I as an alternative.

Mayor DeLoach: Let me ask you a question. Let's go back to what you were just saying. What's the purpose of this zoning change?

Attorney McCorkle: There's two purposes for the zoning change truly. One is to allow him to have an office for business on the property. He has an empty lot immediately next to it, a residence is never going to get built on that property, so that's the use. The other reason to do it is because there are a lot of people looking at the Johnny Harris site across the street. There's been a lot of discussion and I know it's going on and we've got all this construction behind us at some point, that whole project across the street is going to be rezoned as a shopping center or some other large scale project on that 11 acres. When that happens, these seven properties will be staring at a shopping center backing up to a 54 story building. So, one of the reasons to do this is to go ahead and get it rezoned B-C so that when that development occurs, our property will be in the same condition as the property across the street and be able to be useful to those folks.

Mayor DeLoach: Okay, you can tell me that and I can listen but the fact that he wants to have an office there really didn't fire me up too much. But I understand it, he wants to change the zoning so he can sell the property at the highest and best use.

Attorney McCorkle: Whenever the whole site gets developed, for right now he's going to put his office there.

Mayor DeLoach: I know he's planning for the future, but why we're here is because he wants to change the zoning to the B-C to get the highest and best use.

Attorney McCorkle: Yes.

Mayor DeLoach: Because if you just wanted to have an office there and feeling good and just had to be there, we could spot zone that one spot and give him that office and you could stay there the rest of your life. But in reality you don't want that. Do you?

Attorney McCorkle: I would want that as opposed to nothing.

Mayor DeLoach: You want B-C because it's the highest and best use. I can live with that and it sounds better than he wants an office.

Attorney McCorkle: Absolutely, but if he cannot have it he will take O-I because it's better than nothing.

Michael Hough: I'm on the west side of Dixie and I've been there for 14 years and I'm a permanent resident and a property owner. The other seven property owners on our street and three of the property owners which are to the north of Mr. Dohrman, I'm here to speak for them and not a single one of them have a problem. We're one of the groups including the house across the street from, and I'm going to kind of get confused here, but the three houses that are just north of Mr. Dohrman, there is another property across the street and she doesn't have an issue with this either. So, there is nobody on the street that takes issue with it.

Mayor DeLoach: So, you're good with B-C, is that what you're saying?

Mr. Hough: Yes sir, and Pat has spoken to all of us individually and we're all aware of what he's going to do. I would like to make something else clear too and that is that for the past four and a half, five years all that property over there has been in play. We've all had, you know, the whole thing, with the Whole Foods and you know, that came up and we were all quiet on Dixie Avenue, so no issues there. Parkside was, you know, clapping hands and saying this is the best thing that Savannah has ever seen. Well that's kind of inundated our neighborhood. So, the traffic has picked up and I know we've talked about traffic in the City before, so none of us really have an issue with that. The big thing I want to make clear here is that Mr. Dohrman, with all due respect to him, has purchased that property about a year and a half ago and he has been well aware of all of the activity in this area from the Harris project, which he and his group were involved with, Ardsley Park, to the storage facility behind us. So, the last time we were here I got a few things in at the MPC, I heard a few things which led me to want to speak up about this and that was to say that he just seems like he likes to feel like he's the victim here and I find that very off. So, just because he hasn't been very aware of all this property and all the activity in it for the past four and a half years.

Mayor DeLoach: And how long have you lived there?

Mr. Hough: I've lived there for 14 years and all of the residents on the west side have been there for either 35 to 45 years and these folks do not have a problem.

Alderman Miller: Mr. Hough before you leave, I have a question. You said that you speak for other property owners there. Do you have anything that says you speak for them?

Mr. Hough: There is a piece of paper there that has their names on it. That would be Ms. Yale to the south of me. Mr. [inaudible] who is my neighbor, to the left of me is Mr. Linsky, to the left of him or north of him is Ms. Little, and you have Jane and [inaudible] which are the sisters, who own the three pieces of property just north of Mr. Dohrman.

Alderman Miller: Okay and so this is all the properties except for Mr. Dohrman?

Mr. Hough: Exactly.

Gretchen Hilmers, Parkside Neighborhood: For the last few years we have been working to try to urge the City to do a comprehensive plan of this area. I know there's a lot of talk about the residents who are there currently and you'll hear a lot of whispers from them that they will be selling their properties because it is very well known that everything from Bee to Truman will be developed at some point. I want to remind you all that the neighborhood that will be closest to this development and that will have the greatest impact from this development is Parkside. All our residents have been asking sometimes very fevered, which I apologize for, is that we build a cohesive plan, that we strategize, that we make sure it's welcoming to residents, and that it doesn't impact our quality of life too much. We have been painted as cave citizens against virtually everything, which is not true. We did see a presentation from Mr. McCorkle about that grocery store, our residents voted in support of it. So, the whispers of us being against everything is not true. We just want to see a plan developed for this area and we would like to see this become a really beautiful part of the City not something that...

Mayor DeLoach: I agree with you there.

Ms. Hilmers: I would like to throw out there too, Alderman Hall, I don't know if you saw my email, part of Parkside is in your district so we are a part of your constituency base and we would like to be heard.

Stewart Dohrman: I strongly oppose the proposed rezoning at 2824 and 2830 Dixie Avenue. I own residential property nearby at 2820 Dixie that I recently renovated and we're about to rent. The neighbor behind the subject property is also against this zoning as well, Ms. Carolyn Beebe she was I think she has not been represented even though she does have a letter in the file at the MPC and here that says. So, this is the two of the three closest neighbors to Patrick All's property are against it. There's one in between my property and Patrick All's and I believe we've been told that he's for it. I've not seen the letter on file for that, but that's what Mr. McCorkle has stated. I haven't seen any of the letters as he has mentioned, but that is what he has been telling us. Since I purchased my property in 2016, the City Council has already overturned the recommendation of the ZBA and the MPC and granted a variance to the large property behind ours, to allow the self-storage facility. This decision was made against objections from me and two other nearby property owners. When Mr. McCorkle said that nobody objected to it, he hadn't talked to anybody on Limerick, that includes Ms. Beebe and the owners of the Mo Hotta Mo Betta sauce place, and there was an office place next to it. There were several people opposed to it, Mr. McCorkle apparently did not knock on their door, it took me about two hours to find that information out. So, people aren't, there's not this uniform love of the storage facility. Now we're faced again with a similar situation. The MPC staff advised against the rezoning, the MPC board tied in this vote. Before the July 19th Council meeting when this rezoning was first considered, I urged you to plan more comprehensively for this area rather than have it changed parcel by parcel without a master plan in mind. I was pleased when this Council seemed to take this exact approach. This Council postponed the vote until September 13th and the Council tasked the MPC to come up with a more comprehensive recommendation for the area between Bee Road and the Truman Parkway north and south of Victory Drive, that was your unanimous vote. Since then, my wife and I have tried repeatedly to be involved in the planning process to no avail. Now it appears that the MPC has not completed the plan although I like Mr. Lotson's proposal it seems like they have taken the ball and could come up with a plan pretty quickly and I think that's wise. The MPC staff previously recommended this property remain residential citing several issues, including the fact that Dixie Avenue is not sufficient for commercial traffic, this is one of Ms. Beebe's concerns, she owns the two parcels next to Mr. All behind him. The long range planning map in NewZo identifies it as a residential area and part of a contiguous residential piece. They would book in the trailhead for the bike trail that will connect Lake Mayer. I agree with the staff's analysis and would add that it's unclear what the new use of the rezoned property will be. Although I think Mr. McCorkle cleared that up, it's not just an office it's B-C.

Alderwoman Bell: Did I hear you say that Dixie Avenue is not designed for commercial traffic?

Mr. Dohrman: Yes, that was the staff's observation and that was why the staff voted against it.

Alderwoman Bell: So, how close is the property, and maybe this should have been a question for Robert. How close is the property in question to the Kerry Street tower?

Mr. Dohrman: The Kerry Street tower, the cell tower?

Alderwoman Bell: Yes.

Mr. Dohrman: About 700 feet.

Alderwoman Bell: A few feet and that's like a 400 foot tower. My point though, is that structure back there, I mean even prior to the shopping center, that belongs to the City and we have several, we did when I worked for the City, we had several different agencies on that tower. So you know, there was commercial traffic going back and forth on Dixie Avenue for years.

Mr. Dohrman: You know as Mr. Hough said traffic on there has gotten worse since Whole Foods is there. This would make it even worse and I think Ms. Beebe is concerned about her business on Limerick Street, that's one of the issues she has.

Mayor DeLoach: How long have you owned that property?

Mr. Dohrman: We've owned it for about a year and a half, we've restored it and should have occupancy in a couple of days. It looks really nice.

Mayor DeLoach: You don't live there though right?

Mr. Dohrman: No, we will rent it out.

Mayor DeLoach: So, it's a rental property?

Mr. Dohrman: Yes, it's a rental property.

[Mayor DeLoach asked the remaining speakers if they were homeowners.]

Mr. Dohrman: To Mr. McCorkle's position about why, he paints this picture of this sea of red. But if you look at the zoning maps, there's a lot of R-6 around it and the direction this whole property could go and the property from here all the way to Bee Road, it's in play. What we do, what we decide, on this and future decisions could really either make a fabulous neighborhood that's [inaudible] and whatnot or it could really ruin it and we're at a tipping point and that's where I'm afraid we're at. Mr. McCorkle says these people don't understand this is all going to be shopping center. He's sort of taking a designer's hat on there and he has been taking the charge in this for the last five years. I ask you all to do a little more planning, allow the plan to go forward that you all asked for last time. Patrick All has owned the property for five or 10 years, two or three more months wouldn't hurt anybody.

Alderman Miller: I have a quick question, you mentioned some people that you said were against this project, how many of those properties are residential?

Mr. Dohrman: Carolyn Beebe owns Oracle Elevator behind and then we own the residential property next door. What you're referring to was during the five story storage Mr. McCorkle said nobody was against it except for us well, that wasn't true. There were at least four or five other business owners that were against it, he just hadn't asked them.

Alderman Miller: Okay, but are any residential property owners opposing this now at this point that you know of?

Mr. Dohrman: No.

Jenny Butcher: I live at 1701 East 50th Street so I am part of the Bee Road neighborhood. I'm not on Dixie, but I am close. I just want to request a more comprehensive study be done on this area. This is our neighborhood, it's where we walk, it's where we play, it's such a beautiful area. I've lived in this area for about two years now and I can't imagine what it would be like if it was all just tall buildings and businesses. It would upset our quality of life to say the least and I know that's not what y'all want. That's pretty much it. At the beginning

of the meeting we talked about before we started, how we're encouraging all of y'all to make decisions that will enhance the quality of life for men, women, boys and girls in our neighborhoods and I hope that's what you do.

James Price: I own the property at 2822 Dixie Avenue which is between Pat All and Mr. Dohrman. We've seen a lot of changes over there in the last few years and currently with the multistory storage facility going behind our property it comes up to the property line. I'm in favor of what Mr. McCorkle is trying to do because I've seen so many changes. I've owned the property for 40 years, it's been rental property and I've always been fortunate enough to have very nice tenants, but I'm familiar with the neighborhood, because I've been there probably the longest and worked there the longest. I've seen all these changes coming up and I just feel like we need to go ahead and rezone the property, because at some point in time I would assume that property is going to be sold. I can't see having five or six houses in a commercial neighborhood. I have seen the traffic increase on Dixie over the years, but that's been like that for many, many years.

Attorney McCorkle: Just to be clear, Mr. Price is the immediate next door neighbor. Just to clarify again, as Alderman Miller was pointing out, Dohrman Construction Property has been vacant for years, it is vacant today. We did not have any residential tenants or owners in objection to what we're asking to do, none. Ms. Beebe that was spoken about owns the warehouses behind my client's property so we don't have any residential objection. I don't have a problem with a comprehensive study, we'll be happy to help participate in that comprehensive study for the area. But we've delayed this rezoning once because Mr. Dohrman couldn't be here. We delayed it again for two months so that planning can be done that hasn't happened and so I would just ask that we would get a vote today and get this thing approved and then like all the other B-C properties in the area, we'll be happy to take part in the comprehensive plan.

Alderman Thomas: I've asked this on multiple occasions over the years as we've continued to develop that area. Where is the traffic study for handling any kind of a new commercial activity over there? And perhaps Marcus, it may not be a question for you. It might be a question for the City Manager. You know, as we continue to intensify the commercial use of this I think anyone can see with traffic feeding out now onto the Truman Parkway trying to get on to Victory and everything that's going over there, it's starting to divert traffic through these neighborhoods. I heard the lady talk about the neighborhood quality of life. Well you got a lot more traffic running through those roads and side roads now to get to these places. Where are we on that traffic study and if not, what are we planning on doing to accommodate all of this?

City Manager Hernandez: Alderman Thomas off the top of my head, I'm not familiar with the traffic study other than there was a study done I want to say within the last year, I think of the entire Victory Drive corridor, for the entire corridor. It looked at traffic again along the entire corridor and not just specific to this one issue. So, that's the only one that quickly comes to mind. Is that the one you're referring to?

Alderman Thomas: Well, I'm not looking at the whole corridor. I mean, that would in essence be the best case scenario. But we have a hot spot here and I think that we need to look at what any continued intensification of use other than residential is doing to that area and I mean as pointed out the properties that are north of Victory if they're developed that's going to add more traffic to that area and it's an issue and I think we need to look at it and see what possibly can be done.

Alderman Hall: I'd like to say that Kerry Street and Dixie Avenue, most of that traffic that comes in to Whole Foods and Whole Foods shopping center comes off of Victory Drive. Those people who are complaining about the traffic coming in there, who live on the west side of Bee Road, that's what they use to get through to the Whole Food's Shopping Center because they are avoiding that light, if they come down Bee Road to Victory. So, traffic is not, in my opinion, not that intense and it wouldn't be increased that much if you add this petitioner's rezoning. It is without a doubt going to be a commercial corridor and the businesses that Mr. Dohrman talked about around the corner, are take-out businesses, they deliver to businesses with one exception, it's an elevator repair shop nobody brings an elevator there to get fixed they have to go out also. So, it doesn't intrude on their business. Now I understand everybody's got some concerns about this, but property rights, that's what I am concerned about, also an individual's property rights.

Mr. Lotson: I was just going to comment a little bit on the question about traffic studies. With all the development that has been done on that area in the last 10 years, there were individual traffic studies that were conducted for the former Johnny Harris property as well as the Whole Foods Market during that time. I can't speak to a lot of the detail of those studies, but I would surmise that the real issue is the volume of traffic on Victory Drive and really the inability to add any additional lanes. So, you can do a lot of studies, but I don't know how much you can really improve Victory without being able to widen it.

Mayor DeLoach: Let me ask a question, and Mr. Dohrman this for you too. There's seven properties that are left in this whole area. We can change yours right now and save you some money if you would let us go ahead and group these together and change this zoning for this entire area as a B-C or a B-H because this is all, this is where this is going. It would be my recommendation for you to consider that, I don't know whether you will or not, it's okay either way, but I would say that we would ask that we would do that, change these to a compatible B-C, B-H, whatever, but then asked for a comprehensive study to be done on this area for what is the quality development for

this area and we can ask them to come back with that in a four month period. How long would it take you to do that Mr. Lotson, you have to put it out there now.

Mr. Lotson: Mr. Mayor, I don't know that that's a question we can answer here today. We can certainly come to you with a timeline on what that would require.

Mayor DeLoach: How about giving me a ballpark figure, you don't have to give me a date.

Mr. Lotson: It's a several month process because you're talking about a lot of property owners here.

Mayor DeLoach: My thought is we have seven lots left and we have a large area here that needs to have a comprehensive study done to get us a great development in there. We go ahead and approve these seven lots, get them passed and cleared as a B-C or whatever you decide and then say we're going to do a comprehensive study for this area for a long-term project and you agree that we're going to do it in a timeline that has a reasonable window. Let's go ahead and take this job on and get it straight because there's a lot of folks out there that have lost a lot of money and folks that want to move and go do other things that can't do anything because we've got two or three people that have people hamstrung and this is a way we can go ahead and develop this property for those folks that have been there for years and want to get out and go develop and live somewhere else. If we could go ahead and do this, does that make sense?

Melanie Wilson, Executive Director, Metropolitan Planning Commission: There's a lot of comingling of terminology here. Normally when you do a comprehensive or a strategic smaller area plan, you look at the land as it is now so that you can determine what the best compatibility of zoning districts and uses are. It becomes the guide of how zoning will occur. It is something that once that is done, then if someone wanted to come in and make a request, they would be making a request based on a plan where there's already been study and analysis on. If you rezone it and then asked us to come back with a plan that's where you get into some of the property rights and some other issues because you would have done it backwards. So, normally what happens is you have a good comprehensive plan, an overall document. Then you go and do your smaller area plans, which are your strategic planning documents. Which you would hope something would happen within the next five years? You involve the community with it, as well as the property owners and then when they come in to ask for a rezoning, there's certainty because you've already discussed it, you know what the uses are. Just because one area has, whether it's B-C or neighborhood business, whatever doesn't mean that you necessarily want the whole thing to be that because you want to have some transition and you can't really do a traffic study per se, we already know Victory is already basically over capacity, but the issue more along the lines is what is Dixie like? So, you need to make sure that whatever is proposed, that there is some incorporation of what happens to Dixie as well as support those issues.

Mayor DeLoach: That being said, the horse is out the gate already on this one. This is all done except for five lots. How many lots are we talking about here, Mr. Lotson?

Mr. Lotson: In the entire area it's 115 properties, about 75 acres.

Mayor DeLoach: And we have five lots left on this.

Mr. Lotson: All of those properties are not zoned commercial.

Mayor DeLoach: No, I mean this little deal right here on the picture. These are five lots.

Mr. Lotson: On Dixie Avenue.

Mayor DeLoach: Would it be better to just zone these two right here, right now as requested?

Ms. Wilson: Well one of the things that, and the attorney can weigh in on this. When rezoning someone else's property generally, not only do they have to agree, but you still have to advertise it, and go through that public process to do it. You can't just do it on the fly. What I would say is, you really have to look at the whole map. That map that you're looking at is a little misleading because when you look at the whole area that you would study in a strategic area plan, you would find that you do have a mix of uses in a mix of zoning classifications.

Mayor DeLoach: So, we just need to vote on these two right here then.

Mr. Wilson: So, whatever you're going to do, make your decision on those two.

Mr. Dohrman: Can I answer the question you asked before. You asked if we would be willing to rezone to B-C. Today we certainly would not be, but we're open to discussions about what's the appropriate use, something about B-C is too much for me, but maybe something more minor. That's the reason for our discussion between property owners, the business owners, Mr. McCorkle, it's just that no one's reached out to us in that time and I'd love to be at the table and talk with people. We're not iconoclast by any means and I would be quite open to do a reasonable scale development. I think our goal is to be able to travel from Parkside to the Whole Foods, people ride bikes, you heard several people talk about it. It's really preserving a sense of place, not turn it into a TJ Maxx parking lot.

Alderman Miller: I don't have a question, I have a comment because I'm conflicted on this. On one hand all logic tells me that this is a legitimate request and probably we should go in that direction. I've heard all the arguments. My big problem is we have not done what we said we're going to do. We promised a plan, that we would look at this and it bothers that this thing got back on the agenda and nobody looked at that and said, wait a minute we said we're going to come up with a plan. I'm not sure who was supposed to come up with a plan, whether it was City staff that should have initiated the MPC, or the MPC should have initiated the City staff. But when we sit up here and we make these decisions something should happen and it bothers me that it's back on the agenda, nothing has been done and so we did not keep our promise to the people. Because of that I'm going to have a hard time supporting this even though all logic tells me it probably should and will go that direction. I can't get past the fact that we didn't do what we said we're going to do.

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

Alderman Hall made a motion to approve the petitioner's request which died for lack of a second.

Alderman Johnson made a motion to deny and direct the item back to the City Manager and the MPC staff to complete the study.

Alderman Miller: Can I suggest a rewording of that...

Alderman Hall: Can I make an amendment to that motion and my request to zone the property O-I.

Attorney Stillwell: Can I make a suggestion, if your desire is to have the MPC consider area changes as opposed to actually denying this petition, perhaps you should refer it back to the MPC for further consideration. That way it wouldn't be any delay.

Mayor DeLoach: I would never do that without a timeline. I'm asking for a timeline from you if we're going to do that. I'm never going to send something over there and hope something comes out.

Alderman Bell: But I disagree with that. I think the problem here is that we did not do what we committed however many months ago when it came here before and that's what Alderman Miller read to us in the beginning. We promised to do a comprehensive study and I think before this came back to us, the study should have been done and maybe, and I'm not blaming MPC or staff because perhaps we were not clear in our directions. We didn't say who should do the study. So, here we are again with the item on the agenda and we did not do what we committed to do.

Alderman Johnson: The item that's before us is a motion to rezone two properties from one designation to another. So, my motion is regarding an action on that particular thing. I think, again, as my colleagues have already said that the study that we promised is appropriate. So, referring it back to MPC will be in line as well. However, the item before us is to rezone it. So, I think in terms of process, I mean we have to act on that as well, correct?

Attorney Stillwell: Well what I was suggesting is if it's denied then the petitioner has to wait a while before they can refile. If your desire is to have the MPC consider a different zoning or a comprehensive zoning or something like that. If you just refer this back to the MPC, then they could consider how to do that without costing the petitioner a whole year.

Alderman Johnson: I'll amend my motion in terms of I guess in terms of a timeline, I want the MPC to be right on this. I certainly don't want them to say an unrealistic timeline based on my lack of understanding of those processes, but I don't think any of us are well versed on. I think we should ask them for an appropriate timeline. What timeline is right, we'll be ready to move.

Ms. Wilson: Two things, one, as you indicated the item that you've got is to make a decision on the rezoning. If this item happens to be referred back until we do a study, I would make a note that we would have to advertise it and there would have to be whatever your costs are for that, but I also want to remind you that we're in the process of trying to deal with NewZo. To do the study and to do it correctly, since we technically don't have a [inaudible], we're going to have to do some shifts and I want to make sure that if we do this, we do it correctly. Again, if everything goes as we've got scheduled, at least close to it with regards to NewZo and the other projects, then I would

say that we could come back to this board in four to six months. Without going into any more detail than that I'd have to go back and do further analysis with the work programs we already have in place.

Mayor DeLoach: You did hear Robert say that everything in NewZo was exactly the same as what he has in his hand right now.

Ms. Wilson: Well, one of the things that as I said, and I can't make this clear enough I think there's a lot of, to me, just professionally, I'm not an attorney, but I am a planner and a pretty good one. There's a big difference between what a zoning ordinance is and what a comprehensive or strategic planning document is. The zoning ordinance in the work that we're doing shouldn't be rezoning necessarily anybody's property. We are basically going in and we're doing some conversions. We're going to give people an opportunity if we get that wrong to give us feedback, but zoning is based on a comprehensive land use plan. So, if that map should be exactly the same, if we'd come back to you with that map being changed without it being relevant reference to a comprehensive plan or long range plan, then you should have problems with what we're doing. So, the sequence is you have a comprehensive or strategic plan it's basically the serious guide, you all vote on that. You say, this is what we'd like to see happen as policy. Then the independent owners come back and they ask to be rezoned and it would be based on that approved plan. When you start rezoning people's property without that, their taxes go up. It creates another situation that you would also be concerned if we did that. So, that's the process. That's how this works. You do your plan, then you deal with the zoning.

Alderman Johnson: I made my motion.

Mayor DeLoach: Which was what?

Alderman Johnson: To refer it back to the MPC.

[Motion and vote]: Upon motion of Alderman Johnson, seconded by Alderman Miller, and unanimously carried the item was referred back to the MPC.

[Mayor DeLoach stated four to six months. Ms. Wilson agreed.]

Ms. Wilson: I'll give you a status update in three months. If I think that we need a little more time, then I'll come back at that time and let you know.

Alderman Hall: Are we doing Dixie Avenue, the comprehensive study or whatever you call it, are we doing Dixie Avenue?

Ms. Wilson: I'm glad you asked that question. Mr. Hall, what I would come back to you all with at probably one of your work sessions is a circle or some boundaries because it needs to include the whole area, not just these properties in order to have an area plan because you want to see how the whole area is going to grow. You want to look at what your infrastructure is, which would include your roads, water, everything. So, we would come back to you and we probably could do that in the next couple of weeks. I'll get with the City Manager, to come back with just on what those boundaries are.

Alderman Miller: One of the things I want to point, I've done a lot of discussion about this. MPC is not really staffed to do these kind of things. If you remember, we cut funding to the MPC when our fire fee failed and that affects the amount of time that the MPC staff has to work on these things. So, this is what happens when you start cutting funding, it comes back around and bite you in the rear and this is what has happened here. People who were against the fire fee and against the things that we needed to increase revenue are, can find themselves, bit in the back by things like this. We don't have the funding to do the kind of things we need to do. So, I appreciate the MPC staff willing to do this in four to six months because I know what all is going on there.

Alderman Johnson: Council certainly has the ability to restore funding or add additional funding when they feel the need to based on what our priorities are.

PETITIONS

[7. Motion to Consider Appeal by JE Dunn Construction Concerning Award of Construction Manager at Risk Contract for Arena Project](#)

City Manager Hernandez: If you can recall at your last City Council meeting you initiated the process for a vendor who feels they were aggrieved by the City's contracting process. In this particular case, it's a representative from JE Dunn Construction who was appealing the award of the Construction Manager at Risk Contract to AECOM Hunt, and you started the discussion by allowing representative from

JE Dunn to approach the podium, state their case and for a variety of reasons a decision was not reached. So, you needed to continue that conversation and ultimately render a decision upon the appeal.

[Mayor DeLoach asked Douglas Utt, AECOM Hunt to come forward – he requested to speak on the item.]

City Manager Hernandez: So, if at all possible and the City Attorney can correct me. I think that City Council, if you have additional questions for JE Dunn that perhaps you resolve those issues before entertaining any discussion with AECOM Hunt.

Alderman Johnson: Just a question about process. As I understand it Mr. Attorney the appeal is of the recommendation and not necessarily the decision of Council, correct?

Attorney Stillwell: Correct.

Alderman Johnson: Well essentially, if it was an appeal to the decision the accounts had not made yet, then this time it would be inappropriate, but if it's an appeal of the recommendation, this is the time to be able to do it.

Attorney Stillwell: The appeal is of the process that was followed.

Alderman Miller: So, is a motion in order?

Attorney Stillwell: I think the City Manager is correct you should let JE Dunn, if they have anything additional to add other than what they said at the last meeting you hear that and you should hear the City Manager's response to that and then you should decide that appeal.

Alderman Johnson: Is that an action item?

Attorney Stillwell: Listen to the City Manager's recommendation, when he makes it.

City Manager Hernandez: Mr. Mayor again, I'm asking the City Attorney to correct me if I'm wrong. My understanding is that you have to render a decision on this appeal. You're either going to uphold my decision which is that we recommend contract award regardless of who's getting the contract or you side with the appellant who is stating that the City staff did something out of the ordinary and did not follow our normal policies and procedures. Basically serving as a judge in this case.

Alderman Johnson: The question of process as I understood he said, I'm good, I'm done, I have no more testimony, or is the appeal is still active? I guess we need to understand?

Walter Murphy, Vice President of JE Dunn: We feel like we've said our piece. We've talked to several of y'all and we really have nothing further to say, we've made our case.

City Manager Hernandez: If I can ask a question because I'm disturbed by a statement that was just made. The individual stated that he had spoken to several members of Council. I'm concerned by that because if in fact that took place that's almost ex parte communication and you're basically serving as a judge and if the individual has approached all of you individually since our last meeting, that's maybe that's what I picked up at what I would like for him to clarify if that's the case.

Alderman Johnson: For the record I have not been communicating at all.

Alderman Thomas: Neither have I.

Alderwoman Bell: Neither have I.

[Mayor DeLoach asked City Manager Hernandez to repeat what he previously stated.]

City Manager Hernandez: So, I thought I heard and maybe my ears are clogged up because I have a very bad cold. I thought I heard Mr. Murphy say that he had been in communication with several of you.

Mayor DeLoach: I know he has with me.

City Manager Hernandez: So, if that took place outside of the confines of your City Council meeting. I just think that that is inappropriate because it is essentially ex parte communications.

Alderman Thomas: He did say several.

[Mayor DeLoach asked for a clarification of ex parte communication.]

City Manager Hernandez: You're serving as the judge in this particular case.

Alderman Miller: Mr. City Manager, I advised you that Mr. Murphy had called me and we were going to meet and based on your recommendation and those of the City Attorney, I called him back and told him it would be inappropriate for us to talk.

City Manager Hernandez: So I think for the record, if in fact any of you have had communications since our last City Council meeting that you disclose that for the record.

Mayor DeLoach: I will, I know I have and I got an email too. None of y'all got an email? I was the only one?

Alderman Foster: We got two emails today from other people, other than Walter Murphy. But we can't stop an email.

Alderman Miller: I don't consider that ex parte communication.

Mayor DeLoach: Let's go to the confession bench.

Alderman Shabazz: At the end of our last City Council meeting, to disclose any type of a communication I had with Mr. Murphy, after the City Council meeting he came over to my desk and he mentioned something in reference to the DBE numbers. He said something about the word proposed that the word proposed DBE's is a question and that was the only communication that I had.

Mayor DeLoach: I would be willing, I don't want to speak for everybody here, but I'm sure somebody has gotten some communications from someone. I don't know if everybody wants to say they have, but pretty well I know I've gotten something. I have no problem with it. It doesn't affect my opinion one way or the other. But he's a hometown business and I know him and I'm not running.

City Manager Hernandez: What I should have done is, I'm not in any way, shape, or form suggesting any impropriety, but in the event, I don't know what decision you're going to make and in the event we're challenged legally I just want the record to show because he made the statement that he had contacted several of you, that all of that is disclosed in the event there's litigation going forward. That was my only point in making that comment.

Attorney Stillwell: If I can clarify kind of where we are at this point. Dunn filed an appeal of the way that the bids were handled in effect. The City Manager overruled that or sustained the manner in which the City staff handled the request for proposal process. Dunn appealed that to City Council. Your first decision would be whether you sustain the City Manager's finding. Then the second thing to consider would be whether you want to award a contract. That's the other agenda item.

Alderman Miller: For the record, since we are in full disclosure, I also met with the City Manager to hear his side of this. So, I don't understand the difference between one and the other that said, after looking at everything that has happened since our last meeting, I think City staff has reviewed all of its actions and I think they have done a good job of confirming that what we did was appropriate and I make the motion that we uphold the City Manager's decision and move forward.

[The motion was seconded by Alderman Bell.]

[Alderman Thomas asked for an explanation of the motion.]

[Alderman Miller replied that we (Council) deny the appeal.]

[Motion and vote]: Upon motion of Alderman Miller, seconded by Alderman Bell, and carried the decision of the City Manager was upheld and the appeal of JE Dunn was denied with the following voting in favor: Mayor DeLoach, Aldermen Bell, Miller, Foster, Johnson, Hall and Shabazz. Alderman Thomas voted against the motion.

[Item 24 was voted on at this point during the meeting.] – Discussion is under the item in the minutes.

ORDINANCES - FIRST READING

[8. Motion to Amend the Alcoholic Beverage Ordinance to Address Distance Requirements Between Convenience Stores](#)

Withdrawn

ORDINANCES - FIRST AND SECOND READING

[9. Motion To Approve Annexation of 0.74 Acres at 4323 Ogeechee Road near Chatham Parkway \(Douglas Morgan, Petitioner\)](#)

[4323 Ogeechee Road Annexation Petition and Maps.pdf](#)

[4323 Ogeechee Road annexation ordinance.pdf](#)

Ordinance read for the first time in Council September 13, 2018, then by unanimous consent of Council read a second time, placed upon its passage, adopted and approved upon a motion by Alderman Miller, seconded by Alderwoman Shabazz, 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 “MAP OF A SUBDIVISION OF A PORTION OF HEATHCOTE FARMS, LOCATED ON THE SOUTH SIDE OF OGEECHEE ROAD, ABOUT FIVE MILES FROM THE CITY OF SAVANNAH” PREPARED BY M.F. SMITH; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH AND FOR OTHER PURPOSES.

WHEREAS, CCG/NLG Ogeechee, 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 that certain lot, tract or parcel of land situate, lying and being in the State of Georgia, County of Chatham, 7th G.M. District, and being known upon a map or plan as Lots Numbered Four (4) and Five (5), Section A, Heathcote Farms, said lots being approximately five (5) miles from the City of Savannah, and are located on the Southside of the Ogeechee Road and having a combined frontage of two hundred feet (200') upon said road and as a whole are bounded as follows: on the North by the Ogeechee Road; on the East by Lot Number Six (6), said Section and Subdivision; on the South by a county ditch; and on the West by Lot Number Three (3), said Section and Subdivision. Said lots appearing upon that certain map of a portion of Heathcote Farms made by M. F. Smith, C.E., on May 3, 1940, recorded in the Office of the Clerk of the Superior Court of Chatham County, Georgia, in Plat Record Book “A,” Folio 309, to which specific reference is hereby made for a more complete description hereof. Together with improvements thereon known as 4323 Ogeechee Road, Highway 17, South. Said property containing an aggregate of seventy four hundredth (0.74) acres of land, more or less and being identified as parcel identification number 1-0836-02-005,

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 repealed.

ADOPTED AND APPROVED: SEPTEMBER 13, 2018

[10. Motion to Amend Zoning Ordinance to Provide a Zoning Designation For 0.74 Acres At 4323 Ogeechee Road to be Annexed into the City Of Savannah \(Douglas Morgan, Petitioner\)](#)

[4323 Ogeechee Road Annexation Petition and Maps.pdf](#)

[4323 Ogeechee Road zoning ordinance.pdf](#)

Ordinance read for the first time in Council September 13, 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 Miller, and unanimously carried.

AN ORDINANCE TO AMEND THE ZONING ORDINANCE TO PROVIDE A ZONING DESIGNATION FOR THE PROPERTY PETITIONED TO BE ANNEXED OWNED BY CCG/NLG OGEECHEE, LLC TO THE CITY OF SAVANNAH BY ORDINANCE ADOPTED AND APPROVED SEPTEMBER 13, 2018; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES.

WHEREAS, by ordinance adopted and approved September 13, 2018, the property identified as 4323 Ogeechee Road (PIN 1-0836 -02-005), 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” 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;

WHEREAS, the property upon annexation is zoned as designated “P-B-CO” on the zoning map of the City of Savannah, Georgia;

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: SEPTEMBER 13, 2018

[11. Motion to Approve Annexation of 10.466 Acres on Ogeechee Road near Chatham Parkway \(Andrews Commercial Real Estate LLC, Petitioner\)](#)

[Andrews Commercial Real Estate LLC annexation petition and maps.pdf](#)

[Andrews Commercial Real Estate LLC annexation Ordinance 9-13-18.pdf](#)

Ordinance read for the first time in Council September 13, 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 Miller, 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 PARCEL 1A, 2B AND 3, JEFRE’S SUBDIVISION 7TH, G.M. DISTRICT, CHATHAM COUNTY, GEORGIA” PREPARED BY COASTAL SURVEYING COMPANY; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH AND FOR OTHER PURPOSES.

WHEREAS, Andrews Commercial Real Estate, LLC the owner of certain tracts 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 tracts being contiguous to the City of Savannah and described as:

Property Description.

PARCEL A (PINs 10836 02021 and 10836 02023): All those certain lots, tracts or parcels of land situate, and being in Chatham County, Georgia, known and designated as Parcel 3 “A”, containing 5.94 acres, and Parcel 2 “C”, containing 2.74 acres, as more particularly shown on a plat entitled “Recombination of Parcel 1A, 2B and 3, Jefre’s Subdivision, 7th G.M. District, Chatham County, Georgia” prepared by Vincent Helmly, Georgia Registered Land Surveyor No. 1882, dated June 5, 2002, and recorded in the Office of the Clerk of Superior Court of Chatham County, Georgia, in Subdivision Map Book 26-S, Page 35, which plat by reference is incorporated into and made a part of this description.

PARCEL B (PIN 10836 02006): All those certain lots, tracts or parcels of land situate, lying and being in Chatham County, Georgia, on the South side of Ogeechee Road (US Highway 17) being known as Lots 1 & D, Heathcote Farms, Chatham County, Georgia, containing 0.50 acre, as more particularly shown on those certain plats prepared by Vincent Helmly, Georgia Registered Land Surveyor No. 1882, and recorded in the Office of the Clerk of the Superior Court of Chatham County, Georgia, in Subdivision Map Book 18-S, Page 96, and in Subdivision Map Book 26-S, Page 35, which plats by reference are incorporated into and made a part of this description. Said lots lie contiguous and have a combined frontage on the southern right-of-way of U.S. Highway 17 of 200 feet and are bounded on the North by U.S. Highway 17, on the West and South by Parcel 2 “C” (formerly Parcel 2 “B”) of a recombination of Lots in Jefre’s Subdivision, and on the East by Parcel 3 “A” (formerly Parcel 3), Jefre’s Subdivision.

PARCEL C (PIN 10836 02024): All that certain lot, tract or parcel of land known as Lot 2 of a composite subdivision map of a portion of the Jesse M. Cosby Tract, Chatham County, Georgia, consisting of 1.32 acres, as more particularly shown on plats recorded in the Office of the Clerk of the Superior Court of Chatham County, Georgia, in Subdivision Map Book 12-S, Page 12, and in Subdivision Map Book, 26- S, Page 35, to which plats specific reference is hereby made for a more complete description of said lot.

The above described Parcels A, B, and C are a portion of the property conveyed to Michael Hernandez by Tracy Young and H. Alan Dasher pursuant to a Warranty Deed dated October 18, 2000, filed for record and recorded on the same date in the Office of the Clerk of the Superior Court of Chatham County, Georgia, in Deed Record Book 216-A, Folio 409;

are 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 repealed.

ADOPTED AND APPROVED: SEPTEMBER 13, 2018

[12. Motion to Amend the Zoning Ordinance to Provide a Zoning Designation for 10.466 Acres on Ogeechee Road to be Annexed Into the City Of Savannah \(Andrews Commercial Real Estate LLC, Petitioner\)](#)

[Andrews Commercial Real Estate LLC annexation petition and maps.pdf](#)

[Andrews Commercial Real Estate LLC Zoning Ordinance.pdf](#)

Ordinance read for the first time in Council September 13, 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 Miller, and unanimously carried.

AN ORDINANCE TO AMEND THE ZONING ORDINANCE TO PROVIDE A ZONING DESIGNATION FOR THE PROPERTY PETITIONED TO BE ANNEXED OWNED BY ANDREWS COMMERCIAL REAL ESTATE LLC TO THE

CITY OF SAVANNAH BY ORDINANCE ADOPTED AND APPROVED SEPTEMBER 13, 2018; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES.

WHEREAS, by ordinance adopted and approved September 13, 2018, the properties identified as PIN 1-0836 -02-021, PIN 1-0836 -02-023, PIN 1-0836 -02-024 and PIN 1-0836 -02-006 located on Ogeechee Road (Highway 17) near Chatham Parkway, 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” 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;

WHEREAS, the property upon annexation is zoned as designated “P-B-CO” on the zoning map of the City of Savannah, Georgia;

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: SEPTEMBER 13, 2018

ORDINANCES - SECOND READING

[13. 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](#)

AN ORDINANCE

TO BE ENTITLED

AN ORDINANCE TO AMEND ARTICLE A OF CHAPTER 1, GENERAL TRAFFIC REGULATIONS, OF PART 7, MOTOR VEHICLES AND TRAFFIC, OF THE CODE OF THE CITY OF SAVANNAH, GEORGIA (2003), TO PROHIBIT SHARED MOBILITY DEVICES FROM BEING PLACED IN ANY PUBLIC RIGHT-OF-WAY OR ON PUBLIC PROPERTY, OPERATED IN ANY PUBLIC-RIGHT-OF-WAY, OR OFFERED FOR USE ANYWHERE IN THE CITY; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES.

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

SECTION 1: Findings. Dockless electric scooters and bicycles, available to be rented on demand from unstaffed locations, have suddenly and unexpectedly appeared in cities throughout the country, and have rapidly proliferated in an unregulated environment. Frequently, they are abandoned by users on streets, sidewalks and other public places creating safety concerns, especially for vulnerable pedestrians. Due to the spontaneous appearance of these rentals and their appeal to young people, shared mobility devices are nearly always operated by users—often minors—without helmets, in contravention of state law. For the immediate preservation of the public peace, health, and safety, the City Council has initiated urgency legislation to proactively address the hazards posed by shared mobility devices placed in and operated on public property.

SECTION 2: That Article A., In General, of Chapter 1, General Traffic Regulations, of Part 7, Motor Vehicles and Traffic, of the Code of the City of Savannah, Georgia (2003) be amended by inserting a new Section 7-1054 entitled “Shared Mobility Devices”, as follows:

Section 7-1054. Shared Mobility Devices.

(a) Purpose. The purpose of this ordinance is to prohibit Shared Mobility Devices from being placed in the public right-of-way or on public property, operated in the public right-of-way or on public property, or offered for use anywhere in the City, so as to allow for adequate pedestrian traffic flow and to promote public safety.

(b) Definition. For purposes of this ordinance, “shared mobility device” means any wheeled device, other than an automobile, motorcycle, electric personal assistive mobility device, electric assisted bicycle, electric personal transportation vehicles, moped, golf cart, or personal transportation vehicle as those devices are defined by state law, that is powered by a motor; is accessed via an on-demand portal, whether a smartphone application, membership card, or similar method; is operated by a private entity that owns, manages, and maintains devices for shared use by members of the public; and is available to members of the public in unstaffed, self-service locations.

(c) General Requirements. It is unlawful to park, leave standing, leave lying, abandon, or otherwise place a shared mobility device in a public right-of-way or on public property anywhere within the City. It is unlawful to operate a shared mobility device in a public right-of-way or on public property anywhere within the City. It is unlawful to provide or offer for use a shared mobility device anywhere within the City.

(d) Violations; Impoundment. Violations of this ordinance shall be punishable as provided for in Part 1, Chapter 1, Section 1-1013 of this Code. Police officers, parking enforcement officers, deputy city marshals, those city officials otherwise designated by the City Manager, and any party contracted by the City to specifically impound shared mobility devices are authorized to impound any shared mobility device that has been offered for use, placed in a public right-of-way or on public property, or operated in a public right-of-way or on public property in violation of this ordinance. The impoundment shall be subject to an impound and storage fee established by City Council as set forth in the annual Revenue Ordinance.

SECTION 3: If any section, subsection, subdivision, sentence, clause, phrase or portion of this ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, the remainder of this ordinance shall be and remain in full force and effect.

SECTION 4: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5: This Section shall be effective when the Mayor affixes his signature below.

ADOPTED AND APPROVED: SEPTEMBER 13, 2018 upon motion of Alderwoman Bell, seconded by Alderman Miller, and carried with the following voting in favor: Mayor DeLoach, Aldermen Bell, Miller, Foster, Thomas, Hall, and Shabazz. Alderman Johnson voted against the motion.

RESOLUTIONS

[14. Motion to Adopt Resolution Authorizing the City Manager to Execute the Historic Preservation Grant Contract with the Georgia Department of Natural Resources](#)

[Resolution to Execute Cuyler Brownville Grant Contract.pdf](#)

[Alderman Thomas asked for an explanation of what this is.]

City Manager Hernandez: The City applied for and received a grant in order to conduct an update of a historic resources survey in the Cuyler/Brownsville Historic District and the grant just requires that the City Council actually take action authorizing me to sign the actual agreement.

RESOLUTION

STATE OF GEORGIA

COUNTY OF CHATHAM

WHEREAS, at the regular meeting of the Mayor and Alderman of the City of Savannah, Georgia, held on the 13th day of September, 2018, a motion was made, duly seconded and adopted, that the City of Savannah authorizes the execution of a grant contract with the

Georgia Department of Natural Resources to update the historic resources survey of the Cuyler-Brownville Historic District as part of the Savannah Citywide Historic Neighborhood Survey, Phase III.

The grant budget is \$35,000, with \$21,000 awarded through the federal Historic Preservation Fund and \$14,000 from the City of Savannah (\$7,000 cash and \$7,000 in-kind). The project will be conducted in partnership with the Metropolitan Planning Commission.

ADOPTED and APPROVED: SEPTEMBER 13, 2018 upon motion of Aldermen Miller, seconded by Alderman Hall and unanimously carried.

[15. Motion to Adopt Resolution Authorizing a Contract with the Downtown Savannah Authority and Approving the Issuance of Bonds](#)

[res-authorizing City \(v3-FINAL\).pdf](#)

[contract-v4-08-30-18.pdf](#)

MAYOR AND ALDERMEN OF THE CITY OF SAVANNAH

RESOLUTION

Downtown Savannah Authority

Taxable Revenue Bonds

(City of Savannah Eastern Wharf Garage Project), Series 2018

WHEREAS, the Mayor and Aldermen of the City of Savannah (the “**City**”) has requested the Downtown Savannah Authority (the “**Authority**”) to issue its Taxable Revenue Bonds (City of Savannah Eastern Wharf Garage Project), Series 2018 (the “**Bonds**”), to provide funds for the purposes of (i) financing the acquisition, development, construction, and equipping of the hereinafter defined Parking Garage Condominium in the downtown area of the City (the “**Project**”); and (ii) paying the expenses incurred in connection with the issuance of the Bonds; and

WHEREAS, the Authority, by a bond resolution adopted on May 10, 2018 (the “**Resolution**”), authorized the issuance of the Bonds in an aggregate principal amount not to exceed \$33,000,000; and

WHEREAS, the City has entered into a Phase I Project Development Agreement with SRL Land Venture LLC (“**SRL**”), EW MFR VENTURE I, LLC (the “**Developer**” or “**Developer**”), and the Authority (the “**Development Agreement**”), whereby the Developer will construct a condominium building (the “**Phase I Building**”) on land (the “**Phase I Land**”) owned by Developer located to the east of the City’s historic district in an area of the City and now known as Eastern Wharf. The Phase I Building will consist of (i) the basement and floors one and two of the Phase I Building consisting of approximately 700 parking spaces, which, as described below, will constitute the hereinafter defined Parking Garage Condominium to be owned and operated by the Authority; (ii) multifamily apartments with separate parking spaces, constituting the hereinafter defined Apartments Condominium; and (iii) retail shops, constituting the hereinafter defined Retail Condominium. The Developer, the City, and the Authority will enter into a development management agreement (the “**Development Management Agreement**”), whereby the Developer, as Development Manager, will manage and coordinate the construction of the Phase I Building; and

WHEREAS, a portion of the proceeds from the sale of the Bonds will be deposited in the Construction Fund described in the Resolution and will be requisitioned therefrom for payment to Developer pursuant to a disbursement agreement between the Developer and the Authority (the “**Disbursement Agreement**”) for the purpose of constructing the Parking Garage Condominium pursuant to a guaranteed maximum price contract between Developer (or its affiliate) and Choate Construction Company (“**Construction Contract**”); and

WHEREAS, The Developer will provide the Authority with a deed to secure debt (the “**Security Deed**”) on its fee simple interest in the Phase I Land and the improvements situated thereon (including the Phase I Building) as security for the completion of the Project and its conveyance to the Authority as the Parking Garage Condominium; and

WHEREAS, upon completion of the construction of the Phase I Building, Developer will record a declaration of condominium (the “**Declaration**”), consisting of the Parking Garage Condominium unit (the “**Parking Garage Condominium**”), an apartment complex condominium unit with separate parking spaces (the “**Apartments Condominium**”), and a retail condominium unit (the “**Retail Condominium**”), at which time Developer will convey the Parking Garage Condominium to the Authority and the Security Deed will

be cancelled. Thereafter, the Authority or the City shall operate the Parking Garage Condominium and shall retain all of the revenue generated by the Parking Garage Condominium, to be applied in part to cover the debt service payments on the Bonds; and

WHEREAS, in addition to the foregoing, in order to ensure the necessary funding for completion, the Authority, the City, the Developer, and the lender for the Apartments Condominium and the Retail Condominium, will enter into an intercreditor and recognition agreement whereby the parties will set forth the parameters and guidelines for continued funding for the completion of the Phase I Building in the event of Developer's default (the "**Intercreditor Agreement**"). As further security for the Authority's future interest in the Parking Garage Condominium, the Intercreditor Agreement will be drafted to ensure the Authority maintains a first priority lien and security interest over the fee simple interest of Developer in the Phase I Land pursuant to the Security Deed until such time as the Phase I Building is completed and Developer has conveyed the Parking Garage Condominium to the Authority. The above-described Development Agreement, Development Management Agreement, and Intercreditor Agreement are herein collectively referred to as the "**City Development Documents**"; and

WHEREAS, pursuant to an Intergovernmental Contract (the "**Contract**") between the Authority and the City, to be dated the date of issuance and delivery of the Bonds, the City will agree to make payments, if required, to the Authority sufficient to pay the principal of, premium, if any, and interest on the Bonds as the same become due; and

WHEREAS, the Bonds shall be issued in the aggregate principal amount of \$30,205,000, bear interest at rates per annum and mature (or be subject to scheduled mandatory redemption) in the years and amounts set forth in a supplemental bond resolution (the "**Supplemental Resolution**") adopted by the Authority on the date hereof, a certified copy of which Supplemental Resolution has been presented to this meeting; and

WHEREAS, a notice of sale of the Bonds has been disseminated by the Authority, pursuant to which prospective bidders were invited to submit electronic bids for the purchase of the Bonds on the date hereof, and the best bid for the purchase of the Bonds with the lowest true interest cost has been accepted by the Authority;

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. Authorization of Contract and City Development Documents. The execution, delivery, and performance of the Contract and the City Development Documents are hereby authorized and approved. The Contract and the City Development Documents shall be in substantially the forms presented to this meeting, subject to such changes, insertions, or omissions as may be approved by the City Manager, and the execution of the Contract and the City Development Documents by the City Manager and, if required, the attestation of the same by the Clerk of Council as hereby authorized shall be conclusive evidence of such approval.

Section 2. General Authorization. In addition to the documents hereinabove authorized and approved, the proper officials of the City are hereby authorized, empowered, and directed to do all acts and things and to execute all documents as may be necessary to carry out and comply with the provisions of said documents as executed and are further authorized to take any and all other actions and execute and deliver any and all other documents as may be necessary in the issuance of the Bonds and the execution and delivery of the Contract and all other documents authorized hereby.

Section 3. Approval of Acts. All acts and doings of the officials of the City which are in conformity with the purposes and intents of this resolution and furtherance of the issuance of the Bonds, and the execution, delivery, and performance of the Contract and all other documents authorized hereby shall be, and the same hereby are, in all respects approved and confirmed.

ADOPTED and APPROVED: SEPTEMBER 13, 2018 upon motion of Alderman Foster, seconded by Alderman Miller, and carried with the following voting in favor: Mayor DeLoach, Aldermen Bell, Miller, Foster, Johnson, Thomas and Hall. Alderwoman Shabazz voted against the motion.

SAVANNAH AIRPORT COMMISSION ACTION ITEMS

[16. Motion to Approve the Hilton Head Island-Bluffton Convention and Visitor Bureau Paid Social Media Program Partnership](#)

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

[17. Motion to Approve Travel and Leisure Campaign Partnership with the Hilton Head Island Chamber of Commerce](#)

[Phase 1-3 T+L Accolade Promotion No Sweeps.png](#)

[Travel and Leisure Co-op Program.pdf](#)

[Travel and Leisure Announcement Recap.pdf](#)

[TL_HiltonHead_Aug18_v282.pdf](#)

[071818_NinaRuggiero_Article.png](#)

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

18. Motion to Reimburse Gulfstream Aerospace Corporation to Remove and Remediate Transite Line

[PCO #2 waterline work re City revised \(005\).pdf 7.20.18.pdf](#)

[PCO #10 Water line at Q-Hut revised.pdf 7.12.18.pdf](#)

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

19. Motion to Procure a Parking Revenue Control System (PARCS) from Carolina Time & Equipment.

[BID TABULATION Parking and Revenue Control System.pdf](#)

[Proposal Documents.pdf](#)

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

20. Motion to Approve Contract with Low Country Machinery, Inc. for JCB Model 3TS-8T Skid Steer with Telescoping Boom

[6369 Current New Model Skid Steer.pdf](#)

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

21. Motion to Approve Reimbursable Memorandum of Agreement (RMOA) with Customs and Border Patrol (CBP).

[SAV Airport FIS Equipment RMOA 08 29 2018.pdf](#)

[SAV050A-OFO-18119Ca-Savannah-Hilton Head FIS, Savannah, GA - V3.00-09052.....pdf](#)

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

22. Motion to Approve Change Order No. 7 with Holland and Holland, Inc., for Outbound Baggage Handling System (Phase II)

[SKM_C654e18090511330_Part1.pdf](#)

[SKM_C654e18090511330_Part2.pdf](#)

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

23. Motion to Approve Contract with Mock Plumbing and Mechanical, Inc. to Replace Packaged Chiller

[HVAC Chiller Event 6384.pdf](#)

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

BIDS AND CONTRACTS

24. 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](#)

Motion to approve was made by Alderman Miller, seconded by Alderman Johnson. Alderman Thomas requested discussion.

Alderman Thomas: I'll go back to comments that I made last week and concerns that were raised by others about the bid process itself. Each member of this City Council had to meet this week regarding the CMR award of this contract and the mistake. The \$3.9 million dollar mistake in the calculations of this award was explained and it was explained that, you know, it would not have made a difference one way or the other. I don't know JE Dunn's Company from any of the others. I've never spoken to Mr. Murphy regarding this but it does bring an issue up and I am very concerned at recent incidents of bidding issues that have come up. Some I can't talk about out here, but with this one itself and particularly with the award of this contract, which is the largest municipal project that we will ever undertake in our service at least. It bothers me to start out with clouds over a project of this size with this type of mistake already being made. So, my question here becomes to the City Manager, would you please explain the project manager from last week stood up there with folks and said that he was in the room when all of these were opened up and presented. He said that he had worked with I believe all three of these companies that had made bids. Does the project manager have any responsibility to make sure that these types of issues don't happen and mistakes aren't made?

City Manager Hernandez: So, just in general and specific to this particular situation, the project manager has a role in the process and in speaking to staff, the project manager did in fact identify the conflict. Unfortunately there was a disconnect between all of that going on with the project manager and staff and us going back and correcting the agenda item. So, we knew about the issue, the agenda item was published. We did not go back and amend the agenda item to note the discrepancy really until it was too late, after it was published and after Mr. Murphy certainly made his concerns known to me.

Alderman Thomas: So, in some cases you have rejected all bids?

City Manager Hernandez: In some cases, yes, I have overturned when a situation has presented itself where a contractor has appealed a contract award. One specifically that comes to mind since I've been here, we were doing something related to an economic development study and a particular contractor alleged that we did not follow City processes. I don't remember the specifics of it, but he presented evidence to me that caused me concern. So, I overthrew it, I didn't overthrow it, I basically instructed Purchasing to basically discontinue that solicitation and issue a new one.

Alderman Thomas: Well, whose individual choice is it to reject bids of a particular project, one over the other, if you decide to reject all bids on a project?

City Manager Hernandez: If I find that as a result of the protest because under our ordinance, the first step in the grievance or the protest process is to the City Manager. The City Manager has the authority based on the evidence that he or she hears in an administrative hearing to either uphold the recommendation to award a contract or we can make the decision to throw it out and rebid and that's a decision that I made in one instance several months ago. In this instance, I did not feel that the contractor, the proposer submitted any evidence to me that would call it, would cause me to throw it out and start all over again.

Alderman Thomas: I just wanted that in the record as well.

Alderwoman Bell: I want to put something else in the record, and correct me if I'm wrong, Mr. City Manager, but in my meeting with you and staff, I was under the impression that when the submittals from the proposals were evaluated, that everything except price was evaluated in that first round.

City Manager Hernandez: Right.

Alderwoman Bell: So, the pricing was in a separate envelope, is that right?

City Manager Hernandez: Correct. After the fact.

Alderwoman Bell: So, the committee of sorts, whoever was a part of the evaluation committee...

City Manager Hernandez: Five member committee of City employees.

Alderwoman Bell: City employees, when they evaluated the proposals, they were not looking at numbers.

City Manager Hernandez: Correct.

Alderwoman Bell: Now, what time did the evaluation of the numbers occur?

City Manager Hernandez: I would say that that probably happened either simultaneous to the overall committee's review or immediately following that. And then of course our program manager would have reviewed the entire recommendation prior to the agenda item being submitted.

Alderwoman Bell: And all of this information would have been summarized, the criteria, all of the evaluations of everything, but pricing, would have been combined by somebody on your staff and all of that would have been submitted to you?

City Manager Hernandez: Yes, as part of the agenda report. And that's when it in fact took place. So, what ended up happening is once the evaluation committee did their role, which was to evaluate all of the proposals based on qualifiers, the proposer's experience and so on and so forth. Then we had a separate group that looks at the quantifiable aspects of it, the actual costs. Then we have a third group that looks at DBE participation. And at some point all of that comes together within Purchasing and is combined into one agenda report.

Alderwoman Bell: And my last statement, I'm big on takeaways, you know, what do we get out of this, how do we prevent ourselves from making the same error again? So, and we had that discussion in my meeting with you and staff. So, the takeaway I mean, does this suggest that you may want to change your process going forward so this sort of error will not take place again.

City Manager Hernandez: Well, certainly when it comes to the Construction Manager at Risk I think we have to revise our form itself to eliminate the ambiguity that exists there because we had three respondents, you could say all three of them did it correctly, and you can say that all three of them did it incorrectly. There was some confusion with respect to the form itself. So, we have to revise that form and make it a little clearer. In terms of moving forward, just in general, it's incumbent upon staff, certainly from the City Manager's position on down to check all the numbers when they put together an agenda report that comes before this body.

Alderwoman Bell: Oh, by the time it gets to you, those numbers should be checked.

City Manager Hernandez: It will be correct and checked at least four times.

Alderwoman Shabazz: In reference to what my statements were at our last City Council meeting in reference to this item, I think I said something like I am one who advocate for local. And I also made a statement, probably not verbatim, but a statement in reference to the process of what we do as the City of the process be done right and be done justly. I made those statements. So, in our meeting that we had a one on one to clarify and explain more on this particular item we had this past week. I sat with Mr. Pete Shonka and Purchasing to really dig down into what happened with the numbers, and we really got really deep into engineering formulas and percentages on how things happened. So, there were three options that Pete Shonka shared with me in detail to the point zero, zero percentage of these numbers because I wanted to know exactly what happened with the three options. I don't know if Mr. City Manager you would like for Mr. Shonka to share those options but in all of the options to every and covering every part of every number for you all to come up with this recommendation today he had it, he showed it to me, and he explained it to me in extreme detail, and it's making me have my clear decision on today. So, I don't know if you want that to be shared with Council.

City Manager Hernandez: Sure, I'll have Mr. Shonka approach the podium and he'll walk you through that, but basically what you are referring to Alderwoman Shabazz is the fact that we wanted to make sure that we were correct and that our numbers were accurate and that no one was being unfairly treated and awarded a contract if in fact they were not the number one bidder. So, Mr. Shonka looked at and sliced and diced the numbers in a variety of ways and the three options, the three methods that you're talking about and we still stand by behind our decision to move forward with the contract award and to move forward with the contract award to AECOM Hunt.

Pete Shonka, Executive Director Arena Development: So, there were three components to the bid. There was overhead and profit to be expressed by a percentage. Then there were two general conditions, general conditions management and general conditions non-management numbers that were supposed to be hard numbers. We got those in all three bids. On the total proposal line we asked that all those three values be added in. The original intent was not to have the percentage added in, but two of the proposers took the percentage, their overhead and profit percentage and multiplied it by some number to get what their total proposal costs. So, they added that to the two general condition numbers. So, you had three numbers added together. AECOM Hunt had two numbers added together, and that's why there was a discrepancy in those numbers as the proposals came in. So, in adding in that third number that was closer to an apples to apples comparison. In that case, this is the way the proposals were scored, AECOM Hunt had the most points and that was our recommendation to move forward. Again, those were all numbers supplied by the proposers. In looking more closely at the proposals, the total number was calculated three different ways by all three proposers. So, one of the proposers discounted the computed as net

present value, which I don't think was appropriate. I talked to several financial analysts and they didn't think it was appropriate in this case either, and they had a lesser number than what they would have had had they multiplied their percentage by the \$140 million dollar that we had listed in the addendum. Another proposer, we weren't able to replicate the number on there they didn't use \$140 million and we're not sure what number they used, but it didn't add up that way. AECOM Hunt's number actually did use the \$140 million times the straight percentage and that number was done. So, if you do an apples to apples calculation where you take the two general condition numbers that were in the proposal and you multiply their percentage by \$140 million without discounting it or manipulating in any other way, you get another set of calculations that again, that's a very straightforward comparison. You have the same three numbers in there, all provided by the proposers and provided by our proposal itself in the addendum and again, if you look at that number, AECOM Hunt has the most points and that would be our recommendation to move forward. Now the original intent from JLL was to have only B1 and B2 added in as the total with the percentage of profit and overhead. If you take those, if you just add the two general condition numbers together and you look at it that way and you score it, AECOM Hunt is the top score and so the outcome in either of these cases doesn't change. I think that either using the \$140 million times the percentage and adding that to B1 and B2, or excluding the overhead and profit number and just having B1 and B2, are probably the fairest comparisons. But in either of the three cases AECOM Hunt is the number one in the points.

City Manager Hernandez: Thank you. Mr. Shonka.

Alderman Foster: Mr. Shonka answered some of the questions that I might've had but I do want to point out that I also went through the same process as Alderwoman Shabazz and it was in great detail and I'm pretty sure that all of Council went through that same process since the last meeting. One thing that was very clear is that the numbers were in favor of the winning bidder, AECOM, and in fact, if you actually went through the process the way City staff had intended it to be AECOM was the one who filled it out the way City staff expected it to be. It doesn't make up for the fact that we left out those numbers when we went to the agenda, but it was pretty clear that they were following the process as it was laid out by the City Attorney and staff to me, and they were clearly the lowest bidder. So, based on that, I would like to make the motion to award the contract for Construction Manager at Risk for the Arena to AECOM.

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

[25. Motion to Procure Two Knuckle Boom Trucks from Environmental Products of Georgia \(Event No. 6524\)](#)

[Purchasing Summary Form.pdf](#)

[Knuckle Boom Trucks Funding Verification.pdf](#)

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

[26. Motion to Renew Annual Contract for Commercial Refuse Containers with Lewis Steel Works, Inc. \(Event No. 3464\)](#)

[Commercial Refuse Containers Bid Tab.pdf](#)

[Commercial Refuse Containers Funding Verification.pdf](#)

[Commercial Refuse Containers Purchasing Summary.pdf](#)

[Commercial Refuse Containers Specs.pdf](#)

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

[27. Motion to Procure Variable Frequency Drives from Siemens Industry \(Event No. 6525\)](#)

[6525 VFD Funding Verification.pdf](#)

[Purchasing Summary Form.pdf](#)

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

[28. Motion to Renew Annual Contract for Chlorinator Repair Parts with Templeton & Associates \(Event No. 5048\)](#)

[Chlorinator Repair Parts Purchasing Summary.pdf](#)

[Chlorinator Repair Parts Bid Tab.pdf](#)

[Chlorinator Repair Parts Scope.pdf](#)

[Chlorinator Repair Parts Funding Verification.pdf](#)

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

[29. Motion to Award Contract Modification No. 1 for Commercial Irrigation to Turf Services Unlimited, Inc. \(Event No. 2273\)](#)

[Commercial Irrigation Purchasing Summary.pdf](#)

[Commercial Irrigation Funding Verification.pdf](#)

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

[30. Motion to Award Contract Modification No. 1 for Police Interceptors with Wade Ford \(Event No. 5133\)](#)

[Police Interceptors Purchasing Summary.pdf](#)

[Police Interceptors Funding Verification.pdf](#)

Withdrawn

[31. Motion to Award Contract Modification No. 3 for Security Services with Sunstates Security \(Event No. 3327\)](#)

[Security Services Funding Verification.pdf](#)

[Security Services Purchasing Summary.pdf](#)

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

[32. Motion to Award Annual Contract for Pension Investment Advisor Services to NEPC, LLC \(Event No. 6016\)](#)

[Pension Investment Advisor Purchasing Summary.pdf](#)

[Pension Investment Advisor Funding Verification.pdf](#)

[Pension Investment Advisor Scope.pdf](#)

Alderman Foster: As the City Council representative on the Pension Investment Committee Board for the City of Savannah, I want to make this motion to award this contract to a new investor services for NEPC, LLC. I wanted Council to know that we conducted a nationwide search, interviewed a number of finalists through a several month process and are confident that we have selected the most competent pension investment advisor service in the market today for municipal pension plans. And that's why I'd like to make this motion.

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

AGREEMENTS

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

[2018-2022 COS IAFF Agreement.pdf](#)

Continued to allow the City Manager to do more research upon motion of Alderman Miller, seconded by Alderman Foster, and unanimously carried.

City Manager Hernandez: We're going to continue the workshop discussion on September 27th.

[34. Motion to Approve First Amendment to Tie-Back Anchor Easement Agreement between SRL Land Venture, LLC and the Mayor and Aldermen of the City of Savannah](#)

[SRL Amendment to Easement Agreement.pdf](#)

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

MISCELLANEOUS

[35. Motion to Approve Supplemental Budget Adjustments to the Capital Improvement Fund](#)

[CIP Amendment 6 - Sept 13.pdf](#)

[Alderman Johnson asked for an explanation.]

City Manager Hernandez: Alderman Johnson if you don't mind I'm just going to explain in general because there's a lot of detail. This is just a quarterly budget cleanup action that essentially moves funds out of either completed capital projects or capital projects that we know we're not going to move forward on and it moves them into active capital projects.

Alderman Johnson: I said a little bit during our workshop, we had an incident with the Hudson Hill Community Center. There is some damage in the building, currently engineering assessments are being done to determine the extent of the damage and what additional steps need to be necessary. I know that I've spoken with the City Manager in depth about this and it's absolutely on his radar. Once we have gotten the professional recommendations and find out what can be done if there's any insurance involved, then we'll be coming back about how best to proceed. Move for approval of 35.

[Motion]: Alderman Johnson made a motion to approve the item, it was seconded by Alderman Miller.

Alderman Thomas: I have a question. I'm looking at the list for the CIP amendments and when you move this money out of these projects or whatever, whether they were supposed to happen or not, what funds are you moving it back into it?

City Manager Hernandez: It all depends on the particular project. Like for example, if we have like I'm going to look at one year, it's a SPLOST project that stays within the SPLOST fund and has to have a SPLOST specific project. If it's a general fund funded item, we generally like to keep it in like projects, unless we don't have a similar project to move it to and then it'll just go into a holding account. For example, in your particular district, Alderman Thomas, there was some general fund dollars leftover, I think the project was Mohawk Lake Park Master Plan and so that project, the master plan has been pretty much done. So, the remaining funds that were left in that particular project were moved into a generic project called Southside Park Development where we're using that to fund improvements in south side parks. Does that answer your question?

Alderman Thomas: Well, it did. I just, I'm looking on here and just see a couple of mine, District 4 is loaded with them and I just feel that when these projects are done, you know, they need to go back to these districts that these monies were promised to. I want to raise an issue with this one right here, the Coffee Bluff Fishing Pier \$131,000. It says project complete transferring remaining general fund dollars back to the capital reserves for future allocation. What exactly is that?

City Manager Hernandez: So, in this particular case, we looked at the initial SPLOST project and funding was to develop the fishing pier. By all accounts, that project has been done and it's been completed. What we've been doing is, and this one is one that comes to mind. We've left these projects open for years and years and years and we've actually been using them as an account to fund either other improvements or ongoing maintenance expenses, and that's improper. We really need to close out the initial account because the fishing pier was built and then move those dollars into another account and if we still need to use it for fishing pier, other improvements, we use it but it's out of a different account.

Alderman Thomas: But would those dollars be allocated towards that district?

City Manager Hernandez: In this particular case, I do not believe so. I think it just goes into the capital reserves.

Alderman Thomas: But capital reserves for where?

City Manager Hernandez: It's a holding account. So, I assume what we're doing in this particular instance is its probably general fund dollars that's remaining and it's going back into the capital reserves, which is a general funded account.

Alderman Thomas: I'll get with you afterwards.

Alderman Johnson: So, I guess to follow up on Alderman Thomas's question, as a general rule, are you saying that funds that are from a district remain in the district? What is your methodology generally?

City Manager Hernandez: I think when it comes to SPLOST, our practice has been that we respect the districts. When it comes to general fund, those dollars are looked at citywide and if a project has been completed, we don't view that as being those dollars were specifically designated to a specific council district. So, that's why it goes back into the central holding account.

Alderman Johnson: Would it be more appropriate in your mind for it to come back to Council to reprioritize other things we have on there or do you have some type of...

City Manager Hernandez: Well, I think that's exactly what we're doing with these types of items. We are making a recommendation that those dollars be repurposed for another purpose and we're giving you a recommendation, but if you decide, for example, you know, like Alderman Thomas that we recommend transferring the money from Coffee Bluff Fishing Pier into a capital holding account. If you come back and say, no, we want you to move that money into another project. Well, that's, that's your decision. We're just merely making a recommendation.

Alderwoman Bell: As long as it remains in the district.

City Manager Hernandez: Well, that's a different issue because again, when it comes to general funded capital we are addressing capital needs.

Alderman Thomas: But see I had I'm going to give an example, you took \$410,000 from my discretionary money to fund Tribble Park. So, if the monies left in Coffee Bluff which were taken out of my SPLOST dollars allocation, and we've got \$131,000 that's left in Coffee Bluff it's my opinion that that money should be transferred back to the discretionary funds for the SPLOST. So, that money can be invested back into the district.

Alderman Miller: I agree, and I thought that's the way we've always done it.

Alderman Thomas: No, that's not what he's saying.

City Manager Hernandez: We've done that with SPLOST. We're not doing that with general fund dollars.

Alderman Thomas: But see what I'm telling you is that the \$410,000 we did for Tribble it's not going to cost that exactly. But the amount of money that we took out for the Tribble improvements itself were taken out of my \$1.5 million dollar discretionary money for the district.

City Manager Hernandez: That came out of a different, I think that came out of Southside Park Improvements.

Alderman Thomas: Well, it came out of that so, this money should go back in and replace that.

City Manager Hernandez: That's a decision for Council.

Alderman Thomas: Well then every one of these is a decision for Council then.

Mayor DeLoach: Well, if you have a problem with it, look at it before the meeting and say something. Don't talk about it here. We could have had this taken care of, if it was an issue it could have been brought up because we've had the paperwork since Tuesday.

Alderman Thomas: Mr. Mayor with all due respect, he has not explained where he was sliding this money to. He's calling it a capital reserve account. I don't even know if we've got a designation for it right now. I would like two weeks on this issue so that we can have a discussion amongst us.

City Manager Hernandez: If you don't mind, if Alderman Thomas has an issue with a specific project or several projects, I suggest we carve that out, bring those projects back because I've got projects here that are ready to go and I need the funding.

Alderman Johnson: Could you say, could you enumerate what those are that are time specific.

City Manager Hernandez: Sure, I'm going to ask Mr. Heath Lloyd to come to the podium because he...

Alderman Johnson: He just walked out.

City Manager Hernandez: Did he just walk out? Melissa Carter, Budget Director is coming.

Alderman Bell: Could I make a quick little point though, in all due respect to my colleague on the right, he may have a point and listen to me a second now. His point is that I think, if I'm hearing you correctly, it's one thing when we're talking about SPLOST discretionary funds, but if we're talking about general fund capital expenses, I'm not really sure they shouldn't necessarily be replaced district...

Alderman Thomas: Well, the original money for Coffee Bluff Marina came out of the SPLOST.

Alderman Bell: As long as we're talking SPLOST, I feel like that should be district specific, because it was approved by the voters for the district.

City Manager Hernandez: We have an anomaly, and that is Alderman Thomas is right. As a result of the budget reductions that we were required to undertake as a result of the midyear budget review, his funding for Joe Tribble Park \$410,000 was cut from the general fund, but it was supplanted by SPLOST 6 dollars. Specifically dollars that were set aside for park improvements on the south side. So, yes he's right it ended up being an overall reduction of \$410,000 to District 6.

Alderman Thomas: All I'm asking for is that the \$131,000 be placed back in the account.

City Manager Hernandez: That's a decision to be made by your colleagues.

Alderman Thomas: When do we make that? Do we vote this up or down?

Melissa Carter: May I add just one thing. Most of the moves that are outlined in this budget amendment are resulting from meetings that we've had, that Heath and I have had with individual Aldermen regarding their SPLOST 6 allocations, in which they have identified where their priorities lie. The SPLOST 6 allocations for their district have been outlined and so in order to get those accounts established, so that staff can begin moving on those particular projects that the Aldermen have designated as priorities for their district we require this amendment. So, I would agree that yes, we need to carve out any that need to be set aside. But know, I just want the Council to understand, that if we hold this amendment that means we're holding a lot of projects from being established that have been designated as priorities by each Aldermen in their district. Related to the capital reserves, so when we're going to return funds back to the capital reserve again, that's one funding source. As Alderman Johnson has mentioned in today's meeting, it may be one funding option to supplant for operation our capital emergencies such as our Hudson Hill. So when we limit and restrict that capital reserve account that we are also limiting our flexibility overall. I would also remind the Council lastly that each annual budget development cycle, you do have a five year capital improvement program that is presented before you for funding recommendations by a plethora of funding sources. You set that capital plan, a lot of these projects are actually carrying that out. When those projects are deemed completed and we have leftover funds that have been originally allocated via an estimate at the time of budget development. That's also a reason why we want to adjust and transfer things so these funds can be used.

Alderman Foster: Just a quick clarification, most of these say SPLOST 6. We're talking about Coffee Bluff Fishing Pier, was that SPLOST funds?

Ms. Carter: Coffee Bluff was funded with SPLOST funds as well as general fund dollars. The \$131,000 that's being moved back is \$131,000 general fund dollars that were originally funded in that account. There were some SPLOST funds that were placed there and they have been utilized and this is the remaining balance.

Alderman Thomas: But my point is that in the \$410,000 that was set aside for Tribble Park, well that has been set aside for Tribble Park and played with for the last decade. We have \$131,000 left in the Coffee Bluff account that should go to reimburse the SPLOST dollars they were taken...

Mayor DeLoach: Had it been SPLOST dollars it would be logical, but it's not, it's general fund dollars she said. It had to be supplemented, the SPLOST budget had to be supplemented with general fund dollars. Therefore it should go back to the general fund it should not go to your SPLOST fund. I mean that's what you just said, am I correct?

Ms. Carter: It is the decision of the Council.

Mayor DeLoach: No, isn't that what you just said.

Ms. Carter: I was advising the Council that when we have leftover general fund dollars...

Alderman Thomas: Where did the \$410,000 for Tribble come from?

Ms. Carter: The \$410,000 was approved in this year's capital budget as a capital plan contribution. When we did the midyear amendment, we had to make reductions in the general fund budget and the \$410,000 came out of that reduction. It was a cut, it was then supplanted, as the manager said out of Southside Park Development, which are SPLOST 6 dollars, in order to complete that project. So, in essence, now I don't have the numbers in my head, but for example, \$4 million dollar capital investment was included in the general fund budget. We had to reduce that \$4 million by \$410,000 to add to the revision of this year's budget due to the midyear amendment.

Alderman Foster: I just wanted to follow up on that and say as a representative of the entire City as is Alderwoman Carol Bell and yourself, I have to say that if it didn't come out of SPLOST that it should go back into the general fund. I'm sure there are six district members who are going to say otherwise, but that's my opinion.

Alderman Miller: I think we are agreeing with that. What we're saying is if it came out of SPLOST it should go back to SPLOST. But how do we know, how do we differentiate between the whole project was \$410,000?

Alderman Thomas: No, they've been swapping money between SPLOST projects to fund different things because they took that \$410,000 out of a SPLOST and everything. When I sat down with Melissa and Heath I had serious concerns about how this math was working out. There were some other things I had concerns on as well. I do think that SPLOST projects designated to districts should go back to the SPLOST projects in those districts.

Mayor DeLoach: I agree with that.

Alderman Thomas: I agree with. But in this case, this was a project that committed two types of funds, SPLOST monies and general fund dollars. But in this case too, there was my SPLOST dollars from other projects was used to complete another project. So, with \$131,000 leftover in the Coffee Bluff project, which we don't know what was designated on this or not was SPLOST dollars or what. With this money that's left over it should, in my opinion, go back to Southside Park Development.

Mayor DeLoach: And had it been SPLOST money I would agree with that 100 percent. But due to the fact that you ran out of SPLOST money and they supplemented that job with general fund money. This is general fund money that's left out, that we didn't use and therefore we should put the general fund money back and you just move on.

Alderman Thomas: With all due respect, now honestly, you politically spanked me because I didn't support y'all so you took my \$410,000 for Tribble. I'm not blaming you because this has been toyed with, Melissa's been here long enough to know that. But the Tribble phase two projects have been toyed with for 10 years, in the budget, out the budget, and in the budget and back out the budget. I mean we told those people so many lies back and forth out there that we were going to do this and we finally did it.

But now it comes down to who's actually going to pay for it. Are we going to use the SPLOST dollars, or the general fund dollars of \$130,000? If it goes back into that general fund, I know we're not going to see it back out in that district and we need it out. I'm not trying to give y'all a hard time but I'm serious.

Mayor DeLoach: We have a motion and a second to approve this.

[Motion and Vote]: Alderman Thomas made the following amendment which was seconded by Alderwoman Bell and carried: supporting every item on this list so that nobody gets slowed down with the exception of RE309, which is an allocation to the Coffee Bluff Fishing Pier of \$131,000. I'd like to make an amendment to approve everything but that. The following voted in favor of the amendment: Aldermen Bell, Miller, Johnson, Thomas, Hall and Shabazz. Mayor DeLoach and Alderman Foster voted against the motion.

City Manager Hernandez: That item was carved out of the overall item, do you want to take specific action?

Alderman Thomas: I do.

Upon motion of Alderman Thomas, seconded by Alderwoman Shabazz, and unanimously carried a motion was made for the money to be restored to the SPLOST District 6 Southside Park Development.

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

[SBO Policy_LDBE_DRAFT-9-17-18_Savannah Only.pdf](#)

City Manager Hernandez: I'm actually going to defer and have Mr. Dominguez come to the podium and just refresh your memories on where we are with the discussion on making amendments to our business opportunity program.

Manny Dominguez, Office of Business Opportunity, Director: So, the motion before you today is to approve an amendment to our Savannah Business Opportunity Policy. There are a few changes that we are recommending to make. This is to build off of the success we've had so far in the first eight months of the program and to ensure that as much local participation is happening on City contracts, particularly local disadvantaged business participation. So, the changes are we're proposing that we establish no less than a 10 percent LDBE goal, that's local disadvantaged business enterprise goal on eligible City contracts. We're also proposing some changes to our Good Faith Effort Policy. That would bring it up to date to more modern types of outreach and advertising to include social media alerts, radio, television, and newspapers. We're essentially making that clause in our policy a lot clearer and more expansive. And then finally, this is a change from what we recommended during workshop last week is we're changing our recommendation of local preference, to just simply rather than the MSA, simply the county, Chatham County, and I know there's been some discussions about changing that as well. But we can have that discussion now.

Alderman Johnson: Let me be a little bit more specific, I thought the consensus of Council was Mr. City Manager that it was 18 percent total, 15 percent from Chatham County and 10 percent of that 15 was from the City of Savannah proper, correct?

City Manager Hernandez: Yes, and I think Mr. Dominguez has a different approach that gets us to where we want to be, but it's something just a little bit easier to administer administratively.

Mr. Dominguez: So, one option is a lot cleaner for us and I think that's says exactly what we want, which is local participation is to maintain a 10 percent Savannah goal. So, that would be the LDBE.

Alderman Johnson: Savannah, proper?

Mr. Dominguez: Savannah, Savannah City limits. And then we can easily use our existing Good Faith Effort Process to essentially say if you cannot meet that 10 percent with local Savannah businesses, you can then move out to the County and if you still can't meet it, you can move out to the MSA and so on, as you move out.

Alderman Johnson: Who would determine the good faith effort?

Mr. Dominguez: Our team does in the same process as we do now.

Alderman Johnson: I guess that's my only concern just to make sure it's not arbitrary. Oh yeah. I looked around and didn't see anything. Let me go further.

Mr. Dominguez: There's a threshold and it's based on best practices, there's documentation they have to provide, call logs, emails, there's a whole host of documents they have to submit in order to establish that.

Alderman Johnson: There was one other question I had that dealt with waiving the application of any previously established contract goals, and that lies with the City Manager, I wanted a little bit better explanation about how that works.

City Manager Hernandez: I know what you're referring to now. It took me a second to figure it out, but sometimes you know, the staff will go out and they'll do their review and they'll determine that there just aren't any vendors in that particular marketplace and so they make a recommendation to the City Manager to waive the DBE on that particular procurement. We've done that maybe two or three times.

Mr. Dominguez: It's very rare, but there are, what happens is on the front end, what we like to do is cast a fairly wide net and try to include goals on as many different projects as possible, but as we come closer to either making an award it sometimes can happen that something like that it turns out to be much more specialized than we expected.

Alderman Johnson: Well I think if I may Mr. Mayor, I want to add a caveat that Council is immediately notified of that because oftentimes we'll hear about that on the back end of it and then we're looking at the process.

[Mayor DeLoach asked for clarification.]

Alderman Johnson: There's a provision on here, Item G under number four LDBE goals, and it reads as follows, on Item G the City Manager may waive the application of any previously established LDBE contract goal, or may modify any LDBE contract goal, after issuance of a solicitation but before the time of bid submissions, whenever the City Manager determines that such waiver or modification would be in the best interest of the City of Savannah. My point is, in this case, we would not hear about it until someone complains to us that this has occurred and then we would have to go back to the City Manager and say what happened? So, all I'm saying is in the rare cases that happens, you say this is what happened and you know, I think that needs to be a part of that. We need to know that.

City Manager Hernandez: Sure, I don't have an issue with that. But you would hear if it's an item that's coming before City Council for your action. We would disclose it in the agenda report.

Alderman Johnson: Right, but you can disclose it when you waive it.

City Manager Hernandez: I don't have a problem with that.

Alderman Johnson: That's before submissions are made.

Alderwoman Bell: In that same vein since Manny's group will be responsible for compliance, I assume, for the Construction Manager at Risk for this huge arena contract I would like to make sure that Council is informed on a regular basis after we get up and running on a regular basis about, you know, they set these wonderful lofty goals. We want to make sure that they have met and not at the end of the project, but as we're moving along at some interims, I don't know what they might be, but it might be good to let us know how we're doing with compliance.

City Manager Hernandez: Sure, we will schedule a quarterly update for you on the arena project and as part of that update we will include a performance metrics related to DBE participation.

Alderwoman Shabazz: After working extremely hard on the M/WBE and with the Savannah Business Ordinance, along with asking several questions of the City Manager and meeting with Mr. Dominguez, I'm still not at the point of satisfaction. Especially I have gone through every line of this document, which is the policy I have gone through and raked through with a fine tooth comb. Even with this amendment to this ordinance, I would urge that the items that Alderman Johnson mentioned which is on the document, on the revised document before I make my last statement on this, on page and more specifically on page nine of the policy Item A goals, and on page 10 which Alderman Johnson mentioned Item G, that those words that you have on the policy now, that when there's a change in the goal that that is not taken away, that the power is not taken away from City Council, that the buck stops with us and these are very, very serious, colleagues, very, very serious items in this policy that the City Manager has brought forward. And I do recommend that these two items in this policy specifically have the wording in it, in them that goals final goals that are recommended are voted on by the City Council. As it states right now. I want to make this statement and thank you, Mr. Mayor for this moment. If you give me two minutes, I'll be finished.

Mayor DeLoach: Before you get to that, can you enlighten me on what you want us to do exactly. What you're requesting. I don't have that paperwork in front of me.

Alderman Shabazz: Yes sir, in the policy on page nine of the policy Item A it's under the goals, just like we, the Mayor and City Council, we voted on the goals. So, I'm stating that not to allow the power of setting any goals with any of our policies be left up to the City Manager, they make the recommendations to us and then we are the final voice.

Mr. Dominguez: So, just to address that, Council does ultimately decide on the annual goal. So, if you remember in February of this year, Council voted to do the annual 18 percent DBE goal. That's the opportunity, for Council to set that annual goal.

Alderman Shabazz: But I'm also stating that the City Council, when it comes to any waivers, anything with changing any goals that you all bring the recommendations to the City Council, have discussions, and the final decisions be made by the Mayor and Council.

City Manager Hernandez: So, just to be clear because I thought you were saying the same thing that Alderman Johnson was saying but now I realize that it is different. So, I think Alderman Johnson wanted Council to be notified I think what Alderman Shabazz is saying that the decision be made by Council as opposed to just merely being notified

Alderman Shabazz: After the information is brought from you all.

City Manager Hernandez: So, the decision rests with you not with the manager?

Alderman Johnson: I guess my only issue is that we're not professionals in this and I guess we can't be judge, jury and executioner on this. I'd rather hold the City Manager responsible for the decisions he make, but I guess on my end I just want to be notified because oftentimes when we hear about it, it's not from you who we would hear it from, it's from someone else. So, obviously if we're aware that has occurred, we're in a better place. I'm not sure I would want to hold up projects and those types of things, of submissions because we have to get together and decide, to decide things that we generally don't understand in a very, very micro sense. So, I guess that's the only thing I'm saying.

Alderman Miller: I would have to agree with what Mr. Johnson just said.

Mayor DeLoach: She's on the same page, she just wants to be informed. She wants to know what's going on. That's all very important.

Alderman Shabazz: Thank you. My last statement on this because I am going to oppose this recommendation and I want to enter into the record my official statement as the Alderman of the Fifth District. I wholeheartedly support including local MBE and WBE programs in the proposed amended SBO Policy with revisions. As it has been stated, and evidence has been provided in the 2013 disparity study I for this reason I am opposed to the amended SBO Policy as it is written. The current and amended SBO Policy is being recommended by the City Manager. I am committed to closely monitoring the SBO policy with revisions and the implementations to ensure that local African Americans, minorities and women are represented on all levels of purchasing and contracting in the City of Savannah in promoting their growth and development. It is my official position as the representative of the Fifth District, which is comprised largely of African American constituents who have overwhelmingly supported SPLOST programs, which are providing the City of Savannah revenues, jobs, and businesses opportunities. We must ensure inclusion of local African Americans on an equitable basis. I support and recommend adding local DBEs, the local MBE, WBE programs to the amended SBO Policy and intensive outreach, accountability, and clearly documented methods of good faith efforts to enhance the SBO Policy. We must not leave behind African American businesses, the community, nor the people to whom this policy is intended to support while increasing the groups that are included in the categories of disadvantaged businesses.

Approved upon motion of Alderman Johnson, seconded by Alderman Bell, and carried with the suggested changes to Item G and the LDBE changes. Mayor DeLoach asked that the motion be amended to make sure that some type of letter be sent to the surrounding counties to see what the deal is?

Alderman Shabazz: Now Mr. Mayor, let me answer that question for you.

Alderman Johnson: When he reported there was no...

Alderman Shabazz: That question was asked in the last Council meeting that the City Manager go back to see what Bryan County and Liberty County, how they position the City of Savannah. Mr. City Manager reported back to me and to us the findings and the findings were Mr. City Manager if you can tell the Mayor what your findings were.

Alderman Thomas: For the record I asked for that.

City Manager Hernandez: And I'm looking for the chart, I know we gave you an avalanche of information as part of the Tuesday night memo, but it was in the background. We looked at, specifically you wanted to know Jasper, Bryan, Chatham, Effingham counties, and with respect to reciprocity, I think with the exception of Chatham, there was no reciprocity.

Alderwoman Shabazz: That answers that question.

Alderwoman Bell: One other thing do you need to add the quarterly reporting. Does that need to be added to the policy or that just need to be a part of your operational procedure?

City Manager Hernandez: That's going to be part of, well you specifically mentioned the arena and so I'm going to report on a quarterly basis on the participation on the arena project. If you're talking about a quarterly update overall, we can do that as well but I don't think that needs to be in the policy.

Alderwoman Shabazz: Mr. Mayor, before we go through with that, I also want to mention when you and I talked to each other, in reference to this work, that and it's the reason my statement came up, but I just don't want anyone to take my position in the wrong way that I'm not going to continue to work extremely hard and monitor as I have stated on what is going on with our disadvantaged business policies according to how this vote goes. That I am still going to be in front of all of this for this Council and for our Mayor.

[**Vote**]: Mayor DeLoach, Aldermen Bell, Miller, Foster, Johnson, Thomas, and Hall voted in favor of the motion. Alderwoman Shabazz voted against the motion.

ADDED AGENDA ITEMS

[37. Motion to Approve Access Easement to North Signal Capital, LLC](#)

[Map of City of Savannah Landfill, Land Fill Road, and 1319 Dean Forest Road.pdf](#)

[Dean Forest Rd - Access Easement Agreement.pdf](#)

City Manager Hernandez: Mayor, members of City Council, this is just a request from an adjoining parcel of land next to our Dean Forest Landfill. They're seeking the access agreement to use our existing roadway into the landfill and as a result of us granting them permission to use our easement, they will improve essentially, it's a two lane road right now. They will improve it, to improve turn lanes, median, and they will agree to maintain the improvements in perpetuity.

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

Announcements

Alderwoman Shabazz reflected on the success of the second phase of the Connecting the Dots program with the Day of Service this past Saturday which is working towards one of City Council's goals of Economic Strength and Poverty Reduction. She commended the awesome work of the Human Services department, and highlighted the many agencies that contributed to the event and the hundreds of residents that took advantage of the services. She thanked everyone for their efforts and participation.

Mayor DeLoach announced that there would be a job fair at the Civic Center on November 5th and encouraged all to come and apply for jobs.

Alderwoman Bell also commended staff, including the Human Services department, for the Day of Service. She stated it was amazing to see the turnout from the public and the collaboration of the social services agencies. The staff did a good job; they were pleasant and professional, and engaged with the other volunteer agencies in the community.

Alderman Thomas congratulated The Grey restaurant on Martin Luther King, Jr. Boulevard on being named in *Time* magazine as one of the 100 places to visit in the world in 2018.

Alderman Thomas asked the City Manager if there would be opportunities to recognize former Mayor Thomas Gamble if the Gamble Building was renamed after it was sold. City Manager Hernandez stated staff would look into it.

Alderman Johnson commented on how blessed the Savannah community is, as we were evacuating at this time last year. He reminded everyone to be hospitable to people of other communities evacuating to our community this year.

Alderwoman Bell commended Greg Parker and Parker's on their recent national recognition.

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=a9RegtfWvyjc>

Luciana M. Spracher,
Acting Clerk of Council