



## November 20, 2018, City Council Regular Meeting

### CITY GOVERNMENT

### OFFICIAL PROCEEDINGS OF CITY COUNCIL

### SAVANNAH, GEORGIA

**PRESENT:** Mayor Eddie W. DeLoach, Presiding

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

Rob Hernandez, City Manager

Bret Bell, Assistant to the City Manager

Brooks Stillwell, City Attorney

William Shearouse, Assistant City Attorney

The regular meeting of Council was held this date at 2:00 p.m. in the Council Chambers of City Hall. The Pledge of Allegiance was recited in unison followed by the Invocation by Reverend Charles O'Berry, Jr., of College Park Baptist Church, in Thunderbolt, Georgia.

Upon motion of Alderwoman Bell, seconded by Alderwoman Shabazz, and unanimously carried the agenda was amended to add item 52, litigation by the City Attorney.

**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 20th day of November, 2018 the Council entered into a closed session for the purpose of discussing Personnel and Litigation. 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: NOVEMBER 20, 2018 upon motion of Alderwoman Bell, seconded by Alderwoman Shabazz, and unanimously carried.**

### APPROVAL OF MINUTES

[1. Motion to Adopt a Resolution for the Executive Session Held on November 15, 2018, for the Purpose of Discussing Personnel](#)

**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 15th day of November, 2018 the Council entered into a closed session for the purpose of discussing 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: NOVEMBER 15, 2018 upon motion of Alderwoman Bell, seconded by Alderwoman Shabazz, and unanimously carried.**

[2. Motion to Approve the Summary/Final Minutes for the City Council Work Session and City Manager's Briefing of November 5, 2018](#)

[11.05.18 WS minutes.pdf](#)

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

[3. Motion to Approve the Summary/Final minutes for the City Council Meeting of November 5, 2018](#)

[11.05.18 Minutes.pdf](#)

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

## PRESENTATIONS

[4. Appearance by David Rivers, a Savannah College of Art and Design Graduate, who Produced and Directed the Film, The Answer, which Premieres December 6 at the Royal Cinemas IMAX Theater](#)

Filmmaker David Rivers invited City Council and the community to the opening of the film “The Answer” on November 30th at the Royal Cinemas in Pooler. The movie addresses gang violence and was shot in Savannah by Savannah natives.

## ALCOHOLIC BEVERAGE LICENSE HEARINGS

[5. Motion to Approve Alcohol License for Dhaval Patel of Broughton Market #2](#)

[Alcohol Reports - Broughton Market #220181015\\_18125812.pdf](#)

[Density Report - Broughton Market #220181015\\_18110138.pdf](#)

[Measurement Report - Broughton Market #220181015\\_18102247.pdf](#)

[Overview - Broughton Market #2.pdf](#)

Continued to the meeting of December 6, 2018, upon motion of Alderman Miller, seconded by Alderman Durrence and unanimously carried.

## PUBLIC HEARINGS

[6. Public Hearing to Receive Comment on the 2019 Service Program and Budget](#)

**City Manager Hernandez:** Mr. Mayor we'll hear public comment first and then under item number eight, we'll have our Budget Director, Ms. Carter set things up.

**Laura Morgan, Executive Director for Med Bank Foundation:** For those who may not know, I hope people are aware of us, but for those who may not be familiar, we are a nonprofit organization that assists persons in our community and within the City to access vital life sustaining prescription medications at no cost for those who qualify through the patient assistance programs offered by pharmaceutical companies. The organization has been around since 1992, and I've been in my role just a year now. The City has been an amazing supporter of Med Bank I'm not sure how far back, but I know for certain in the last three years, and so I know there was an opportunity not just with the community partnership program, but additionally a community health initiative, for Med Bank to

further assist persons in our community. In 2017, for the agency sites that are in Chatham County (which would be J.C. Lewis Healthcare Center, Good Samaritan, Saint Mary's Health Center, and also our main location which is our headquarters office on 65<sup>th</sup> Street), we served in the County 1,158 individuals and that was in 2017. So, already in 2018 just through third quarter, we have served 1,084 persons. So, we're already at 94 percent of what we accomplished last year in serving persons. The impact of what our program does is not just help the individual to maintain their health status, there's less missed days of work and these are for chronic conditions (things like diabetes, hypertension, COPD, and asthma). But additionally it's going to relieve some burden on the healthcare system, the hospitals with reduced ER visits if people can manage their chronic conditions well. The impact of what we provide in serving persons is the number of medications. Last year in 2017, of those 1,158 persons served, 5,225 individual prescriptions were provided at a cost savings of \$5.8 million dollars. We're a small organization, we have six individuals, three of which are full time that provide direct services and there's so much opportunity to increase services and reach additional persons. So, I very much appreciate your time today. Thank you. Do you have any questions?

**Alderman Miller:** 5,000 prescriptions or doses?

**Ms. Morgan:** 5,228 individual brand name prescription drugs.

**Alderman Thomas:** What was the funding level that we provided Med Bank?

**Ms. Morgan:** For the last three years consecutively it has been \$10,270.

**Alderman Thomas:** I can't recall, but what was in the budget this year?

**Ms. Morgan:** We've been recommended for \$10,000 this year.

**Alderman Thomas:** Can I ask you, first of all, let me say I am familiar with Med Bank and I appreciate the work that you do. The level of savings that you provide to folks that are so desperate for these medications is incredible. What type of funding does Med Bank get from the County?

**Ms. Morgan:** We are supported also from the County. Actually this would have been the first year we applied for County funding but we are not receiving any dollars from the County going into next year. Because we are a partner under the Chatham County Safety Net Planning Council, funding has gone that direction, but not specifically to our agency's organizations. So, I did submit and asked individually but we were not funded for next year.

**Alderman Thomas:** Well, I want you to know that the reason I asked you that question is one, I like to know if we're funding and other agencies are funding as well. But also to put the pressure on our counterparts at the County that many of the services that you are helping out with these unique individuals, they're not just City residents but they are county wide. So, the focus of these programming issues that we deal with, with the funding constraints that we have with our own budget is a countywide issue, not just a City of Savannah issue, so I wanted to make sure that we put that into the public record. But thank you Ms. Morgan for all that you and your organization do, with six individuals and that level of savings I wish we could multiply it over and over again.

**Ms. Morgan:** It's every bit my intention to do so. We're certainly looking for grant opportunities beyond our funding sources currently.

**Alderman Johnson:** I'd like to piggyback on Alderman Thomas's question asked, but maybe more specifically. Of the percentage of the clients you've served in your last fiscal year for which you had those numbers. Do you have a percentage, of what percentage of those are City residents, City proper residents?

**Mayor DeLoach:** It is important to recognize that they're all County residents.

**Ms. Morgan:** The information for the City for last year, and I can't differentiate what's unincorporated versus not, but it was 955 individuals. So, 66 percent of those were City of Savannah residents.

**Alderman Johnson:** Well possibly because you don't know the difference between unincorporated and not.

**Ms. Morgan:** Right, yes. But that's certainly something going forward, again since I'm new in my role that I'll be able to drill down that information in my reporting.

**Alderman Johnson:** I think that's helpful.

## PETITIONS

## [7. Motion to Declare Surplus and Award Sale of Excess Right of Way at 703 Louisville Road](#)

[Development Agreement 703 Louisville Road.pdf](#)

[Map of General Development Plan 703 Louisville Road.pdf](#)

[Map of Canal Improvement Plan 703 Louisville Road.pdf](#)

**Mayor DeLoach:** Basically what we're trying to do is, there's a small sliver of property located on the property that they have bought there. It's right there at the old train station on Louisville Road. They are needing this property to improve the area along the canal that this butts up to and we're trying to authorize them to buy this sliver of property so that they can do the needed improvements on that so that it'll improve the overall flow of the water in the canal. Am I right?

**City Manager Hernandez:** That's correct, and once they're done with the improvements, they will dedicate those improvements back to the City.

**Alderman Johnson:** Just for purpose of context, can we describe the improvements for the record, please?

**Patrick Shay, with Gunn Meyehoff Shay Architects:** The improvements will be about 243 apartments, they will be fair market apartments. They're not student oriented housing, like what we presented to you several years ago. We'll have a super abundance of parking compared to the zoning code. There will also be amenities there, it's an apartment complex that will include the fitness and the usual things that are associated with an upscale apartment complex.

**Alderman Johnson:** Because it's in my district, and obviously it's in a very unique position, I'm concerned about the ability of people on normal salaries to live there. Hence affordable housing is the code word we use really, market rate housing can be quite high and I'm concerned about that and remain concerned about the ability for us to have places within the city core for folks to live. If we're doing luxury apartments and luxury this, you know, we just won't have places to afford it. I mean, is this a place that your run of the mill alderman can live?

**Mr. Shay:** I think the idea is that it would be middle class affordable for sure.

**Alderman Johnson:** What can we do to ensure it remains that and it doesn't just go with the market and explodes? Because once this area grows, the fact of the matter is it becomes much more valuable and obviously people will want to live over there and I just hope that we're able to do some things, either mechanically or policy wise to help to ensure that again, people can live in Savannah and not have to sell the whole farm in order to live in Savannah.

**Mr. Shay:** Alderman Johnson, I'm empathetic with your concern, but I'm not aware of any rent control program that the City has in place to limit what apartments rent for in the future.

**Alderman Johnson:** Mr. City Manager that might be an opportunity for us.

**Alderman Hall:** If my memory serves me right, we already approved something for that area a couple of years ago, is that correct?

**John Northup:** Alderman, you are correct. My name is John Northup and I'm with the law firm of Bouhan Falligant, and I'm also here representing the current owner of the property. You're right, that about two years ago, it was November 2016, this property at that point was owned by a different developer and he had gotten the property rezoned, which was passed by the City. It was rezoned to RIP-D. What he had envisioned with his rezoning was a student housing development and that was a much smaller development, it was about 140 units. I believe this one, that developer was unable to make this project work for various reasons and the property was acquired by our client, which is WEDP and what he is looking to do, as Mr. Shay mentioned, is a much more first-class development that is a gateway really between the Historic District and the planned Canal Arena District to the south west because of where it sits.

**Mr. Shay:** The original concept was to do very small apartments that had small bedrooms, as many as four bedrooms per apartment and they're leased out individually to students. They're not particularly attractive to the broader housing market, whereas this is going to be full market apartments. Not oriented towards students.

**Alderwoman Shabazz:** Mr. Mayor, I'm trying to orientate myself to the exact location. Is this near the Savannah Visitor's Center or is it further down on Boundary?

**Mr. Northup:** It's just further down, just west of Boundary. It's on Louisville Road. So, it's bounded on the north by Louisville and on the south and the east by the Springfield Canal. So, it's just west of Boundary Street.

**Alderwoman Shabazz:** What is the investment dollar amount?

**Mr. Northup:** Well, we've already actually acquired the property which was closed on in late April for I think about \$2.3 million. I think that their plan is for probably \$45 million or so,

**Mr. Shay:** More than \$40 million, it's a nice project.

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

Council held the following discussion related to similar situation(s) that have occurred in the City:

**Mayor DeLoach:** I got one question I wanted to ask concerning this, it might not be what you want to do, so you all have can either do it or don't do it. We pass changes in zoning for people to develop property that they're going to buy and instead of developing it, for whatever reason it doesn't matter what the reason, they don't develop it and they turn around and sell it to somebody else and they come up with another way of doing it and they put it out there and it wasn't exactly what we thought it should be or thought it was going to be based on what was presented to us originally. I'm concerned about it, is there a possibility that we could zone a piece of property for the development of that particular event that takes place and if there's a question of changing the zoning to accommodate somebody else or to do something else that we have an opportunity to look at it before it happens. I'll give you an example, over at Oglethorpe and Drayton, you've got a place there that was going to be a restaurant on the right-hand side going towards downtown. The guy came in saying it was going to be a restaurant, we were excited about it. A little nice restaurant right there in downtown, well, that's laid empty and it's for sale. Things are changing, you know, I worry about what ends up in there in the same zone that would fit what he's doing when in fact we have no intention of that happening. We were interested in a restaurant there. Does that make sense what I'm saying?

**City Manager Hernandez:** It does. I guess, and that's more of a legal response that you've got to get from the City Attorney. But basically you're looking for some sort of reverter clause of some sort. I don't know if that's legal or not.

**Attorney Stillwell:** Generally, when you rezone something, anything that is allowable in that zone is allowed.

**Mayor DeLoach:** That's why I'm talking to you now because... so, the guy that was going to put a restaurant there and we were all feeling good about it and was excited, now he can do away with the restaurant and he can put in a lounge, maybe.

**Attorney Stillwell:** I don't know what exactly the zoning is...

**Mayor DeLoach:** There's a whole list of other things that might not be what we're interested in having in that area.

**Alderman Thomas:** I guess, let me take a crack at this Mayor, could you in the future to Council do a site specific zoning, restricted to the use and...

**Attorney Stillwell:** That generally is not allowable...

**Alderman Thomas:** With the reverter clause?

**Mayor DeLoach:** That's spot zoning

**Alderman Thomas:** Well its spot zoning to begin with.

**Attorney Stillwell:** I don't think that's generally allowable, I can talk to...

**Mayor DeLoach:** I ride by that place everyday most of the time.

**Alderman Thomas:** That's been going on forever up here.

**Attorney Stillwell:** But that's actually why, I mean, y'all are all familiar with, when somebody comes in and asks for a zone, you very frequently will say, well, we don't have a problem with it and every one of y'all have made this comment, and Tony, you know what I'm getting ready to say. You very frequently will say, well, I don't like that and so let's change it to a flower shop zone that also allows, a ladies clothing store, but it doesn't allow a liquor store. So, it's a matter of what zone you put it in. Frankly, one of the problems with our zoning code is that we have too many zones and that's one of the issues that NewZo is attempting to address. It's better if you can

have zones that are much broader which are limited that are defined better. So, I think if you got into what you're talking about Mayor, you would have to have a zoning hearing on every single development that ever happened in the City of Savannah, whether it's... and I think it would just, it would make it very arbitrary what got developed and what didn't. So I'm not sure you could do that but you're certainly...

**Mayor DeLoach:** Here's what I think happens and it's just like that liquor store that's trying to go in underneath this development down here. They get it for one purpose and change their mind or do something else after they get in there. This restaurant, this guy, for whatever reason he might have just bought that property... and me I'm listening to the guy I feel for him he wants to do a restaurant. But he might have just bought that restaurant or bought that piece of property and said if I put the zoning for a restaurant and this list of things here, that value of that property just went up. Therefore I can sell it and make money off of the zoning, not off the property and that concerns me because that's what's happened on a lot of properties. So, my concern is how do we stop that so when Harry comes up here to flip that property and make money on it, not because he was going to be nice and have a restaurant and I'm telling those neighbors down there that did not want this there, and I voted for it because this guy was going to put a restaurant in there. How do I limit it so that guy can't come in here and turn around and do something that is against everything I want there as well as the citizens that are there?

**Attorney Stillwell:** Well, you should be careful about what it is that's allowed in the zone that you allow.

**Mayor DeLoach:** I don't sit around and read zoning maps and say, here's a whole list of 45 things you can put there. I don't have the time nor the patience to do that. I'm depending on the person up there to be somewhat honest, which is a scary thought too sometimes, but in reality, we get hooked here. How do you keep that from happening to the people that you represent because you have given somebody something that they literally didn't move in there and never made an attempt to move in there, put a for sale sign on it and is trying to flip it for something else, that bothers me.

**Alderman Durrence:** Brooks, didn't we do some kind of rezoning recently that was conditional on the project moving forward?

**Attorney Stillwell:** We have sold property and put conditions on property we were selling.

**Alderman Durrence:** I thought when we were looking at the Del Ray property and they were asking for a rezoning that it was a new zoning district entirely. I thought you did something.

**Attorney Stillwell:** We have dozens of different kinds of zoning districts in the City as you know, and some of them have some uses that are conditional that only can be put in with Council approval. I think the only answer I can give you is that you should be careful and I think you are careful. Many times various ones of you up here say, I don't think we should make this a B-C, but I could go with a B-G or whatever and that's why it takes so long to do zonings and it's so complicated.

**Mayor DeLoach:** Tony, gets this stuff, he understands it, and he catches it. I'm not so quick to catch it and really I don't know all those things, so I don't want to leave somebody in limbo because I'm not privy to the information or have been dealing with it long enough. I want to be able to make sure that person does what they say they are going to do and if they don't, they have to come back to us for a change in order so that they can't just arbitrarily do that to flip a dollar. That's my concern that's all.

**Alderwoman Bell:** Brooks, am I clear or am I understanding this correctly, and you are absolutely right because we asked Marcus sometimes when he comes up before us too, if someone is requesting a rezoning, Council members may ask, well what else is allowable...

**Attorney Stillwell:** Correct, and it's actually in your MPC report it'll say here's a list of what's allowable.

**Alderwoman Bell:** I'm not really sure, I mean I'm not seeing a real specific answer to the Mayor's question because chances are the use that the applicant before us wants to use a property for or put property on, there are several others as well and that use is one of many.

**Attorney Stillwell:** But they are compatible, theoretically assuming the zone is an appropriate zone. Personally, I don't think it would be a good idea to say every single time anybody changes a use from a flower shop to a gift shop that it has to come to City Council because I think you would very much depreciate the value of all the real estate in town as it would make things less predictable and much more expensive to use.

**Alderman Johnson:** But we would have better choices, and better use of the land in which...

**Attorney Stillwell:** Well maybe, then you would also have a lot more, it would make it much more political as to what somebody could do.

**Alderman Johnson:** It's political right now.

**Mayor DeLoach:** I won't bother you anymore, but do you think there's a possibility of having that. I know that y'all tell me it's going to be written up somewhere. Is it written down, all those different options that they can have on whenever we get our full reading?

**City Manager Hernandez:** Yes.

## ORDINANCES - FIRST READING

### [8. First Reading of Ordinance to Adopt the 2019 Service Program and Budget](#)

**City Manager Hernandez:** Mr. Mayor, I'm going to turn it over to your Budget Director, Ms. Melissa Carter, to give you a brief overview of where we are.

**Melissa Carter, Budget Director:** Good afternoon Mayor and Council. As you know, the proposed budget for fiscal year 2019 was made available for review on November 15<sup>th</sup> and 16<sup>th</sup>. Council held a budget retreat which resulted in the following revisions to the proposal:

- Rollback the budgeted millage rate of 13.4 mills down to 13.2 mills
- Increase the general wage adjustment for employees from 3 percent to 3.5 percent
- Restore funding for an independent anonymous crime tipping program

So, as we conduct today's public hearing, I want to report that your requested revisions have been made and the spending plan has been rebalanced by which revenues equal expenditures. These revisions have resulted in an adjusted general fund overall budget for FY19 totaling \$199,943,286.

No Action Necessary

## ORDINANCES - FIRST AND SECOND READING

### [9. An Ordinance to Amend the Special Use Ordinance for 5715 Skidaway Road to Allow Construction of a Pavilion \(Petitioner: Josh Yellin for Colleen Smith/Cohen's Retreat\)](#)

#### [5715 Skidaway Rd Special Use Draft Ordinance.pdf](#)

Ordinance read for the first time in Council November 20, 2018, then by unanimous consent of Council read a second time, placed upon its passage, adopted and approved upon a motion by Alderwoman Bell, seconded by Alderman Hall, and unanimously carried.

#### AN ORDINANCE

#### To Be Entitled

AN ORDINANCE TO AMEND THE USE CONDITIONS ASSOCIATED WITH CERTAIN PROPERTY WITHIN A PUD-IS (PLANNED UNIT DEVELOPMENT – INSTITUTIONAL) ZONING CLASSIFICATION; TO REPEAL ALL OTHER ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES:

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

SECTION 1: That pursuant to and subject to conditions of Section 8-3039 of the Zoning Ordinance, Special Uses, the following uses: Specialty Restaurant, Banquet Hall, Catering Business, General Office Space in the main building; Art Studio/Gallery (Education) in one of the Duplex Structures; [Pavilion housing the Savannah Blarney Stone](#), and Inn or Long-term Tenants in the Eight Residential Duplex Structures, are hereby established within the following described PUD-IS Zoning District [at 5715 Skidaway Road](#):

Beginning at a point [X: 993700.051495 Y: 734238.175271] located at the approximate intersections of the centerlines of Bacon Park Drive & Skidaway Road, said point being THE POINT OF BEGINNING

Thence proceeding in a Southwesterly direction along the centerline of Skidaway Road for an approximate distance of 614.146 ft. to a point, a point located at the approximate intersections of the centerlines of Bona Bella Avenue & Skidaway Road [X: 993479.388948 Y: 733665.040578]

Thence proceeding in a Northwesterly direction along the centerline of Bona Bella Avenue for an approximate distance of 430.473 ft. to a point [X: 993049.556693 Y: 733688.516087]

Thence proceeding in a N 21-35-41 E direction along a line for an approximate distance of 714.837 ft. to a point [X: 993312.645574 Y: 734353.179059], a point located on the approximate centerline of Bacon Park Drive,

Thence proceeding in a Southeasterly direction along the centerline of Bacon Park Drive for an approximate distance of 404.115 ft. to a point [X: 993700.051495 Y: 734238.175271], a point located at the approximate intersections of the centerlines of Bona Bella Avenue & Skidaway Road and with said point being, THE POINT OF BEGINNING

The property is further identified by the Property Identification Number (PIN) as follows:

PIN: 2-0141-05-005

SECTION 2: The special uses are approved upon recommendation of the Metropolitan Planning Commission and after a public hearing and findings in accordance with Section 8-3163(b) of the Zoning Ordinance subject to the following conditions:

1. The catering business shall be limited to hours of operation from 8:00 a.m. to 11:00 p.m.
2. The restaurant shall be limited to a maximum seating capacity of 100 seats and shall be limited to hours of operation from 11:00 a.m. to 11:00 p.m. Beer, wine, and spirituous beverages may be served at the restaurant and banquet hall only as part of a full service meal.
3. The banquet hall shall be restricted to the same conditions as the restaurant with the exception that the maximum seating capacity shall be not more than 15 seats.
4. The art studio/gallery shall be limited to a maximum of 35 students with a maximum of 2 instructors. The art studio/gallery shall be restricted to hours of operation between 11:00 a.m. to 11:00 p.m. Beer and wine only may be served at art shows.
5. The general office space shall be limited to a maximum gross area of 1,375 square feet.
6. There shall be not more than 8 residential duplexes with a total of 16 residential units (2010 Bona Bella Ave Units 1-16), with one bedroom each, for a total of 16 bedrooms.
7. 15 of the residential units may be used for non-transient residential guests (long-term rentals) and/or by the inn for transient guests (short-term rentals).
8. One of the residential units (currently Unit 2) shall be the caretaker's quarters of an onsite 24/7 manager.
9. Four of the residential units (Units 13-16) may be used as live-work units or offices or for non-transient residential guests (long-term rentals) and/or by the inn for transient guests (short-term rentals).
10. Unit 17 (one of the nine original duplexes built in 1978 with approval by the Mayor & Aldermen) may be used as "The Clubhouse". In 2004, the Mayor & Aldermen had approved the conversion of one of the nine duplexes into a nonresidential use.
11. Two storage buildings may be on the western edge of the property. However, they have to maintain a five-foot setback from the property lines.
12. Commercial deliveries shall be limited to the hours between 8:00 a.m. to 6:00 p.m., Monday through Friday. Delivery trucks shall use only the Bacon Park Drive access.
13. Commercial dumpsters shall be fully screened from adjacent properties.
14. The existing vegetative buffer that extends the length of the western property line shall remain undisturbed. If it is disturbed, then it shall be replaced with more vegetation and/or a six-foot wood, opaque privacy fence.
15. No modification of the existing building footprint or demolition of existing buildings shall be allowed.
16. New buildings or structures shall not be allowed without approval of the Mayor & Aldermen.
17. All activities associated with the art studio/gallery, restaurant, inn, and banquet hall shall be limited to inside only with no outside events to include music.
18. An accessory structure consisting of a 20' x 30' pavilion shall be permitted onsite. The pavilion shall house a portion of the Blarney Castle ("Savannah Blarney Stone"). The accessory structure and Savannah Blarney Stone shall be illuminated for viewing by patrons.
19. Compliance with the off-street parking requirement as determined by the City Zoning Administrator.
20. No additional outside lighting shall be permitted unless such lighting is approved by the MPC staff.
21. All proposed signage, with the exception of a freestanding principal use sign shall be in accordance with the sign standards as contained within an I-P zoning district. A freestanding principal use sign, if desired, shall be limited to a monument style sign with a maximum area of 36 square feet. Such sign shall be either internally lighted with a reverse silhouette or have indirect lighting. No directory signage shall be permitted.
22. A Certificate of Occupancy and/or Certificate of Completion shall be required for existing uses and prior to any use changes affecting any and all buildings and accessory structures.

23. This Ordinance incorporates the relevant conditions that were approved under Z-031029-51725-2 on January 22, 2004, 13-003286-ZA on September 5, 2013, ~~and~~ 15-005142-ZA on December 10, 2015, and 18-001339-ZA on May 10, 2018.



SECTION 3: That the requirements of Section 8-3182(f) of said Code and the law in such cases made and provided has been satisfied. An opportunity for a public hearing was afforded anyone having an interest or property right which may have been affected by this zoning amendment, said notice being published in the Savannah Morning News, on the 15<sup>th</sup> day of October, 2018, a copy of said notice being attached hereto and made a part hereof.

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

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

**ADOPTED AND APPROVED: NOVEMBER 20, 2018**

[10. An Ordinance to Rezone 1602 Bull Street from TN-2 to TC-1 \(Petitioner: Josh Yellin for 1602 Bull, LLC\)](#)

[1602 Bull St Draft Ordinance.pdf](#)

Ordinance read for the first time in Council November 20, 2018, then by unanimous consent of Council read a second time, placed upon its passage, adopted and approved upon a motion by Alderman Durrence, seconded by Alderwoman Bell, and unanimously carried.

AN ORDINANCE

To Be Entitled

AN ORDINANCE TO REZONE CERTAIN PROPERTY FROM A TN-2 (TRADITIONAL NEIGHBORHOOD, MID-CITY) ZONING DISTRICT TO A TC-1 (TRADITIONAL COMMERCIAL, MID-CITY) ZONING DISTRICT; TO REPEAL ALL OTHER ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES.

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

SECTION 1: The following described property, 1602 Bull Street, be rezoned from its present TN-2 Zoning District to a TC-1 Zoning District:

Beginning at a point [X: 986977.628697 & Y: 751203.149799], located at the intersection of West 32<sup>nd</sup> Street & Bull Street, said point being, THE POINT OF BEGINNING

Thence proceeding in a SE direction along the approximate centerline of West 32<sup>nd</sup> Street for an estimated distance of 104.4 ft. to a point,

Thence proceeding in a SW direction [S 16-17-6 W] along a line for an estimated distance of 75.1 ft. to a point,

Thence proceeding in a NW direction [N 73-1-37 W] along a line for an estimated distance of 106.6 ft. to a point located along the approximate centerline of Bull Street,

Thence proceeding in a NE direction along the approximate centerline of Bull Street for an estimated distance of 68.6 ft. to a point, [X: 986977.628697 & Y: 751203.149799], located at the intersection of West 32<sup>nd</sup> Street & Bull Street, said point being, THE POINT OF BEGINNING

The property is further identified by the Property Identification Number (PIN) as follows:

PIN: 2-0053 -30-015

SECTION 2: That the requirements of Section 8-3182(f)(2) of said Code and the law in such cases made and provided has been satisfied. An opportunity for a public hearing was afforded anyone having an interest or property right which may have been affected by this zoning amendment, said notice being published in the Savannah Morning News, on the 15<sup>th</sup> day of October, 2018, a copy of said notice being attached hereto and made a part hereof.

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

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

**ADOPTED AND APPROVED: NOVEMBER 20, 2018**

[11. Motion to Adopt Ordinance to Issue General Obligation Bonds for Downtown Streetscape Improvements](#)

[Memo to CM RE 2018 GO Bond Issue.pdf](#)

[ord-tax \(v2\) 10-29-18.pdf](#)

Ordinance read for the first time in Council November 20, 2018, then by unanimous consent of Council read a second time, placed upon its passage, adopted and approved upon a motion by Alderwoman Bell, seconded by Alderman Miller, and carried with the following voting in favor: Mayor DeLoach, Alderman Bell, Miller, Foster, Durrence, Johnson, Thomas, and Hall; Alderwoman Shabazz voted against.

ORDINANCE

AN ORDINANCE OF THE MAYOR AND ALDERMEN OF THE CITY OF SAVANNAH TO ASSESS AND PROVIDE FOR THE COLLECTION OF A DIRECT ANNUAL TAX SUFFICIENT TO PAY THE PRINCIPAL OF AND INTEREST ON \$2,000,000 OF CITY OF SAVANNAH GENERAL OBLIGATION STREET IMPROVEMENT BOND, SERIES 2018, AS AUTHORIZED BY A RESOLUTION ADOPTED BY THE MAYOR AND ALDERMEN OF THE CITY OF SAVANNAH AT A PUBLIC MEETING HELD FOR THAT PURPOSE ON NOVEMBER 20, 2018, PURSUANT TO THE CONSTITUTION OF THE STATE OF GEORGIA, AS AMENDED, I GA. L. 1972, P. 1521 AND I GA. L. 1977, P. 1583, AND IN CONFORMITY WITH THE CONSTITUTION AND STATUTES OF THE STATE OF GEORGIA, AND FOR OTHER PURPOSES.

WHEREAS, it is provided by the Constitution of the State of Georgia, as amended, I Ga. L. 1972, p. 1521, that:

“...the Mayor and Aldermen of the City of Savannah may issue general obligation bonds for street and drainage improvements and all costs necessary therefor including acquiring rights-of-way without submitting the issuance thereof to the voters of said City at a referendum, subject to the following restrictions and limitations:

1. The issuance of such bonds shall be authorized at a public meeting held for such purpose after at least ten (10) days’ notice thereof in the official organ of said City and in at least one (1) of the daily newspapers of said City.
2. Not more than ten (10%) percent of the total unused bond capacity of said City and in no event more than one million dollars (\$1,000,000) in the aggregate in such bonds so issued without a referendum shall be issued in any fiscal year.
3. The aggregate of all outstanding bonds, including those issued by vote of the people in a referendum and those issued under this amendment without a referendum, shall not exceed the limitations provided elsewhere in this paragraph.
4. Funds realized under provisions of this paragraph shall be expended only in accordance with existing paving policies of the Mayor and Aldermen of the City of Savannah in effect on January 1, 1972, to the end that property owners affected will continue to pay such present portion of paving costs unless the paving project is declared a public necessity;” and

WHEREAS, it is provided by the Constitution of the State of Georgia, Article VII, as amended, I Ga. L. 1977, p. 1583, that:

“Notwithstanding any other provision of this Article, the Mayor and Aldermen of the City of Savannah may issue general obligation bonds for street and drainage improvements and all costs necessary therefor including acquiring rights-of-way without submitting the issuance thereof to issue bonds under the provisions of this paragraph shall be in addition to and shall not alter, impair, limit or otherwise affect the power of the Mayor and Aldermen to issue the bonds provided for in an amendment ratified on November 7, 1972 (Ga. L. 1972, p. 1521), but the bonds issued under this paragraph shall be in addition to the bonds authorized by such amendment. Bonds issued under this paragraph shall be subject to the following restrictions and limitations:

1. The issuance of such bonds shall be authorized at a public meeting held for such purpose after at least ten (10) days’ notice thereof in the official organ of said City and in at least one (1) of the daily newspapers of said City.
2. Not more than ten (10%) percent of the total unused bond capacity of said City and in no event more than one million dollars (\$1,000,000) in the aggregate in such bonds so issued without a referendum shall be issued in any fiscal year.

3. The aggregate of all outstanding bonds, including those issued by vote of the people in a referendum and those issued under this amendment without a referendum shall not exceed the limitations provided elsewhere in this paragraph.

4. Funds realized under provisions of this paragraph shall be expended only in accordance with existing paving policies of the Mayor and Aldermen of the City of Savannah in effect on January 1, 1979, to the end that property owners affected will continue to pay such present portion of paving costs unless the paving project is declared a public necessity;" and

WHEREAS, pursuant to said Constitutional provisions, the Mayor and Aldermen of the City of Savannah (the "City") held the above described public meeting on November 5, 2018, after ten days' notice thereof, as required in connection with the issuance of a general obligation bond designated City of Savannah General Obligation Street Improvement Bond, Series 2018 (the "Bond"), in the principal amount of \$2,000,000, which Bond is authorized to be issued for the purpose of providing funds needed to pay a portion of the cost of street improvements in the City for the use and benefit of the citizens of the City, which purpose is declared to be a public necessity, and for the purpose of paying the costs of issuance of the Bond; and

WHEREAS, a Bond Resolution (the "Bond Resolution") was adopted by the City on the date hereof authorizing issuance of the Bond in conformity with the form of the Bond provided in the Bond Resolution and in accordance with details incident to the issuance of the Bond prescribed thereby; and

WHEREAS, in accordance with the terms of the Bond and as prescribed in the notice of said public meeting and in the Bond Resolution, the City has heretofore offered the Bond for sale to the best bidder and, pursuant to said offer, the financial institution or underwriter designated on Exhibit A, which is attached hereto and made a part hereof, has offered to purchase the Bond in accordance with the terms of said offer, which offer has been accepted as the best bid received for such purchase by resolution of the City adopted on the date of adoption of this ordinance; and

WHEREAS, prior to issuance of the Bond, it is necessary that a tax be levied on all the taxable property subject to taxation for bond purposes located within the boundaries of the City of Savannah for the purpose of paying the principal of and the interest on the Bond as the same shall mature and become due,

NOW, THEREFORE, in order to issue and deliver the Bond, which has been validated by the Superior Court of Chatham County, be it ordained by the Mayor and Aldermen of the City of Savannah in meeting assembled, and it is hereby ordained by authority of the same, that:

**Section 1. Tax Levy for Payment of Bond.** For the purpose of providing funds for the payment of the principal of and interest on the Bond on the dates on which such principal and interest shall become due and payable, there shall be and hereby is assessed and levied and there shall hereafter be collected in the appropriate years, a continuing direct annual tax upon all the taxable property within the boundaries of the City of Savannah as the same now exist, and within any extensions thereof, sufficient in amount to produce the sums required to pay the interest coming due on the Bond on February 1 and August 1 of each year and the principal coming due on the Bond in the years as shown on Exhibit A attached hereto and made a part hereof. In accordance with the provisions of Article 9, Section 5, Paragraph 6, of the Constitution of the State of Georgia, the proceeds of the tax, together with any other moneys collected for this purpose, shall be placed in a sinking fund to be held by the City and to be used exclusively for paying the principal of and interest on the Bond. Such moneys shall be held and kept separate and apart from all other revenues collected and may be invested and reinvested as provided by law.

**Section 2. Funds Pledged for Payment of Bond.** The funds provided by such tax shall be and hereby are irrevocably pledged to and appropriated for the payment of the principal of and interest on the Bond, and provisions to meet the requirements hereof shall be made hereafter in due time and manner in the annual appropriation measure in each year so that the Bond, as to both principal and interest, shall be fully paid as the same shall become due.

**Section 3. Conflicting Provisions Repealed.** Any and all ordinances or resolutions or parts of ordinances or resolutions, if any, in conflict herewith shall be and the same are repealed by the final passage of this ordinance.

**ORDINANCE APPROVED AND ADOPTED, November 20, 2018**

[12. Motion to Amend the Alcoholic Beverage Ordinance to Provide for the Sale of On-Premises Alcoholic Beverages Beginning at 11 a.m. Sunday](#)

[Sunday sales ordinance amendment.pdf](#)

**Alderman Johnson:** Mr. City Manager or City Attorney, if you could just give us some lead as to why we're at this point.

**Attorney Stillwell:** The State law previously did not allow Sunday sales of alcohol in restaurants except after 12:30 p.m. In the last session of the legislature they authorized local governments to have a referendum to change that to 11:00 a.m. on Sundays. You

previously authorized that referendum, it passed in the City of Savannah, and this is a change in the ordinance that would allow sales at 11:00 a.m. beginning this Sunday. So, it's effective immediately upon the Mayor's signature. I think that's important because a lot of people might think otherwise.

Ordinance read for the first time in Council November 20, 2018, then by unanimous consent of Council read a second time, placed upon its passage, adopted and approved upon a motion by Alderman Thomas, seconded by Alderman Durrence, and carried with the following voting in favor: Mayor DeLoach, Alderman Bell, Miller, Foster, Durrence, Johnson, Thomas, and Hall; Alderwoman Shabazz voted against.

**AN ORDINANCE**

**TO BE ENTITLED**

AN ORDINANCE TO AMEND ARTICLE H, THE ALCOHOLIC  
BEVERAGE ORDINANCE OF 2017, OF CHAPTER 1 OF PART 6 OF  
THE CODE OF THE CITY OF SAVANNAH, GEORGIA (2003) TO  
PROVIDE FOR THE SALE OF ALCOHOLIC BEVERAGES FOR  
CONSUMPTION ON PREMISES ON SUNDAYS BEGINNING AT 11:00 A.M.;  
TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; AND FOR  
OTHER PURPOSES.

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

**SECTION 1:** That subsection (c) of Section 6-1211 entitled "Hours of Operation; Sunday sales" of the Alcoholic Beverage Ordinance found in Chapter 1, Businesses and Occupations, of Part 6, Licensing and Regulation, of the Code of the City of Savannah, Georgia (2003) be deleted in its entirety and a new subsection (c) be inserted in lieu thereof as follows:

(c) A Class C licensee, upon obtaining a Sunday sales permit, may serve alcoholic beverages between the hours of 11:00 a.m. Sunday and 2:00 a.m. Monday provided the licensee or applicant, as appropriate, complies with the following provisions, evidence of which shall be provided to the office of the revenue director by certification made under oath by a certified public accountant by a deadline to be specified by the revenue director:

1. In the case of a current licensee filing an annual renewal, operation of an establishment where at least 50 percent of the total annual gross sales are derived from the sale of prepared meals or food during the previous calendar year.
2. In the case of a current licensee that does not possess a Sunday sales permit but intends to change its operational plan, when such planned operational change is, in good faith, intended and expected to result in at least 50 percent of total annual gross sales being derived from the sale of prepared meals or food, such licensee shall submit no later than six months after receiving an interim Sunday sales permit a certification made under oath by a licensed certified public accountant evidencing that at least 50 percent of the licensee's total gross sales were derived from the sale of prepared meals or food during the interim Sunday sales permit period.
3. In the case of a new licensee, then the new licensee must, in good faith, intend and expect to derive at least 50 percent of its total annual gross sales from the sale of prepared meals or food. Six months after receipt of a new Sunday sales permit, the new licensee shall submit a certification made under oath by a licensed certified public accountant evidencing that at least 50 percent of the licensee's total gross sales were derived from the sale of prepared meals or food during the initial Sunday sales permit period.
4. Possess or has applied for a business tax certificate to operate a restaurant.
5. Prepared meals or food will be served on the premises during the time in which the establishment is open to the public.

6. Failure to comply with the applicable provisions of this section may result in revocation of the licensee's Sunday sales permit.

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

SECTION 3: This ordinance shall become effective upon the mayor affixing his signature below.

**ADOPTED AND APPROVED: NOVEMBER 20, 2018**

**ORDINANCES - SECOND READING**

[13. Motion to Amend the Stormwater Management Ordinance to Update Language to Match State Regulations and to Codify Existing Policies](#)

[Stormwater ORD 2018.pdf](#)

[Stormwater ORD 2018 w Markups.pdf](#)

**AN ORDINANCE**

**TO BE ENTITLED**

AN ORDINANCE TO AMEND PART 4, PUBLIC SERVICES,  
CHAPTER 11, STORMWATER MANAGEMENT, OF THE CODE  
OF THE CITY OF SAVANNAH, GEORGIA (2003) TO REENACT  
A STORMWATER MANAGEMENT ORDINANCE; TO PROVIDE  
FOR EFFECTIVE DATES; TO REPEAL ALL ORDINANCES IN  
CONFLICT HEREWITH AND FOR OTHER PURPOSES.

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

SECTION 1: That Part 4, Public Services, Chapter 11, Stormwater Management, of the Code of the City of Savannah, Georgia (2003) be amended by inserting a new Chapter 11 entitled Stormwater Management as follows:

CHAPTER 11. STORMWATER MANAGEMENT

ARTICLE A. IN GENERAL

**Sec. 4-11001. Short title.**

This chapter shall be known as the City of Savannah Stormwater Management Ordinance.

**Sec. 4-11002. Findings. Purpose; Intent.**

- a. Findings.
- b. The land development process significantly alters the hydrologic response of development sites, increasing stormwater runoff rates, volumes and pollutant loads, which could increase incidents of flooding thereby endangering infrastructure, public and private property and human life;
- c. The land development process significantly alters the hydrologic response of development sites, increasing stormwater runoff rates, volumes and pollutant loads, and alters water levels and fluctuations and increases pollutant transport and deposition in wetlands, rivers and streams;
- d. The land development process significantly alters the hydrologic response of development sites, increasing stormwater runoff rates, volumes and pollutant loads, and alters salinity concentrations and fluctuations and increases primary productivity and pollutant transport and deposition in estuaries;

- e. The land development process significantly alters the hydrologic response of development sites, increasing stormwater runoff rates, volumes and pollutant loads, and increases bacteria transport and deposition in near coastal waters, which leads to beach contamination and poses a serious threat to human health;
- f. The land development process significantly alters the hydrologic response of development sites, increasing stormwater runoff rates and volumes, and decreases the amount of rainfall that is available to recharge shallow groundwater aquifers;
- g. The negative impacts of the land development process on local aquatic resources can adversely affect the health, safety and general welfare of the general public as well as the quality of life of its citizens;
- h. Every residential and non-residential parcel of real property, both public and private, benefits from the implementation of storm water management regulations as well as proper maintenance and operation of the municipal storm sewer system (MS4);
- i. The negative impacts of the land development process can be controlled and minimized through the management of stormwater runoff rates, volumes and pollutant loads;
- j. Communities located within Georgia's Coastal Nonpoint Source Management Area and Areas of Special Interest are required to comply with a number of state and federal regulations that require the adverse impacts of the land development process to be controlled and minimized;
- k. It is widely recognized that Green Infrastructure means interconnected natural systems and ecological processes that provide clean water, air quality and wildlife habitat. Low Impact Development (LID) is an approach to land development that uses various land planning and design practices and technologies to simultaneously conserve and protect natural resource systems and reduce infrastructure costs. When incorporated with stormwater management plans, and strategically planned, Green Infrastructure and Low Impact Development will provide great benefit to the citizens of Savannah; and
- l. Therefore, the City of Savannah has determined that it is in the public interest to control and minimize the adverse impacts of the land development process and has established this set of local stormwater management regulations to control post-construction stormwater runoff rates, volumes and pollutant loads on development and redevelopment sites.
- m. Purpose; Intent.
- n. The purpose of this ordinance is to protect and maintain the integrity of local aquatic resources and, consequently, the health, safety and welfare of the general public, by establishing local stormwater management regulations that control and minimize the adverse impacts of the land development process. The ordinance seeks to achieve these goals by enacting provisions that:
- o. Protect, maintain, and enhance the short term and long term public health, safety, and general welfare. This objective will be achieved by providing for regulation and management of a municipal storm sewer system, including public and private facilities, in the city's service area;

(B) Comply with the Georgia Department of Natural Resources (DNR) and federal Environmental Protection Agency (EPA) stormwater regulations developed pursuant to the Clean Water Act. These requirements include:

- 1.
- 1.
- i. Control the discharge of stormwater and contribution of pollutants to the municipal storm sewer system (MS4) by stormwater discharges associated with impervious area and the quality of stormwater discharged from sites' impervious areas;
- ii. Prohibit illicit connections and/or discharges to the MS4;
- iii. Control discharge to municipal storm sewers of spills, dumping or disposal of materials other than stormwater; and
- iv. Control, through intergovernmental agreements, contribution of pollutants from one municipal/county system to another.

(C) Establish minimum requirements and procedures to regulate the adverse effects of increased stormwater runoff and development in flood hazard areas;

(D) Establish decision-making processes that can be applied during the site planning and design process to help protect the integrity of local aquatic resources;

(E) Establish post-construction stormwater management and site planning and design criteria to help protect natural resources from the direct impact of the land development process and preserve existing hydrologic conditions on development sites;

(F) Establish post-construction stormwater management and site planning and design criteria to help reduce flooding, channel erosion and pollutant transport and deposition in local aquatic resources;

(G) Establish design guidelines for green infrastructure and stormwater management practices that can be used to meet the post-construction stormwater management and planning and design criteria;

(H) Encourage green infrastructure practices, including better site planning techniques, better site design techniques and low impact development practices, be used to the maximum extent practical on development sites;

(I) Establish provisions for the long-term inspection and maintenance of green infrastructure and stormwater management practices to ensure that they continue to function as designed and pose no threat to public safety; and,

(J) Establish administrative procedures for the submittal, review, approval and disapproval of stormwater management plans and for the inspection of approved development projects.

**Sec. 4-11003. Applicability of chapter.**

- a. This chapter shall apply to all existing and future discharges to the city separate stormwater system.
- b. If any term, requirement or provision of this chapter becomes invalid or unenforceable, the remainder of this chapter shall not be affected, and any and all other requirements and provisions shall remain valid and be enforced to the fullest extent.
- c. When this chapter is in conflict with other ordinances, the ordinance with the most stringent requirements shall apply as determined by the Stormwater Management Director

**Sec. 4-11004. Definitions**

(a) **“Accidental discharge”** shall mean a discharge prohibited by this chapter into the city separate stormwater system which occurs by chance and without planning or consideration prior to occurrence.

(b) **“Agricultural practices”** shall mean practices involving the establishment, cultivation, or harvesting of products of the field or orchard; the preparation and planting of pastureland, farm ponds; and the construction of farm buildings.

(c) **“Applicant”** means a property owner or agent of a property owner who has submitted an application for a post-construction stormwater management permit.

(d) **“Aquatic Buffer”** means an area of land located around or near a stream, wetland, or waterbody that has intrinsic value due to the ecological services it provides, including pollutant removal, erosion control and conveyance and temporary storage of flood flows.

(e) **“Aquatic Resource Protection”** means measures taken to protect aquatic resources from several negative impacts of the land development process, including complete loss or destruction, stream channel enlargement and increased salinity fluctuations.

(f) **“Better Site Design Techniques”** means site design techniques that can be used during the site planning and design process to minimize land disturbance and the creation of new impervious and disturbed pervious cover. Better site design techniques include reducing clearing and grading limits, reducing roadway lengths and widths and reducing parking lot and building footprints.

(g) **“Better Site Planning Techniques”** means site planning techniques that can be used during the site planning and design process to protect valuable aquatic and terrestrial resources from the direct impacts of the land development process. Better site planning techniques include protecting primary and secondary conservation areas.

(h) **“Best management practices (BMPs)”** shall mean both structural devices to store or treat stormwater runoff and non-structural programs or practices which are designed to prevent or reduce the pollution of the waters of the State of Georgia.

(i) **“Building”** means any structure, either temporary or permanent, having walls and a roof, designed for the shelter of any person, animal or property and occupying more than 100 square feet of area.

(j) **“City separate stormwater system”** shall mean a conveyance or system of conveyances (including roads with drainage systems, highways, rights-of-way, city streets, catch basins, curbs, gutters, ditches, both natural and manmade channels, storm drains, detention ponds, drainage easements, other stormwater facilities) which meets all the following criteria:

- (1) Owned or maintained by the City of Savannah;
- (2) Designed or used for collecting or conveying stormwater;
- (3) Not a known combined sewer; and
- (4) Not part of a publicly owned treatment works (POTW).

(k) “**Channel**” means a natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

(l) “**Conservation Areas**” means permanently protected areas of a site that are preserved, in perpetuity, in an undisturbed, natural state.

(m) “**Conservation Easement**” means a legal agreement between a land owner and a local, state, or federal government agency or land trust that permanently protects conservation areas on the owner’s land by limiting the amount and type of development that can take place within them but continues to leave the conservation areas in private ownership.

(n) “**Construction Activity**” means the disturbance of soils associated with clearing, grading, excavating, filling of land, or other similar activities, which may result in soil erosion.

(o) “**Conveyance**” shall mean stormwater facilities designed for the movement of stormwater through the drainage system, such as concrete or metal pipes, ditches, depressions, swales.

(p) “**Critical Water Resource Area**” means a City-designated drainage area that is assigned special stormwater design criteria in the Local Design Manual.

(q) “**Dedication**” means the deliberate appropriation of property by its owner for general public use.

(r) “**Department**” shall mean the City of Savannah stormwater management department.

(s) “**Detention**” means the temporary storage of stormwater runoff in a stormwater management practice for the purpose of controlling the peak discharge rates and providing gravitational settling of pollutants.

(t) “**Developer**” means a person who undertakes a land development project.

(u) “**Development**” shall mean:

(1) The division of a lot, tract or parcel of land into two or more lots, plots, sites, tracts, parcels, or other divisions by plat or deed;

(2) The construction, installation, or alteration of a structure, impervious surface, or drainage facility;

(3) Clearing, scraping, grubbing, or other activities that significantly disturb the soil, vegetation, mud, sand or rock of a site; or

(4) Adding, removing, exposing, excavating, leveling, grading, digging, burrowing, dumping, piling, dredging, or otherwise disturbing the soil, vegetation, mud, sand or rock of a site.

(v) “**Development Project**” means a new development or redevelopment project.

(w) “**Development Site**” means a parcel of land where land disturbing activities have been or will be initiated to complete a land development project.

(x) “**Director**” shall mean the director of stormwater management department

(y) “**Discharge**” shall mean the release of stormwater to the city separate stormwater system.

(z) “**Drainage**” shall mean the removal of stormwater from a given area either by gravity or by pumping.

(aa) “**Drainage Easement**” means a legal right granted by a land owner to a grantee allowing the grantee to convey, treat or manage stormwater runoff on the private land subject to the drainage easement.

(bb) “**Driveway Culvert**” means a pipe or culvert structure along a public road which basically only serves for access to a discrete private property.



(cc) “**Easement**” means a legal right granted by a land owner to a grantee allowing the use of private land for conveyance, treatment and management of stormwater runoff and access to green infrastructure and stormwater practices.

(dd) “**Employee**” shall mean any city employee as designated by the city manager to have authority in stormwater management, planning, maintenance, or construction.

(ee) “**Exempt**” shall mean the release of the obligation to comply with specific sections of this chapter.

(ff) “**Erosion and Sediment Control Plan**” means a plan that is designed to minimize and control the accelerated erosion and increased sediment loads that occur at a site during land disturbing activities.

(gg) “**Evapotranspiration**” means the loss of water to the atmosphere through both evaporation and transpiration, which is the evaporation of water from the aerial parts of plants.

(hh) “**Extended Detention**” means the temporary storage of stormwater runoff in a stormwater management practice for an extended period of time, typically 24 hours or greater.

(ii) “**Extreme Flood Protection**” means measures taken to protect downstream properties from dangerous extreme flooding events and help maintain the boundaries of the existing 100-year floodplain.

(jj) “**Fee in Lieu Contribution**” means a payment of money in place of meeting all or part of the stormwater management criteria required by a post-construction stormwater management ordinance.

(kk) “**Flood**” shall mean a general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) The overflow of inland or tidal waters; or

(2) The unusual and rapid accumulation or runoff of surface waters from any source.

(ll) “**Flooding**” means a volume of stormwater runoff that is too great to be confined within the banks of a stream, river or other aquatic resource or walls of a stormwater conveyance feature and that overflows onto adjacent lands.

(mm) “**Green Infrastructure Practices**” means the combination of three complementary, but distinct, groups of natural resource protection and stormwater management practices and techniques, including better site planning, better site design techniques, and low impact development practices. These practices protect valuable terrestrial and aquatic resources from the direct impacts of the land development process, maintain pre-development site hydrology and reduce post-construction stormwater runoff rates, volumes and pollutant loads.

(nn) “**Hotspot**” shall mean the same as Stormwater Hotspot, described elsewhere in these definitions.

(oo) “**Hydrologic Soil Group (HSG)**” means a Natural Resource Conservation Service classification system in which soils are categorized into four runoff potential groups. The groups range from group A soils, with high permeability and little runoff produced, to group D soils, which have low permeability rates and produce much more runoff.

(pp) “**Illicit connection**” shall mean an unauthorized or illegal connection to a city separate stormwater system which results in discharge that is not composed entirely of stormwater runoff.

(qq) “**Illicit Discharge**” means any direct or indirect non-stormwater discharge to the separate storm sewer system, including, but not limited to, sewage, process wastewater, and washwater. The discharge may be continuous or intermittent in nature.

(rr) “**Impaired Waters**” means those streams, rivers, lakes, estuaries and other water bodies that currently do not meet their designated use classification and associated water quality standards under the Clean Water Act.

(ss) “**Impervious Cover**” means a surface composed of any material that greatly impedes or prevents the natural infiltration of water into the underlying native soils. Impervious surfaces include, but are not limited to, rooftops, buildings, sidewalks, driveways, streets and roads.

(tt) **“Indirect discharge”** shall mean any discharge to the city's separate stormwater system via another conveyance system that is not owned, operated, or maintained by the city.

(uu) **“Industrial Stormwater Permit”** means a National Pollutant Discharge Elimination System (NPDES) permit issued to an industry or group of industries that regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.

(vv) **“Infill Development”** means land development that occurs within designated areas based on local land use, watershed and/or utility plans where the surrounding area is generally developed, and where the site or area is either vacant or has previously been used for another purpose.

(ww) **“Infiltration”** means the process of allowing stormwater runoff to percolate into the underlying native soils.

(xx) **“Infiltration Practice”** means a green infrastructure or stormwater management practice designed to provide infiltration of stormwater runoff into the underlying native soils. These stormwater management practices may be above or below grade.

(yy) **“Inspection and Maintenance Agreement and Plan”** means a written agreement and plan providing for the long-term inspection and maintenance of all green infrastructure practices, stormwater management practices, stormwater conveyance features and stormwater drain infrastructure on a development site.

(zz) **“Jurisdictional Wetland”** means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

(aaa) **“Land Development”** means any project undertaken to change or improve a site that involves one or more land disturbing activities.

(bbb) **“Land Disturbing Activity”** means any activity that changes stormwater runoff rates, volumes and pollutant loads on a site. These activities include, but are not limited to, the grading, digging, cutting, scraping, or excavating of soil, the placement of fill materials, paving, construction, substantial removal of vegetation and any activity that bares soil or rock or involves the diversion or piping of any natural or man-made watercourse.

(ccc) **“Land Owner”** means the legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

(ddd) **“Linear Transportation Projects”** means construction projects on travelled ways including but not limited to roads, sidewalks, multi-use paths and trails, and airport runways and taxiways.

(eee) **“LDM” or “Local Design Manual”** means the manual of design practices and approval process prescribed by the City of Savannah Stormwater Management Department.

(fff) **“Low Impact Development Practice”** means small-scale stormwater management practices that are used to disconnect impervious and disturbed pervious surfaces from the storm drain system and reduce post-construction stormwater runoff rates, volumes and pollutant loads. Low impact development practices include soil restoration, site reforestation/revegetation, green roofs, vegetated filter strips and rain gardens.

(ggg) **“Maintenance”** shall mean any action necessary to preserve stormwater facilities in proper working condition, in order to serve the intended purposes set forth in this chapter

(hhh) **“Maximum extent practicable (MEP)”** shall mean the controls necessary for the reduction of pollutants discharged from an MS4. These controls may consist of a combination of BMPs, control techniques, system design and engineering methods, and such other provisions for the reduction of pollutants discharged from an MS4 as described in the SWMP.

(iii) **“Municipal Separate Storm Sewer System (MS4)”** means, a conveyance or system of conveyances including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels or storm drains, owned or operated by a municipality or other public body, designed or used for collecting or conveying stormwater runoff and is not a combined sewer or part of a Publically Owned Treatment Works.

(jjj) **“National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit”** means a permit issued by the EPA, or by a State under authority delegated pursuant to 33 USC § 1342(b), that authorizes the discharge of pollutants to waters of the State, whether the permit is applicable on an individual, group, or general area-wide basis.

(kkk) **“Natural Stream”** means for the purposes of maintenance to define that portion of a ditch or canal that is not routinely maintained, and/or does not have an established maintenance accessway, or experiences at least daily tidal reversals of flow.

(lll) **“New Development”** means land disturbing activities, structural development (construction, installation, or expansion of a building or other structure), and/or creation of impervious surfaces on a previously undeveloped site.

(mmm) **“Operator”** means the entity that has the primary day-to-day operational control of the activities necessary to ensure compliance with the SWMP requirements and the MS4 permit conditions.

(nnn) **“Nonpoint Source Pollution”** means pollution from any source other than from a discernible, confined and discrete conveyance, such as a wastewater treatment plant or industrial discharge. Sources of nonpoint source pollution include, but are not limited to, agricultural, silvicultural, mining and construction activities, subsurface disposal and urban stormwater runoff.

(ooo) **“Nonstructural Stormwater Management Practice”** means any natural resource protection or stormwater management practice or technique that uses natural processes and natural systems to intercept, convey, treat and/or manage stormwater runoff. Nonstructural stormwater management practices include, but are not limited to, protecting primary and secondary conservation areas, reducing clearing and grading limits, reducing roadway lengths and widths, reducing parking lot and building footprints, soil restoration, site reforestation/revegetation, green roofs, vegetated filter strips and rain gardens.

(ppp) **“Off-Site Stormwater Management Practice”** means a green infrastructure or stormwater management practice located outside the boundaries of a development site.

(qqq) **“On-Site Stormwater Management Practice”** means a green infrastructure or stormwater management practice located within the boundaries of a development site.

(rrr) **“Overbank Flood Protection”** means measures taken to protect downstream properties from damaging overbank flooding events.

(sss) **“Owner”** means the legal or beneficial owner of a piece of land, including, but not limited to, a mortgagee or vendee in possession, receiver, executor, trustee, lessee or other person, firm, or corporation in control of the site where an SWMP activity takes place.

(ttt) **“Permanent Stormwater Management Practice”** means a green infrastructure or stormwater management practice that will be operational after the land disturbing activities are complete and that is designed to become a permanent part of the site for the purposes of managing post-construction stormwater runoff.

(uuu) **“Permit”** means the permit issued by a local development review authority to an applicant, which is required for undertaking any land development project or land disturbing activities.

(vvv) **“Person”** means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, city, county or other political subdivision, any interstate body, or any other legal entity.

(www) **“Pollutant”** shall mean any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, (except those regulated under the Atomic Energy Act of 1954, as amended), heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal and agricultural waste discharged into water.

(xxx) **“Post-Development Hydrology”** refers to the set of hydrologic conditions that may reasonably be expected to exist on a development site, after the completion of all land disturbing and construction activities.

(yyy) **“Pre-Development Hydrology”** refers to the set of hydrologic conditions that exist on a development site prior to the commencement of any land disturbing activities and at the time that plans for the land development project are approved by the local development review authority.

(zzz) **“Private property”** shall mean property or facilities owned by individuals, corporations, and organizations other than the city, state, or federal government.

(aaaa) **“Procedure”** shall mean the method adopted by the city, by and through the director, to implement a regulation or regulations adopted under this chapter, or to carry out other responsibilities as may be required by this Code or other codes, ordinances or resolutions of the City of Savannah or other agencies.

(bbbb) **“Quality”** shall mean those parameters of stormwater that relate to the physical, chemical, biological or radiological integrity of stormwater.

(cccc) **“Quantity”** shall mean those characteristics of stormwater that relate to the rate, volume, and duration of concentration of stormwater runoff.

(dddd) **“Receiving Stream”** or **“Receiving Aquatic Resource”** means the body of water or conveyance into which stormwater runoff is discharged.

(eeee) **“Recharge”** means the replenishment of groundwater aquifers.

(ffff) **“Redevelopment”** means the structural development (construction, installation, or expansion of a building or other structure), creation or addition of impervious surfaces, replacement of impervious surface not part of routine maintenance, and land disturbing activities associated with structural or impervious development. Redevelopment does not include such activities as exterior remodeling.

(gggg) **“Regional Stormwater Management Practice”** means a stormwater management practice designed to control stormwater runoff from multiple properties, where the owners or developers of the individual properties may participate in providing land, financing, design services, construction services and/or maintenance services for the practice.

(hhhh) **“Regulation”** shall mean any local, state, or federal rule, ordinance, design directive or other policies adopted by the mayor and aldermen pursuant to the requirements of this chapter.

(iiii) **“Responsible Party”** means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns that is named on a stormwater inspection and maintenance agreement and plan as responsible for the long-term operation and maintenance of one or more green infrastructure or stormwater management practices.

(jjjj) **“Sanitary sewer system”** means the complete sanitary sewer system of the City of Savannah which discharges sewage directly or indirectly into the sewage treatment plant, including sanitary sewer pipelines, manholes and flushing inlets and appurtenances.

(kkkk) **“Sediment”** shall mean solid particulate matter, both mineral and organic, that has been or is being transported by water, air, ice or gravity from its origin.

(llll) **“Site”** means development site.

(mmmm) **“Stop Work Order”** means an order issued that requires that all land disturbing activity on a site be stopped.

(nnnn) **“Stormwater”** shall mean precipitation runoff, stormwater runoff, snowmelt runoff, and surface runoff and drainage.

(oooo) **“Stormwater Hotspot”** means a land use or activity on a site that produces higher concentrations of trace metals, hydrocarbons, or other priority pollutants than are normally found in urban stormwater runoff. Examples of hotspots include but not limited to gas stations, vehicle services and maintenance areas, industrial facilities such as salvage yards (both permitted under the industrial General Permit and others), material storage sites, and garbage transfer facilities.

(pppp) **“Stormwater Management”** means the interception, conveyance, treatment and management of stormwater runoff in a manner that is intended to prevent increased flood damage, channel erosion, habitat degradation and water quality degradation and to enhance and promote the public health, safety and general welfare.

(qqqq) **“Stormwater management facilities”** shall mean any and all components of a stormwater drainage system, designed to perform a particular function, or multiple functions, including, but not limited to, pipes, swales, ditches, culverts, streets, detention basins, retention basins, constructed wetlands, infiltration devices, catchbasins, oil/water separators, sediment basins, natural systems, modular pavement and pump stations

(rrrr) **“Stormwater Management Plan”** means a written document that details how stormwater runoff will be managed on a development site and that shows how the stormwater management criteria that apply to the development project have been met.

(ssss) **“Stormwater Management Practice”** means a practice or technique, either structural or nonstructural that is used to intercept stormwater runoff and change the characteristics of that runoff. Stormwater management practices are used to control post-construction stormwater runoff rates, volumes and pollutant loads to prevent increased flood damage, channel erosion, habitat degradation and water quality degradation.

(tttt) **“Stormwater Management System”** means the entire suite of green infrastructure and stormwater management practices and stormwater conveyance features that are used to intercept, convey, treat and manage stormwater runoff on a development site.

(uuuu) **“Stormwater Retrofit”** means a green infrastructure or stormwater management practice designed for an existing development site that previously had no green infrastructure or stormwater management practice in place or had a practice that was not meeting local stormwater management criteria.

(vvvv) **“Stormwater Runoff”** means surface water resulting from precipitation.

(wwww) **“Stormwater Runoff Reduction”** means providing for the interception, evapotranspiration, infiltration, or capture and reuse of stormwater runoff to help maintain pre-development site hydrology and help protect aquatic resources from several indirect impacts of the land development process, including decreased groundwater recharge, decreased baseflow and degraded water quality.

(xxxx) **“Subdivision”** means the division of a parcel of land to create one or more new lots or development sites for the purpose, whether immediately or in the future, of sale, transfer of ownership, or land development, and includes divisions of land resulting from or made in connection with the layout or construction of a new street or roadway or a change in the layout of an existing street or roadway.

(yyyy) **“Walkway Culvert”** means a pipe or culvert structure along a public road which basically only serves for access to a discrete private property.

(zzzz) **“Watercourse”** means a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

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

(bbbb) **“Watershed Management Plan”** or **“Subwatershed Management Plan”** means a document, usually developed cooperatively by government agencies and other stakeholders, to protect, restore and/or otherwise manage the water resources found within a particular watershed or subwatershed. Watershed or subwatershed management plans commonly identify threats, sources of impairment, institutional issues and technical and programmatic solutions or projects to protect and/or restore water resources.

(cccc) **“Water Quality Protection”** means adequately treating stormwater runoff before it is discharged from a development site to help protect downstream aquatic resources from water quality degradation.

(dddd) **“Wetland Hydroperiod”** means the pattern of fluctuating water levels within a wetland caused by the complex interaction of surface water, groundwater, topography, soils and geology within a wetland.

(eeee) **“Variance”** shall mean the modification of the minimum stormwater management requirements for specific circumstances where strict adherence of the requirements would result in unnecessary hardship and not fulfill the intent of this chapter.

#### **Sec. 4-11005. Restrictions and limitations on the use of the city stormwater system.**

- (a) No person shall discharge, spill, or dump substances or materials which are not entirely composed of stormwater or discharges otherwise exempted in section 4-11040 of this chapter into the city’s separate stormwater system or onto driveways, sidewalks, parking lots, streets, or other areas that discharge into the city’s separate stormwater system.
- b. It shall be unlawful for any person to maliciously, willfully, or negligently break, damage, destroy, uncover, deface, modify, or tamper with any stormwater structure, appurtenance, or equipment.

- c. It shall be unlawful, without prior written approval of the director, to alter in any way any part of the stormwater system including, but not limited to, rerouting, removing, deepening, widening, enlarging, filling or obstructing any part of the stormwater system including fencing easements and rights-of-way which render the system inaccessible to equipment necessary to perform maintenance and repairs.
- d. It shall be unlawful for any person to connect any pipe, open channel, or any other conveyance system that discharges anything except stormwater or exempted discharges listed in section 4-11040 of this chapter to the city separate stormwater system. Illicit connections will be disconnected and redirected to the city sanitary sewer system upon approval of the Public Works Director, at the expense of the responsible person(s).
- e. It shall be unlawful to increase stormwater quantity discharged to the city's separate stormwater system without an accepted stormwater management plan.

**Sec. 4-11006. Stormwater management department responsibilities.**

The stormwater management department shall be responsible for the management, maintenance, and improvement of the city's separate stormwater system, including activities necessary to control and monitor stormwater runoff quantity and quality. The stormwater management department will:

- (a) Administer the city's stormwater management program;
- (b) Coordinate acceptance of stormwater management plans with city engineering with final acceptance based upon recommendations from the city engineering department;
- (c) Direct operations and maintenance of the city's stormwater facilities to ensure optimal levels of service;
- (d) Establish and update this chapter and the stormwater management Local Design Manual to include development standards and guidelines for regulating quantity and quality of stormwater runoff in compliance with NPDES permit requirements and changes in federal and state regulations;
- (e) Monitor private property discharges to the city's separate stormwater system;
- (f) Take immediate steps to minimize effects of accidental discharges of pollutants into the city's stormwater system;
- (g) Develop stormwater educational and public awareness programs.
- (h) Private walkway and driveway culverts -- Whereas driveway and walkway culverts within the public rights-of-way do not serve the public in general but exist only for access to private property, the City of Savannah shall not install, repair or otherwise maintain the structure of these culverts, headwalls and related structures. The City shall, however, clean these culverts as needed provided they are maintained in a serviceable condition by the property owner.

Driveway and walkway culverts which are found to be in a collapsed or otherwise unserviceable condition which interferes with public drainage shall be immediately repaired by the property owner upon notice by the City of Savannah to affect repairs. All repairs shall be completed to current City of Savannah standards. Culverts that cannot be repaired due to severe deterioration must be replaced in compliance with current City of Savannah standards. Replaced culverts must be correctly sized and vertically and horizontally located for the drainage system in the area, regardless of the original culvert size and location. The correct culvert pipe material, diameter, horizontal location, invert elevation and gradient for a specific drainage system shall be determined by the Director of the Stormwater Management Department or his/her designee. The decision of the Stormwater Management Director shall be final.

Property owners who fail to properly maintain driveway or walkway culverts which result in failures and blockages that adversely affect the public drainage system shall be served notice by the City of Savannah to immediately correct these deficiencies. Should the property owner fail to immediately take remedial measures to ensure proper drainage is restored, the City of Savannah may, at its discretion, take immediate action to restore proper drainage to include but not limited to: Total removal of the driveway or walkway culvert to include the driveway or other paved surfaces, headwalls and other related structures. Driveways removed by the City of Savannah for lack of maintenance by the property owner shall not be reinstalled until such time as proper right-of-way permits have been secured and the new installation has been approved in writing by the Stormwater Management Director. Driveways removed by the City of Savannah as described herein shall be replaced at the sole cost of the property owner.

- (i) Legal right of entry -- The City of Savannah shall not maintain ditches or pipes for which a legally recorded perpetual right of entry, (i.e., right of way or granted easement) is not granted.

(j) Natural tidal streams -- The City of Savannah shall not maintain natural streams that are tidal in nature, and that have not traditionally and routinely been maintained by the City of Savannah.

(k) Private drainage ways and structures/features -- The City of Savannah shall not maintain any drainage way or stormwater structures/features that was not designed and intended to transmit and/or hold "public" stormwater runoff.

**Sec. 4-11007. Criteria for variance.**

The Stormwater Management Director, or his designee, may grant a variance from the requirements of this article if exceptional circumstances applicable to a site exist such that strict adherence to the provisions of the article will result in unnecessary hardship and will not fulfill the intent of the article. The Stormwater Management Director, or his designee, may grant a variance from requirements of this article if the proposed development activity will not:

- (a) Increase in rate, volume, or concentration of runoff to the exiting downstream storm sewer system;
- (b) Increase the base flood elevation upstream or downstream;
- (c) Have a negative impact on any wetland, watercourse, or water body; or
- (d) Contribute to degradation of water quality.

**Sec. 4-11008. Variance procedures.**

A written request for a variance shall be required and shall state the specific variance sought and the reasons, with supporting data, a variance should be granted. The request shall include all information necessary to evaluate the proposed variance. The Stormwater Management Director, or his designee, will conduct a review of the request for a variance within 10 working days of receiving the request.

**Sec. 4-11009. Inspections.**

The stormwater management department may inspect, survey, and monitor any stormwater facility, public or private, for reasons including but not limited to the following:

- (a) To ensure compliance with an accepted stormwater management plan;
- (b) To conduct sampling of any substance or parameters at any location;
- (c) To investigate suspicious discharges including illicit connections and spills;
- (d) To ensure all stormwater facilities are operational to the maximum extent practicable;
- (e) To determine compliance with requirements of construction plans;
- (f) To determine compliance with requirements of maintenance plans;

The City of Savannah shall be allowed to conduct periodic inspections of a development project in accordance with applicable sections of this ordinance;

**Sec. 4-11010. Powers and authority of inspectors.**

The director of stormwater management and other employees of the city bearing proper identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing. The city reserves the right to perform emergency repairs or maintenance to any portion of any stormwater system, public or private, when the stormwater system impacts a public stormwater system.

**Sec. 4-11011. Discharge violation; penalties; remediation plan.**

(a) Violations. Any action or inaction that violates the provisions of this ordinance or the requirements of an approved stormwater management design plan, land development related permit, or inspection and maintenance agreement and plan, may be subject to the enforcement actions outlined in this chapter. Any such action or inaction that is continuing in nature may be deemed to constitute a public nuisance and may be abated by injunctive or other equitable relief. The imposition of any of the penalties described below are not exclusive shall not prevent estop the City from seeking and obtaining equitable relief.

(b) Notice of Violation - If the City of Savannah determines that an owner, applicant or other responsible person has violated or is violating the provisions of this ordinance, or the terms and conditions of an approved stormwater management design plan, permit or inspection and maintenance agreement and plan, it shall issue a written notice of violation to said owner, applicant or other responsible person. Where a person is engaged in a new development or redevelopment activity covered by this ordinance without having first secured a stormwater management permit, the notice of violation shall be served on the owner, applicant, and/or the person in charge of the new development or redevelopment activity being conducted on the development site.

The notice of violation shall contain the following information:

- (1) The name and address of the owner, applicant or other responsible person;
- (2) The address or other description of the site upon which the violation is occurring;
- (3) A statement specifying the nature of the violation;
- (4) A description of the remedial measures necessary to bring the action or inaction into compliance with the provisions of this ordinance, or the terms and conditions of the approved stormwater management design plan, permit or inspection and maintenance agreement and plan, and the date for the completion of such remedial measures;
- (5) A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is issued; and
- (6) A statement that the determination of violation may be appealed to the City of Savannah by filing a written notice of appeal within 30 days after the notice of violation. In the event the violation constitutes an immediate danger to public health or safety, a written notice of appeal must be filed within 24 hours of issuance of the notice of violation.

(c) Penalties. Any person who is found to have willingly or negligently failed to comply with any provisions of this article and the orders, rules, and regulations issued hereunder, shall be subject to any one or more of the following actions or penalties:

(1) Upon receipt of notice of violation, the violator shall submit a remediation plan and a remediation schedule to the Stormwater Director within 10 days. The remediation plan shall include immediate correction where requested, otherwise all corrective and preventative measures shall be completed within 30 days of the initial notice of violation.

(2) In the event that the remedial measures described in the remediation plan or specified in the notice of violation have not been completed by the established date of completion, any one or more of the enforcement actions outlined in this ordinance may be taken against the responsible party.

(3) Before taking any of the following actions or imposing any of the following penalties, the City shall first notify the owner, applicant or other responsible person in writing of its intended action and shall provide a reasonable opportunity of not less than 10 days (except, that in the event the violation constitutes an immediate danger to public health or safety, 24 hours notice shall be sufficient) to correct the violation. In the event the owner, applicant or other responsible person fails to correct the violation by the date set forth in said notice, the Stormwater Management Director may take any one or more of the following actions or impose any one or more of the following penalties.

(A) Stop Work Order: The City may issue a stop work order that shall be served on the owner, applicant or other responsible person. The stop work order shall remain in effect until the owner, applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise corrected the violation or violations described therein. The stop work order may temporarily be withdrawn or modified by the City to enable the applicant or other responsible person to take the remedial measures necessary to correct such violation or violations.

(B) Withhold Certificate of Occupancy: The City may refuse to issue a certificate of occupancy for the building or other structure constructed or being constructed on the development site until the owner, applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise corrected the violation or violations described therein.

(C) Suspension, Revocation, or Modification of Permit: The City of Savannah may suspend, revoke or modify the permit authorizing the development project. A suspended, revoked or modified permit may be reinstated after the owner, applicant or other responsible



person has taken the remedial measures set forth in the notice of violation or has otherwise corrected the violation or violations described therein. The permit may be modified by the City to enable the owner, applicant or other responsible person to take the remedial measures necessary to correct such violation or violations.

(D) Civil Penalties: In the event the owner, applicant or other responsible person fails to take the remedial measures set forth in the notice of violation or otherwise fails to correct the violation or violations described therein, by the date set forth in the notice of violation, the City may impose a penalty not to exceed \$1,000 (depending on the severity of the violation) for each day the violation remains unremedied after the date set forth in the notice of violation.

(E) Criminal Penalties: For intentional or gross violations of this ordinance, the City may issue a citation to the owner, applicant or other responsible person, requiring said person to appear in Recorder's Court to answer to criminal charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed \$1,000, imprisonment for up to 60 days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

#### **Sec. 4-11012. Emergency conditions.**

If a condition presents an immediate danger to the public health, safety, or general welfare because of unsafe conditions or improper maintenance, the City shall have the right, should the owner not take immediate action, to make necessary corrections to protect the public and to make the facility safe at the expense of the responsible person. Expenses, if charged, shall be those direct costs incurred and those expenses documented in general accordance with Chapter 7 of FEMA document P-323, Public assistance applicant handbook of latest revision

#### **Sec. 4-11013. Enforcement.**

Enforcement of this chapter is final unless the person submits a written request for a hearing within 10 days of the notice of violation being served.

#### **Sec. 4-11014. Appeals.**

(a) Any person aggrieved by a decision of the Stormwater Management Director, or his designee, (including any decision with reference to the granting or denial for a variance from the terms of this article,) may appeal same by filing a written notice of appeal with the City Manager within 5 days of the issuance of said decision by the Stormwater Management Director, or his/her designee. A notice of appeal shall state specific reasons.

(b) The City Manager shall prepare and send to City Council and appellant a written response to said notice of appeal within 10 days of receipt of the notice of appeal.

### **ARTICLE B. STORMWATER MANAGEMENT FOR DEVELOPMENT ACTIVITIES**

#### **Sec. 4-11015. Minimum stormwater system design standards.**

(a) There shall be no increase in the base flood elevation within the special flood hazard area (SFHA), as delineated by the latest National Flood Insurance Program (NFIP) maps, or in any areas that are known to have flooded repetitively, or areas where a hydrologic model predicts flooding will occur in the 100-year, 24-hour event. Where hydrologic model results are conflicting, the stormwater management director shall decide which model will be used.

(b) Finished floor elevations for structures not included in the special flood hazard area shall be equal to or higher than that shown on the original subdivision plat or neighborhood grading and drainage plan or as determined by a registered civil engineer.

(c) The post-development peak rate of runoff shall not exceed the predevelopment peak rate of runoff for the one-, five-, ten-, and twenty five - year, 24-hour events.

(d) If drainage calculations indicate that post-development runoff will exceed predevelopment runoff, then on-site detention for the one-, five-, ten-, and twenty five - year, 24-hour events is required at a discharge rate equal to the pre-developed 24-hour peak rate of discharge for all storm events from the one-, five-, ten-, and including the twenty five - year event, or the capacity of the existing downstream conveyance system must be upgraded in capacity to accommodate the additional 25-year, 24-hour discharge generated by the new development(s)

(e) All stormwater management systems shall be designed to comply with the requirements of the latest City of Savannah Local Design Manual and comply with the latest edition of the Coastal Stormwater Supplement to the Georgia Stormwater Management Manual.

(f) Drainage and/or access easements. The width and configuration requirements of drainage and maintenance easements/rights-of-way are listed in section 4.3.8 of the Stormwater Management Local Design Manual. Access and flow-through easements shall be provided to all stormwater management structures and outfalls.

#### **Sec. 4-11016. Applicability**

The stormwater management regulations presented within shall be applied to any new development or redevelopment activity that meets one or more of the following criteria:

(a) New development that creates or adds 5,000 square feet or greater of new impervious surface area, or that involves land disturbing activity of one acre of land or greater.

(b) Redevelopment that creates, adds or replaces 5,000 square feet or greater of impervious surface area, or that involves land disturbing activity of one acre or more. (The 5,000 square feet limit shall apply to combination of all three categories of impervious surface area.)

(c) New development or redevelopment, regardless of size, that is part of a larger common plan of development, even though multiple, separate and distinct land disturbing activities may take place at different times and on different schedules.

(d) New development or redevelopment, regardless of size, that involves the creation or modification of a stormwater hotspot, as defined herein.

#### **Sec. 4-11017. Designation of Ordinance Administrator**

The Stormwater Management Director is hereby appointed to administer and implement the provisions of this ordinance.

#### **Sec. 4-11018. Compatibility with Other Regulations**

This ordinance is not intended to interfere with, modify or repeal any other ordinance, rule, regulation or other provision of law. The requirements of this ordinance should be considered minimum requirements, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

#### **Sec. 4-11019. Stormwater Management Local Design Manual**

The City of Savannah will utilize the information presented in the latest edition of the Coastal Stormwater Supplement (CSS) to the Georgia Stormwater Management Manual (GSMM), and the City of Savannah Stormwater Management Local Design Manual (LDM) to assist in the implementation of this ordinance. The LDM shall serve as a companion document to the CSS and the GSMM. The LDM shall endeavor to accomplish the following: (1) clarify discrepancies between the CSS and any section of the City's Stormwater Management Ordinance and other related Development Regulations; (2) provide guidance to supplement information contained in the City's Stormwater Management Ordinance and to the related Development Regulations; (3) establish minimum stormwater management related design standards and criteria; and (4) further describe the stormwater management design preparation, submittal review, and approval requirements. The criteria within the LDM shall be considered minimum design standards and, in the event of a conflict, supersede design standards set forth in the CSS and/or the GSMM. A copy of the LDM shall be available from the City.

#### **Sec. 4-11020. Requirements and procedures for modifications and renewals of accepted stormwater management plans.**

(a) If construction does not begin within one year after a stormwater management plan is formally accepted by the City, it will be necessary to renew the acceptance of the stormwater management plan.

(b) All requests for modifications and renewals shall be submitted in writing to the director and shall include justification for the request. The director or his/her designated representative shall review and issue a determination within 10 working days.

(c) Acceptance of a stormwater management plan will be acknowledged by a letter from the director or his/her designated representative and will be valid for one year. Acceptance of a plan is solely an acknowledgment of satisfactory compliance with the requirements of applicable regulations and does not constitute a representation or warranty to the applicant or any other person concerning the safety, appropriateness, comprehensiveness, or effectiveness of any provision or omission from the stormwater management plan.

## **PERMIT PROCEDURES AND PLANNING**

### **Sec. 4-11021. Permit Application Requirements**

No owner or developer shall undertake any development activity without first meeting the requirements of this ordinance and receiving approval for the proposed development activity from the City of Savannah. Unless specifically exempted by this ordinance, any owner or developer proposing a development project shall submit to the City the required information in a format specified by the City. Applications for sites that meet the applicability criteria in Sec. 4-11019 are described in the LDM Criteria for Sites Under 5000 square feet. Application requirements for Critical Water Resource Areas are described in the LDM Criteria for Critical Water Resource Areas. Unless otherwise exempted by this ordinance, the following items shall accompany a permit application

- (a) Stormwater management concept plan prepared in accordance with Section 4-11022;
- (b) Record of a consultation meeting held in accordance with Section 4-11023;
- (c) Stormwater management design plan prepared in accordance with Section 4-11024;
- (d) Stormwater management system inspection and maintenance agreement and plan prepared in accordance with Section 4-11025;
- (e) Permit application and plan review fees prepared in accordance with the City's most recently adopted fee schedule; and,
- (f) Performance bond (or other means of security acceptable to the City of Savannah) prepared in accordance with Section 4-11028.

The LDM provides additional details and requirements pertaining to the preparation, submittal, review and approval process associated with stormwater management design and development plans.

### **Sec 4-11022. Stormwater Management Concept Plan**

- (a) Prior to the preparation and submittal of a stormwater management design plan and permit application, the owner or developer shall submit to the City for review and approval, a stormwater management concept plan, as specified in the Local Design Manual, illustrating the layout of the proposed development project and showing, in general, how post-construction stormwater runoff will be managed on the development site.
- (b) Green infrastructure practices (i.e., better site planning techniques, better site design techniques, low impact development practices) are encouraged to be used during the creation of a stormwater management concept plan. Green infrastructure practices include, but are not limited to, protecting primary and secondary conservation areas, reducing clearing and grading limits, reducing roadway lengths and widths, reducing parking lot and building footprints, soil restoration, site reforestation/revegetation, green roofs, vegetated filter strips and rain gardens. The LDM provides additional detail regarding the requirements for the Stormwater Management Concept Plan.
- (c) Projects of less than 1.0 acre in size may request a waiver of concept plan submittal. In lieu of the concept submittal, the items become due with the Stormwater Management Design Plan submittal.

### **Sec. 4-11023. Consultation Meeting & Coordination**

All applicants shall hold a consultation meeting with the City to discuss the proposed development project, the stormwater management concept plan, and the approach that was used to satisfy the post-construction stormwater management and site planning and design criteria that apply to the development site. This consultation meeting shall take place prior to approval of the stormwater management concept plan, for the purposes of verifying site conditions and the feasibility of the stormwater management concept plan in relationship to requirements of other departments of the City or MPC.

### **Sec. 4-11024. Stormwater Management Design Plan**

(a) Subsequent to approval of the stormwater management concept plan, the owner or developer shall submit to the Stormwater Management Director, or his/her designee, for review and approval, a stormwater management design plan that details how post-development stormwater runoff will be controlled or managed on the development site. The stormwater management design plan shall detail how the proposed development project will meet the post-construction stormwater management, site planning, and design criteria that apply to the development site, as specified in the Local Design Manual and Coastal Stormwater Supplement.

(b) A copy of the stormwater management concept plan shall be included with the submittal of the stormwater management design plan. The stormwater management design plan should be consistent with the stormwater management concept plan. If any significant changes were made to the plan of development, the Stormwater Management Director, or his/her designee may ask for a written statement providing rationale for any of the changes.

(c) The Stormwater Management Design Plan shall include a certification by the plan preparer that the plan and design meets the requirements of the City's Flood Prevention Ordinance and Stormwater Management Ordinance. The Stormwater Management Design Plan shall include a certification by the site owner that the project will be completed according to the approved design.

#### **Sec. 4-11025. Stormwater Facility Inspection and Maintenance Agreement**

Prior to the issuance of a permit for any new development or redevelopment activity that requires one, the applicant, or owner of the development site, if different, must execute an inspection and maintenance agreement and plan that shall be binding on all subsequent owners of the site, unless the stormwater management system is dedicated to and accepted by the City of Savannah. A sample copy of the Stormwater Facility Inspection & Maintenance Agreement is included in the City of Savannah Stormwater Management LDM. The LDM provides additional details regarding the requirement for the Stormwater Management Design Plan.

#### **Sec. 4-11026. Stormwater Management Design Submittal & Approval Procedure**

(a) Stormwater management design review and approval requests shall be filed with the City of Savannah in a format specified by the City.

(b) Stormwater management design review and approval requests shall include the items set forth herein.

(c) The City of Savannah shall inform the applicant whether the application, stormwater management design plan and inspection and maintenance agreement and plan are approved or disapproved. The delivery to the applicant of comments on the submitted design constitutes disapproval.

(d) Following disapproval the applicant may revise any item not meeting the requirements of this ordinance and resubmit the package.

(e) Upon a finding by the City that the design package, the stormwater management design plan; and/or the inspection and maintenance agreement, if applicable, meet the requirements of this ordinance, the City may issue a permit for the development project, provided that all other legal requirements for the issuance of the land disturbance permit have been met.

(f) Notwithstanding approval of the stormwater management design, in undertaking the new development or redevelopment activity, the applicant or other responsible person shall be subject to the following requirements

(1) The applicant shall comply with all applicable requirements of the approved stormwater management design plan and the provisions of this ordinance, and shall certify that all land disturbing development activities will be completed in accordance with the approved stormwater management design and post-construction maintenance plan;

(2) The development project shall be conducted only within the area specified in the approved stormwater management design plan. Land disturbance outside of the delineated project area shall constitute a violation of this ordinance and the land disturbance permit;

(3) The City of Savannah shall be permitted to conduct periodic inspections of the development project in accordance with applicable sections of this ordinance;

(4) No changes may be made to an approved stormwater management design plan without review and written approval by the Stormwater Management Director, or his designee and,

(5) Upon completion of the development project, the applicant or other responsible person shall submit a statement certifying that the project has been completed in accordance with the approved stormwater management design plan and the provisions of this

ordinance, and a Georgia registered professional engineer shall certify that the stormwater management design and post-construction maintenance plan have been completed in accordance with the permit.

**Sec. 4-11027.** Section Reserved.

**Sec. 4-11028. Performance Bonds**

The City shall require, from the owner, a surety or maintenance bond, a cash bond, irrevocable letter of credit, or other means of security acceptable to the City immediately prior to the issuance of an LDA permit for any new development or redevelopment activity in accordance with the applicable sections of the City of Savannah Code of Ordinances.

**Sec. 4-11029. Compliance Through Off-Site Stormwater Management Practices**

(a) All stormwater management design plans shall include on-site stormwater management practices, unless arrangements are made with the Stormwater Management Director to manage post-construction stormwater runoff in an off-site or regional stormwater management practice. The off-site or regional stormwater management practice must be located on property legally dedicated to that purpose, be designed and sized to meet the post-construction stormwater management criteria presented in the City of Savannah LDM, provide a level of stormwater quality and quantity control that is equal to or greater than that which would be provided by on-site green infrastructure and stormwater management practices and have an associated inspection and maintenance agreement and plan. In addition, appropriate stormwater management practices shall be installed, where necessary, to protect properties and drainage channels that are located between the development site and the location of the off-site or regional stormwater management practice.

(b) To be eligible for compliance through the use of off-site stormwater management practices, the applicant must submit a stormwater management design plan to the City that shows the adequacy of the off-site or regional stormwater management practice and demonstrates, to the satisfaction of the City that the off-site or regional stormwater management practice will not result in any of the following impacts:

- (1) Increased threat of flood damage or endangerment to public health or safety;
- (2) Deterioration of existing culverts, bridges, dams and other structures;
- (3) Accelerated streambank or streambed erosion or siltation;
- (4) Degradation of in-stream biological functions or habitat; or,
- (5) Water quality impairment in violation of state water quality standards and/or violation of any other state or federal regulations.

**Sec. 4-11030. Construction Inspection of Stormwater Management Systems**

The LDM provides additional information and details regarding approved construction materials and practices regarding stormwater management controls and systems.

**Sec. 4-11031. Notice of Construction Commencement**

The applicant must notify the City prior to the commencement of construction on a development site in order to schedule a pre-construction meeting on the project site. A pre-construction meeting is required prior to authorization to begin construction by the City. In addition, the applicant must notify the City in advance of the installation of critical components of the stormwater management system shown on the approved stormwater management design plan. The City may, at its discretion, issue verbal or written authorization to proceed with the installation of critical components of the stormwater management system, such as permanent green infrastructure and stormwater management practices, based on the stabilization of contributing drainage areas and other factors.

**Sec. 4-11032. Inspections During Construction**

(a) Periodic inspections of the green infrastructure and stormwater management practices shown on the approved stormwater management design plan shall be conducted by staff or representatives of the City during construction. Construction inspections shall utilize the approved stormwater management design plan for establishing compliance with the provisions of this ordinance. All inspections shall be documented in written reports that contain the following information:

- (1) The date and location of the inspection;
- (2) The name of the inspector;
- (3) Whether construction is in compliance with the approved stormwater management design plan;
- (4) Violations of the approved stormwater management design; and,
- (5) Any other variations from the approved stormwater management plan.

(b) If any violations are found, the applicant shall be notified in writing about the nature of the violation and the remedial measures that are required to bring the action or inaction into compliance with the approved stormwater management design plan, as described in this ordinance. In the event that the remedial measures described in such notice have not been completed by the date set forth in the notice, any one or more of the enforcement actions outlined in this ordinance may be taken against the applicant.

#### **Sec. 4-11033. Final Inspection and As Built Plans**

Subsequent to the final installation and stabilization of all green infrastructure and stormwater management practices shown on the approved stormwater management design plan, and before the issuance of a certificate of occupancy, the applicant is responsible for certifying that the project has been completed in accordance with the approved stormwater management design plan and for submitting the certification of correctness by a Georgia licensed professional engineer. Within 60 days of issuance of the Certificate of Occupancy, the applicant is responsible for submitting as built plans for all green infrastructure and stormwater management practices shown on the approved stormwater management design plan. The as built plans must show the final design specifications for all green infrastructure and stormwater management practices, the final stormwater system elevations based on the North American Vertical Datum 1988, and the final stormwater system volumes where they were provided as a part of the system design. A final inspection shall be conducted by the staff or representatives of the City of Savannah to confirm the accuracy of the as built plans. A final inspection is required before any performance bond or other guarantee can be released.

### **ONGOING INSPECTION AND MAINTENANCE OF STORMWATER MANAGEMENT SYSTEMS**

#### **Sec. 4-11034. Maintenance Responsibility**

(a) The responsible party named in the recorded stormwater management system inspection and maintenance agreement and plan shall maintain in good condition and promptly repair and restore all green infrastructure and stormwater management practices, maintenance access routes and appurtenances, including, but not limited to surfaces, walls, drains, dams, structures, vegetation, erosion and sediment control practices and other protective devices. Such repairs and restoration and maintenance activities shall be performed in accordance with an approved inspection and maintenance agreement and plan.

(b) If the responsible party named in the recorded inspection and maintenance agreement and plan is a homeowner's association or other owner's association, such as a unit owner's association, the responsible party shall submit to the Stormwater Management Director a copy of a recorded declaration that provides:

- (1) That green infrastructure and stormwater management practices are part of the common elements of the development site and shall be subject to the requirements of the stormwater management system inspection and maintenance agreement and plan;
- (2) That membership in the association shall be mandatory and automatic for all homeowners or unit owners of the development site and their successors;
- (3) That the association shall have lien authority to ensure the collection of dues from all members;
- (4) That the requirements of the inspection and maintenance agreement and plan shall receive the highest priority for expenditures by the association except for any other expenditures that are required by law to have a high priority;
- (5) That a separate fund shall be maintained by the association for the routine maintenance, reconstruction and repair of the green infrastructure and stormwater management practices, and kept in an account insured by the Federal Deposit Insurance Corporation (FDIC) or by another entity acceptable to the City of Savannah;

(6) That the routine maintenance, reconstruction and repair fund shall contain at all times the dollar amount reasonably determined from time to time by the City to be adequate to pay for the probable reconstruction and repair cost (but not routine maintenance cost) of the stormwater management system for a three-year period; and,

(7) That, to the extent permitted by law, the association shall not enter into voluntary dissolution unless responsibility for the green infrastructure and stormwater management practices is transferred to an appropriate successor.

#### **Sec. 4-11035. Maintenance Inspections**

Periodic inspections of the green infrastructure and stormwater management practices shown on an approved stormwater management design plan, and subject to the terms and conditions of an approved inspection and maintenance agreement and plan, shall be conducted by staff or representatives of the City to document repair and maintenance needs and ensure compliance with the requirements of the approved inspection and maintenance agreement and plan and provisions of this ordinance. All inspections should be documented in written reports that contain the following information:

- (a) The date and location of the inspection;
- (b) The name of the inspector;
- (c) The condition of:
  - (1) Vegetation and filter media;
  - (2) Fences and other safety devices;
  - (3) Spillways, valves and other hydraulic control structures;
  - (4) Embankments, slopes and safety benches;
  - (5) Reservoirs and permanent pools;
  - (6) Inlet and outlet channels and structures;
  - (7) Underground drainage structures;
  - (8) Sediment, debris and litter accumulation in storage and forebay areas;
  - (9) Any other item that could affect the proper function of the stormwater management system; and,
- (10) A description of repair, restoration and maintenance needs. If any repair, restoration or maintenance needs are found, the responsible party named in the recorded stormwater management system inspection and maintenance agreement and plan shall be notified in writing about the repair, restoration or maintenance needs and the remedial measures that are required to bring the stormwater management system into compliance with the approved stormwater management system inspection and maintenance agreement and plan, as described in Sec. 4-11026 of this ordinance. In the event that the remedial measures described in such notice have not been completed by the date set forth in the notice, any one or more of the enforcement actions outlined in Sec. 4-110011 of this ordinance may be taken against the responsible party named in the approved stormwater management system inspection and maintenance agreement and plan.

#### **Sec. 4-11036. Records of Maintenance Activities**

The responsible party shall make and maintain records of all inspections, maintenance and repairs, and shall retain the records for a minimum of five years. These records shall be made available to the Stormwater Director or his/her designee during inspections and at other reasonable times upon request of the City.

#### **Sec. 4-11037. Failure to Maintain.**

If the responsible party fails or refuses to meet the terms and conditions of an approved stormwater management system inspection and maintenance agreement and plan and/or the requirements of this ordinance, the City of Savannah, after 30 days written notice (except, that in the event the violation constitutes an immediate danger to public health or safety, 24 hours-notice shall be sufficient),

may correct a violation by performing the work necessary to place the green infrastructure or stormwater management practice in proper working condition. The City may assess the responsible party for the cost of the repair work, which shall be a lien on the property, and may be placed on the ad valorem tax bill for such property and collected in the ordinary manner for such taxes by the City of Savannah.

**Sec. 4-11038. Exemptions.**

The following discharges are exempt from the discharge limitations set forth in section 4-11040 of this chapter and are considered permissible discharges as described in section 4-11004.

- (a) Water line flushing and other discharges from potable water sources;
- (b) Landscape irrigation and lawn watering;
- (c) Irrigation water;
- (d) Diverted stream flows;
- (e) Rising ground waters;
- (f) Infiltration to separate storm drains;
- (g) Uncontaminated pumped groundwater;
- (h) Uncontaminated ground water infiltration (as defined in 40CFR Part 35.2005(20));
- (i) Foundation and footing drains;
- (j) Water from crawl space pumps;
- (k) Air conditioning condensation;
- (l) Springs;
- (m) Individual residential car washing;
- (n) Snowmelt;
- (o) Flows from riparian habitats and wetlands;
- (p) Dechlorinated swimming pool discharges;
- (q) Flows from firefighting; and
- (r) Street wash water.

**Sec. 4-11039. Stormwater discharge limitations.**

Discharges to the city's separate stormwater system shall, to the maximum extent practicable, not create a nuisance, cause interference with the legitimate use of city separate stormwater system, and shall not create the following conditions:

- (a) Contain materials associated with municipal or domestic sewage, industrial waste, or any other waste which will settle to form sludge deposits that become putrescent, unsightly, or otherwise objectionable;
- (b) Contain oil, scum, or floating debris associated with municipal sewage, industrial waste, or other discharges in amount sufficient to be unsightly or to interfere with legitimate water uses;



(c) Contain material related to municipal, industrial, or other discharges which produce turbidity, color, odor, or other objectionable conditions which interfere with legitimate water uses;

(d) Contain turbidity which results in a substantial visual contrast in a water body due to a man-made activity. The upstream appearance of a body of water shall be as observed at a point immediately upstream of a turbidity-causing man-made activity. That upstream appearance shall be compared to a point which is located sufficiently downstream for the activity so as to provide an appropriate mixing zone. For land disturbance activities, proper design, installation, and maintenance of best management practices,(BMPs) and compliance with issued permits shall constitute compliance with this criterion; or

(e) Contain toxic, corrosive, acidic, or caustic substances, including non-point sources, in amounts, concentrations, or combinations which are harmful to humans, animals, or aquatic life.

#### **Sec. 4-11040. Watercourse Protection**

Every owner and/or occupier of real property through which a watercourse passes shall keep and maintain that part of the water course within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition the owner and/or occupier shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or integrity of the watercourse.

#### **Sec. 4-11041. Accidental discharge reporting requirements.**

In the event of an accidental discharge to the city's separate stormwater system of any material or substance other than stormwater runoff or those discharges specifically excluded in section 4-11038, the stormwater department shall be contacted immediately and provided with the nature, quantity and time of occurrence of the discharge. The responsible party shall take immediate steps to contain, treat or to otherwise minimize effects of the discharge on the city's system and receiving streams. Immediate steps shall be taken to ensure no recurrence of the discharge. A written report addressed to the director of stormwater management detailing the date, time, cause, quantity, and characteristics of the discharge and the corrective and preventative actions taken will be sent to the director within five working days of the incident.

#### **Sec. 4-11042. Industrial/commercial activities.**

(a) Any facility with stormwater discharges associated with industrial activity that discharges directly or indirectly to the City of Savannah separate stormwater system is required to submit a copy of their Industrial General NPDES permit Notice of Intent or individual NPDES permit, and Stormwater Pollution Prevention Plan to the Stormwater Management Director. All monitoring reports and annual reports required under the permit shall be made available upon request by the Stormwater Management Director, or his designee.

(b) Any industrial or commercial activity not required to obtain an NPDES permit as defined by Georgia EPD regulation 391-3-6-.16, but discharges stormwater to the city separate stormwater system is required to submit to the Stormwater Management Director the type of industrial/commercial activity, type of discharge, a site map with internal drainage system, and point of connection or discharge to the city separate storm sewer system.

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

SECTION 3: This Section shall be effective when the Mayor affixes his signature below.

**ADOPTED AND APPROVED: NOVEMBER 20, 2018** upon motion of Alderwoman Bell, seconded by Alderman Miller, and unanimously carried.

### [14. Motion to Amend the Code of Ordinances to Address Parking on Residential Properties](#)

[Parking in Residential Areas \(Sec 8-1003\) REVISED.pdf](#)

[ORD029 Parking-Residential Zones REVISED.pdf](#)

AN ORDINANCE

TO BE ENTITLED

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF SAVANNAH (2003), PART 8, PLANNING AND REGULATION OF DEVELOPMENT, CHAPTER 1, BUILDING REGULATIONS, ARTICLE A, BUILDING IN GENERAL, SECTION 8-1003, LOCAL AMENDMENTS TO THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 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:

REPEAL PART 8, PLANNING AND REGULATION OF DEVELOPMENT, CHAPTER 1, BUILDING REGULATIONS,  
ARTICLE A, BUILDING IN GENERAL,

SECTION 8-1003 IN ITS ENTIRETY.

**Sec. 8-1003. Parking in Residential Areas.**

Purpose. The Mayor and Aldermen find that it is in the public interest to provide for the proper placement of Certain Vehicles on Residential Properties to eliminate blight and improve health and public safety. It is the purpose of this ordinance to:

- a. Require property owners of residential properties to provide parking for their properties as described in this ordinance.
- b. Require vehicles to be parked on Residential Properties as described in this ordinance.

Definitions.

1. Accessory Building – An attached or detached building or structure with walls and a roof which is subordinate to the principal building/facility on a lot, including but not limited to a garage, storage building or any other such not-for-habitation building on the premises. Manufactured/mobile housing units, shipping containers, and recreational vehicles are not accessory buildings. All Accessory Buildings are subject to the provisions of Sections 8-3011 and 8-3057.
2. Certain Vehicles – Automobile, truck, van or other motor vehicle designed and intended for use in transporting people and/or goods.
3. Contained Gravel - Small stones used for paths or for making concrete which are confined in a manner to restrict the movement or spread beyond the limits of an established driveway.
4. Curb Cut – Removal of a section of a horizontal line of concrete, asphalt or other curb material that forms part of the gutter at the edge of a street.
5. Derelict Motor Vehicle - A motor vehicle which is inoperative, unlicensed, in a state of major disassembly, disrepair, or in the process of being stripped or dismantled; provided that this definition shall not apply to any motor vehicle or part thereof which shall be located within the premises of any junkyard complying with the laws of the State of Georgia relating to the licensing and regulating of motor vehicle junkyards.
6. Driveway Apron - A gently sloping surface in front of an established driveway that enables vehicles to ingress and egress to a public road.
7. Established Driveway - An open and notorious pathway that is routinely used by vehicles for safe and orderly ingress and egress between private real property and a public road.
8. Front Yard - An open space extending the full width of the lot and from the front of the residential structure to the edge of the front property line.
9. Gross Vehicle Weight - The weight of a vehicle without load plus its rated carrying capacity, as specified by the manufacturer of the vehicle.
10. Motive Power - something (such as a locomotive or a motor) that provides motive power to a system.
11. Motor Coach - Any wheeled motor vehicle which is a single self-contained unit that provides motive powers to a system, such as a locomotive or a motor, and is designated and generally used for occupancy by persons for residential purposes.
12. Public Property – Any real property owned, operated, in the possession of or controlled by any federal, state, county, municipal governmental entity, or authority created by any such entity; and any street, alley, sidewalk, or other right-of-way used, owned or dedicated to public use; or any shopping center parking lot open to and used by the general public.
13. Public Right-Of-Ways - Any street, alley, lane, or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.
14. Real Property - Any land which is the property of some person and all structures integrated with or affixed to the land, including crops, buildings, machinery, wells, dams, ponds, mines, canals, and roads, among other things
15. Rear Yard - An open space extending the full width of the lot and from the rear of the residential structure to the edge of the rear property line.
16. Residential Properties – A piece of land or real estate consisting of single or multi-family housing.
17. Ribbon Strip Driveways - Parallel paths within the boundary of the property owner's private property upon which vehicle tires travel as part of an established driveway.
18. Screened – Hidden from the view of a person standing at ground level on an abutting site by an architectural or landscape feature that is at least six feet in height.

19. Side Yard - An open space extending from the side of the residential structure to the side property line and between the front yard and the rear yard.
20. Soil - The top layer of the land surface, consisting of the unconsolidated products of rock erosion and organic decay.
21. Trailer - Any type of wheeled vehicle, regardless of the use, which is designed to be pulled by a motor vehicle.

1. Placement of Certain Vehicles on Residential Properties

- a. It shall be unlawful to place any operable motor vehicle, boat, or trailer-type vehicle on any residential property, or to keep, store or allow any such vehicle to remain on a residential property except (1) on an established driveway or (2) enclosed in a legal accessory building or (3) parallel and within five (5) feet of an established driveway to the one side closest to the side yard property line provided such parking allows for a minimum set back of three (3) feet from the side yard property line or (d) within a side or rear yard that is screened from the view of public right-of-way or neighboring properties.

- b. For the purposes of this subsection, an “established driveway”.

(1) is an open and notorious pathway that is routinely used by vehicles for safe and orderly ingress and egress between private real property and public right-of-way, and

(2) has a surface consisting of solid or pervious pavement, pavers, contained gravel, stone materials, or other surfaces otherwise authorized by the City of Savannah. Established driveways connecting to a street must include a curb cut, where applicable, and driveway apron meeting City of Savannah design and construction standards (in accordance with section 4-1002 & 4-1003). Soil is not an established driveway surface material in front yards except in parallel paths under vehicle tires as part of an established ribbon strip driveways.

- c. It shall be unlawful to place any inoperable motor vehicle, boat, or trailer-type vehicle on any residential property, or to keep, store or allow any such vehicle to remain on a residential property, except enclosed in a legal accessory building.
- d. It is a requirement for property owners of residential properties, both owner-occupied and landlords, to ensure all residential parking complies with this and all City Code of Ordinances.

2. Parking of specified motor vehicles, motor homes, trailers, semitrailers or truck tractors in residential zone—Prohibited.

- 1.

- a. No motor vehicle exceeding 20 feet in length, and/or 10,000 pounds gross vehicle weight, or any trailer coach, motor home, trailer, semitrailer, or truck tractor, or part of such vehicle, shall be parked or stored upon the street adjacent to any lot zoned residential except:

1. Commercial vehicles, when such vehicles are being expeditiously loaded or unloaded, or equipment on such vehicles is being used to perform the special operations for which it was designed, including, but not limited to, the construction, operations, removal or repair of utility or public utility property or facilities or public streets and rights-of-way.

2. Motorcoaches, trailer coaches or motor homes when parked for a period of less than 24 hours.

3. Penalty for failure to comply.

- a. Violations of this ordinance will result in a civil citation to the tenant or owner/occupant requiring payment of a \$25 dollar fee, for Class B violation, OR \$50 dollar fee for Class C violation within five (5) business days (seven calendar days) after the date of issue.
- b. If, when issuing a civil citation, compliance officers find that the property owner has failed to provide proper parking, the property owner will be issued a Notice To Correct Conditions (NTCC) requiring compliance within 30 days. If compliance has not been met the property owner will receive a subpoena for a Records Court hearing.

4. Variances.

(1) Request for variance from the provisions of this ordinance shall be submitted in writing to the director of the Code Compliance Department, stating the specific variance requested and reasons why a variance should be granted. The director will review the request and render a decision within ten working days of the request.

(2) A variance will be granted only upon a determination that the request is the minimum necessary to afford relief, and that the overall intent of this ordinance will be implemented.

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

**ADOPTED AND APPROVED: NOVEMBER 20, 2018** upon motion of Alderman Thomas, seconded by Alderman Durrence, and unanimously carried.

**Alderman Thomas:** Mr. Mayor, before we move on, that is a critical passage right there. Could we have the City Manager explain that briefly?

**City Manager Hernandez:** This is a revision to the City's code of ordinances to allow parking within five feet of an established driveway, it has to be parallel and within five feet of an established driveway to one side located to the nearest property line. In addition to that, it requires a minimum three foot setback from that property line to the driveway. So, this is a way of designating where vehicles can park on residential properties. It also states that you can park vehicles in the side yard or rear yard as long as it is screened from the public right of way or neighboring properties.

**Alderman Miller:** Mr. City Manager, when we talked about this previously, we talked about the importance of communicating this to the public. There's a lot of interest, and a lot of concern out there and not everybody is watching this meeting. How do we plan on moving forward?

**City Manager Hernandez:** Mr. Bret Bell from our City Manager's Office is working on coordinating a public education plan with our Code Enforcement Division to communicate this and all the other changes.

**Alderman Miller:** When you get that plan, would you bring it back forward to us so we know what we're doing?

**City Manager Hernandez:** I will share that with members of Council.

## [15. Motion to Amend the Code of Ordinances to Address Abandoned and Derelict Motor Vehicles](#)

[Abandoned and Derelict Vehicle Ordinance \(Sec 9-2009 thru 9-2013\) \(003\).pdf](#)

[Abandoned and Derelict Vehicle Ordinance\\_redlined version.pdf](#)

AN ORDINANCE

TO BE ENTITLED

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF SAVANNAH (2003), PART 9, OFFENSES, CHAPTER 2, NUISANCES, ARTICLE A., IN GENERAL, SECTION 9-2009 DERELICT VEHICLES – DISPOSAL, SECTION 9-2010 DEFINITIONS, SECTION 9-2011 DUTIES OF CITY EMPLOYEES, SECTION 9-2012 PROCEDURES, AND SECTION 9-2013 CONTRACTS TO REPEAL CONFLICTING ORDINANCES, AND FOR OTHER PURPOSES

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

SECTION 1: That Part 9, Offenses, Chapter 2, Nuisances, Article A, In General, Section 9-2009 be amended by renaming the section “Abandon and Derelict Motor Vehicles” and section shall read as follows:

### **CHAPTER 2. NUISANCES**

#### **ARTICLE A. IN GENERAL**

##### **Sec. 9-2009. Abandoned and Derelict Motor Vehicles**

It is hereby declared that:

Abandoned motor vehicles, as herein defined, when left unattended on a public street, road or highway or other public or private real property within the corporate limits of the city for a period of not less than five (5) days on public property or not less than thirty (30) days on private property constitute a health hazard or unsightly nuisance in that they provide a place for insects, rodents and other animals to exist; attract children, vagrants and other individuals; and may cause injury to them and obstruct the streets and ways on and in which they may be found.

Derelict motor vehicles, as herein defined, when left unattended on a public street, road or highway or other public or private real property within the corporate limits of the city for a period of not less than three (3) days on private or public property constitute a

health hazard or unsightly nuisance in that they provide a place for insects, rodents and other animals to exist; attract children, vagrants and other individuals; and may cause injury to them and obstruct the streets and ways on and in which they may be found.

It is the further purpose and intent of this ordinance [sections 9-2009—9-2013] to provide for the removal and disposal of said vehicles and the procedures pertaining thereto.

SECTION 2: That Part 9, Offenses, Chapter 2, Nuisances, Article A, In General, Section 9-2010 be amended including adding subsections (5), (6), and (7) and section shall read as follows:

**Sec. 9-2010. - Same—Definitions.**

In the implementation and interpretation of the chapter and any contract between the City of Savannah and a third party pursuant hereto [sections 9-2009—9-2013], the following definitions shall apply:

1. Abandoned motor vehicle means a motor vehicle or trailer:
  - (A) Which has been left by the owner or some person acting for the owner with an automobile dealer, repairman, or wrecker service for repair or for some other reason and has not been called for by such owner or other person within a period of 30 days after the time agreed upon; or within 30 days after such vehicle is turned over to such dealer, repairman, or wrecker service when no time is agreed upon; or within 30 days after the completion of necessary repairs;
  - (B) Which is left unattended on a public street, road, or highway or other public property for a period of at least five days and when it reasonably appears to a code enforcement or law enforcement officer that the individual who left such motor vehicle unattended does not intend to return and remove such motor vehicle. However, on the city highway system, any code enforcement or law enforcement officer may authorize the immediate removal of vehicles posing a threat to public health or safety or to mitigate congestion;
  - (C) Which has been lawfully towed onto the property of another at the request of a code enforcement or law enforcement officer and left there for a period of not less than 30 days without anyone having paid all reasonable current charges for such towing and storage;
  - (D) Which has been lawfully towed onto the property of another at the request of a property owner on whose property the vehicle was abandoned and left there for a period of not less than 30 days without anyone having paid all reasonable current charges for such towing and storage; or
  - (E) Which has been left unattended on private property for a period of not less than 30 days.
2. Derelict motor vehicle shall be a motor vehicle which is inoperative, unlicensed, in a state of major disassembly, disrepair, or in the process of being stripped or dismantled; provided that this definition shall not apply to any motor vehicle or part thereof which shall be located within the premises of any junkyard complying with the laws of the State of Georgia relating to the licensing and regulating of motor vehicle junkyards.
3. "Motor vehicle" or "vehicle" means a motor vehicle or trailer.
  - (4) "Owner" or "owners" means the registered owner, the owner as recorded on the title, lessor, lessee, security interest holders, and all lienholders as shown on the records of the Department of Revenue or the records from the vehicle's state of registration.
  - (5) Public property is any real property owned, operated, in the possession of or controlled by any federal, state, county, municipal governmental entity, or authority created by any such entity; and any street, alley, sidewalk, or other right-of-way used, owned or dedicated to public use; or any shopping center parking lot open to and used by the general public.
  - (6) Private property is the property owned by non-governmental entities, like companies or persons.
  - (7) Real property is any land which is the property of a person and all structures integrated with or affixed to the land, including, but not limited to crops, buildings, machinery, wells, dams, ponds, mines, canals, and roads, among other things.

SECTION 3: That Part 9, Offenses, Chapter 2, Nuisances, Article A, In General, Section 9-2011 be amended and section shall read as follows:

**Sec. 9-2011. - Same—Duties of city employees.**

The city manager is hereby authorized to designate such city employees as are necessary to identify abandoned and/or derelict motor vehicles and cause the removal and disposal of the same, to supervise any contract with a third party to provide for the removal and disposal of said vehicles and to otherwise cause the implementation of and compliance with the provisions of this chapter [sections 9-2009—9-2013].

Wherever any vehicle is required to be removed from any private real property, with regard to those activities requiring entry onto such property, the designated city employee shall be either a City code enforcement officer or a peace officer as defined by the laws of the State of Georgia or the city Code of Savannah.

SECTION 4: That Part 9, Offenses, Chapter 2, Nuisances, Article A, In General, Section 9-2012 be amended including adding subsections (l) and (m) and section shall read as follows:

**Sec. 9-2012. - Same—Procedures.**

(a) Abandoned Motor Vehicle - When any city employee, designated by the city manager in accordance with this chapter [sections 9-2009—9-2013], shall ascertain that a motor vehicle and/or a part thereof is an abandoned motor vehicle or any becomes so by remaining unattended for a period of at least five (5) days on public property and no less than thirty (30) days on private property, provided that on the private property the vehicle is not enclosed in a legal accessory building, he shall prepare a notice to require its removal and shall proceed to designate the same as an abandoned motor vehicle by affixing a copy of said notice to said vehicle or part thereof in a conspicuous place. This notice shall include the following information to the extent that it is available at the time of preparing said notice: the vehicle serial number or manufacturer's identification number; the vehicle license number; the vehicle make, year and model; the location of said vehicle; the date of execution and placing of said notice on the vehicle; and such other information as may be required by the city manager; said notice shall also contain the following language:

"This vehicle has been left unattended on a public street, road or highway or other public or private property in the City of Savannah. Unless removed by the owner within five (5) days on public property and thirty (30) days on private property of the date of this Notice, this vehicle will be removed at the direction of the City pursuant to the Abandoned and Derelict Motor Vehicles Ordinance of the City of Savannah and thereafter may be reclaimed only pursuant to said Ordinance."

The above notice shall be supplemented by an additional notice imprinted on a water-resistant material, printed with indelible ink, of a size not less than three inches by five inches, to adhere in wind and rain, to be affixed to a window of a vehicle separate from the above-required notice which shall contain the following language:

"This vehicle is subject to removal pursuant to the Abandoned and Derelict Motor Vehicles Ordinance of the City of Savannah within five (5) or thirty (30) days as applicable. If the official Notice To Remove is not elsewhere on this vehicle, please notify the Code Compliance Department -phone 912-651-6770."

(b) Derelict Motor Vehicles - When any city employee, designated by the city manager in accordance with this chapter [sections 9-2009—9-2013], shall ascertain that a motor vehicle and/or a part thereof is a derelict motor vehicle or any becomes so by remaining unattended for a period of not less than three (3) days on public or private property, provided that on the private property the vehicle is not enclosed in a legal accessory building. Notice of derelict status and the request for removal shall be affixed to said vehicle or part thereof in a conspicuous place. This notice shall include the following information to the extent that it is available at the time of preparing said notice: the vehicle serial number or manufacturer's identification number; the vehicle license number; the vehicle make, year and model; the location of said vehicle; the date of execution and placing of said notice on the vehicle; and such other information as may be required by the city manager; said notice shall also contain the following language:

"This vehicle has been left unattended on a public street, road or highway or other public or private property in the City of Savannah. Unless removed by the owner within three (3) days on public or private property of the date of this Notice, this vehicle will be removed at the direction of the City pursuant to the Abandoned and Derelict Motor Vehicles Ordinance of the City of Savannah and thereafter may be reclaimed only pursuant to said Ordinance."

The above notice shall be supplemented by an additional notice imprinted on a water-resistant material, printed with indelible ink, of a size not less than three inches by five inches, to adhere in wind and rain, to be affixed to a window of a vehicle separate from the above-required notice which shall contain the following language:

"This vehicle is subject to removal pursuant to the Abandoned and Derelict Motor Vehicles Ordinance of the City of Savannah within three days as applicable. If the official Notice To Remove is not elsewhere on this vehicle, please notify the Code Compliance Department - phone number 912-651-6770."

(c) The time commences when the notice is affixed to the vehicle. The applicable time period is determined by the status of the property on which the vehicle is located when the notice is affixed. A presumption exists that the vehicle remained on the property where the notice was affixed during the notice period if it is present there on the date the notice period expires.

If the vehicle is moved to property contiguous to where it was initially noticed and the property is of a different status to which another time period applies, the interval between the date of the initial notice shall be counted toward the time period applicable to the alternate property status on which the vehicle is located.

(d) If, at the expiration of the applicable period as above provided after the posting of the aforesaid notice, said abandoned or derelict motor vehicle has not been removed from the public street, road or highway or other public or private real property upon which it has remained for said period, any city employee designated by the city manager shall cause the same to be removed for disposal. Upon the removal of any abandoned or derelict motor vehicle, it shall be placed in an impounding area for a period of not less than 30 days, which shall be referred to as the "holding period" for said abandoned or derelict motor vehicle. While being retained within the impounding area for said holding period, no person shall willfully remove any part therefrom nor cause any damage thereto.

(e) At any time prior to the expiration of the holding period as above specified the owner of said abandoned or derelict motor vehicle, upon showing satisfactory evidence of ownership, may claim and take possession of said vehicle by making payment of such towing and storage charges as may have been incurred at said time in such amount(s) and in accordance with any requirements of the city manager and/or any contract executed by the city pursuant to this chapter [sections 9-2009—9-2013].

(f) Subsequent to the removal of any abandoned or derelict motor vehicle and the placing of the same in an impounding area, the owner of the vehicle shall be notified of its removal, impounding and right of reclamation as above provided, providing that the name and address of the owner of said vehicle may be determined with reasonable diligence. Notice to the party entitled to receive notice may be given by placing a copy of the same in the United States mail addressed to the party entitled to receive notice with adequate postage thereon and shall be sent by certified mail to the addressee only with a return receipt within five calendar days after ascertaining the owner of such vehicle. If the notice is unclaimed or returned, no further mail notice shall be required. Any certified mail which is "refused" shall be deemed to have been delivered. If the notice is unclaimed or returned, the following provisions pertaining to a published notice shall be performed, but the name of the owner shall be specified in the notice rather than reference to "unknown" owner, and the owner shall be stated to have an "unknown address." Whenever the name of more than one owner, as defined above, is determined, each owner shall be entitled to notice pursuant to this subsection. Whenever it is impossible to determine the name or address of any party entitled to receive notice, notice shall be given to said party as an "unknown" owner or as an owner at an "unknown address" by publishing notice in a newspaper of general circulation within the city once a week for two consecutive weeks during the holding period as above specified. This notice shall contain information, to the extent it is available at the time of effecting said notice, specifying the vehicle serial number or manufacturer's identification number; the vehicle license number; the vehicle make, year and model; the location of the vehicle at the time of its removal; the location of the impounding area where the vehicle is being stored; the name and address of the party who is believed to be the present or last owner from such information as has been ascertained or, if none, then the owner will be stated to be "unknown"; the name and address of the party having custody over the impounding area; the date of expiration of the holding period for said vehicle; and the right of the owner to reclaim said vehicle.

(g) Subsequent to the expiration of the holding period as above specified, the vehicle may be sold, destroyed, dismantled or otherwise disposed of at public or private sale by the city employees designated by the city manager to so act or a third party with whom the city has contracted to so act, provided that said abandoned or derelict motor vehicle has not been claimed by its owner as provided herein.

(h) The city manager shall cause records to be made and maintained which reasonably specify the identity of each vehicle, its owner, its location prior to removal, its date of removal, the party removing and impounding the same, the date and manner of its disposal, procedures to notify the owner and a copy of any notices given pursuant to this chapter, and such additional items as may be required by the city manager. Such records shall be preserved for not less than two years from the date of impounding of any abandoned or derelict motor vehicle and shall be made available for examination by any owner of such vehicle which has been removed pursuant to this chapter.

(i) Any funds received by the city from the disposal of any abandoned or derelict motor vehicle shall be paid to the general fund of the city.

(j) If a vehicle is removed from public property at the request of a code enforcement or law enforcement officer or if the vehicle is stored, if the owner of the vehicle is unknown, the party having possession or control of the vehicle shall seek the identity of and address of the last known registered owner within 72 hours of removal.

(k) If the vehicle is removed from private property at the request of the property owner or such a vehicle is stored, if the owner of the vehicle is unknown, the Savannah Police Department shall be notified in writing of the location of the vehicle, the manufacturer's vehicle identification number (VIN), license number, model, year, and make of the vehicle within 72 hours of the removal of the

vehicle and shall seek from the Savannah Police Department the identity and address of the last known registered owner of the vehicle and any information indicating that the vehicle is a stolen vehicle.

(l) If any vehicle removed under subsections (j) and (k) is determined to be a stolen vehicle, the Savannah Police Department shall notify the Georgia Crime Information Center and the owner, if known, of the location of the vehicle within 72 hours after receiving notice that the vehicle is a stolen vehicle.

(m) If a vehicle is not a stolen vehicle, being repaired by a repair facility, or being stored by an insurance company for purposes of repair under a policy, the party having possession and control of the vehicle shall, within seven calendar days of the day the vehicle was removed, notify the owner, if known, of the location of the vehicle and the fees applicable to the removal and storage of the vehicle, pursuant to subsection (f) above.

SECTION 5: That Part 9, Offenses, Chapter 2, Nuisances, Article A, In General, Section 9-2013 be amended and section shall read as follows:

**Sec. 9-2013. - Same—Contracts.**

Any party with whom the city may contract to perform services pursuant to this chapter [sections 9-2009—9-2013] shall not be deemed to be an agent, employee or other representative of the city and in the performance of any act as authorized by this chapter shall be considered to act in the name of said party and as an independent contractor.

Any party with whom the city has contracted shall comply with all the terms and conditions of this article [sections 9-2009—9-2013] as may be required to be performed while in the custody and possession of a vehicle by that party. Upon the failure of that party to so comply, that party shall not be entitled to any storage fees. Any party with whom the city shall contract shall be licensed pursuant to O.C.G.A. title 43, ch. 48.

SECTION 6: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

**ADOPTED AND APPROVED: NOVEMBER 20, 2018** upon motion of Alderman Miller, seconded by Alderman Thomas, and unanimously carried.

**16. Motion to Amend the Code of Ordinances Pertaining to Maintenance of Tree Lawns, and Keeping Streets and Sidewalks Free of Litter**

[ORD009 Refuse Collection.pdf](#)

[Tree Lawns \(Sec 8-1005\) \(003\).pdf](#)

[ORD021 Health Sanitation.pdf](#)

AN ORDINANCE

TO BE ENTITLED

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF SAVANNAH (2003), PART 8, PLANNING AND REGULATION OF DEVELOPMENT, CHAPTER 1, BUILDING REGULATIONS, ARTICLE A, BUILDING IN GENERAL, SECTION 8-1005, PROPERTY OCCUPANTS AND OWNERS TO MAINTAIN TREE LAWNS, TO REPEAL CONFLICTING ORDINANCES; FOR OTHER PURPOSES.

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

SECTION 1: That Part 8, Planning and Regulation of Development, Chapter 1, Building regulations, Article A., Building in General, Section 8-1005 shall be amended as follows:

ENACT

**Sec. 8-1005. - Occupants to maintain tree lawns, keep streets and sidewalks free of litter.**

The occupants or owners of property abutting a street, sidewalk or lane shall maintain and keep the portion of the street, sidewalk or lane on which such property abuts clean and free of litter, debris and overgrown vegetation. The occupants or owners of property in



which a tree lawn is present shall be responsible for edging and mowing grass, mulching, picking up litter, removing dead vegetation, keeping the area of tree lawns clean, and maintaining the height of plantings to 36 inches or less. The planting or maintenance of trees or shrubs on the right-of-way must adhere to Section 8-12005.

Cross reference— Streets and sidewalks, § 4-1001 et seq.

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

**ADOPTED AND APPROVED: NOVEMBER 20, 2018** upon motion of Alderman Miller, seconded by Alderman Thomas, and unanimously carried.

[17. Motion to Amend Section 8-1004 of the Code of Ordinances to Adopt Exterior Property Maintenance Standards](#)

[Exterior Property Maintenance \(Sec 8-1004\) \(003\).pdf](#)

AN ORDINANCE

TO BE ENTITLED

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF SAVANNAH (2003), PART 8, PLANNING AND REGULATION OF DEVELOPMENT, CHAPTER 1, BUILDING REGULATIONS, ARTICLE A, BUILDING IN GENERAL, SECTION 8-1004, EXTERIOR PROPERTY AREAS, TO REPEAL CONFLICTING ORDINANCES; FOR OTHER PURPOSES.

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

SECTION 1: That Part 8, Planning and Regulation of Development, Chapter 1, Building Regulations, Article A., Building in General, Section 8-1004 shall be amended as follows:

ENACT

**Section 8-1004. Exterior Property Maintenance**

Definitions

- (a) Accessory Building – as defined in Section 8-1003.
- (b) Accessory Structure - A detached building or structure which is subordinate to the principal building/facility on a lot and used for a purpose customarily incidental to the principal use, including but not limited to garages, greenhouses, swimming pools, tennis courts, cable satellite antenna or other noncommercial radio transmitting/receiving antenna. Manufactured/mobile housing units, shipping containers, and recreational vehicles are not accessory structures.
- (c) Animal Excrement - waste matter discharged from the body of animals.
- (d) Clothesline - a rope, cord, wire, or similar device on which laundry is hung to dry.
- (e) Debris - something broken down or destroyed such as fallen trees or fallen tree limbs whole trees, tree stumps, tree branches, tree trunks, and other leafy material, or materials or objects not a part of land existing at random or in a disorderly manner and constituting a health or safety hazard.
- (f) Front Yard – as defined in Section 8-1003.
- (g) Garbage – The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.
- (h) Grass - vegetation consisting of typically short plants with long, narrow leaves, growing wild or cultivated on lawns and pasture, and as a fodder crop.

(i) Litter - Manmade or man-used solid waste material, such as paper, garbage, cardboard boxes, cans, leaves, limbs, cigarette butts or other trash, which is not placed or stored properly in an approved trash container or bag.

(j) Object - Any item of personal property; other than a vehicle, boat, trailer, or children's toys in good repair; junk materials, machinery and equipment, appliances or other household items including indoor furniture, lumber and building materials, sand, fill rock and stone, downed trees and fallen tree limbs or other material(s) not forming part of the natural landscape or a structure.

(k) Person - Any natural person; owner or occupant of a property, corporation, LLC, partnership, authority created by statute, association, other entity, or combination of any of.

(l) Porch - an exterior appendage to a building, forming a covered approach or vestibule to a doorway.

(m) Rear Yard – as defined in Section 8-1003.

(n) Rubbish – Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood. Excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

(o) Screened – as defined in Section 8-1003.

(p) Side Yard – as defined in Section 8-1003.

(q) To place - To establish the presence of an object on a piece of property which:

(1) Is not affixed to the real property and is capable of being moved or removed and

(2) Is present for a period of five consecutive days on a piece of property, regardless whether the location of the object has moved.

(r) Undeveloped Lot - a legally established and existing parcel of land, with boundaries determinable from official records, which does not have a building or structure located thereon. Includes, but not be limited to; Marsh and forest where the canopy and understory remain intact; Wooded areas that are altered only by installation of firebreaks; Dirt roads no longer in use and serving no practical function; Dirt footpaths fewer than six feet in width; Sand dunes and beach, including associated crossovers; and Fresh water wetlands.

(s) Unsafe Tree – a Tree where the condition of the tree presents a foreseeable danger of inflicting damage that cannot be alleviated by treatment or pruning. A tree may be dangerous because it is likely to injure people or damage vehicles, structures, or development, such as sidewalks or utilities

(t) Vacant Lot - any property, lot or parcel that has or had an existing on site building or structure that is either abandoned, vacant or unleased. A vacant lot shall not include lots for which construction on the lot is proceeding diligently towards completion, or for which a building permit has been issued and has not yet expired. A vacant lot also shall not include any lot being lawfully utilized for small scale agricultural purposes.

(u) Vegetation - plant life or total plant cover

(v) Weeds – all noxious weeds, grasses, annual plants and vegetation, other than trees or shrubs. This term shall not include cultivated flowers and gardens.

1. Occupants or owners to keep premises free of litter, garbage, rubbish, debris, objects, and animal excrement.

(a) It shall be unlawful for the owner or occupant of a premises to have or to place any of the following on the premises to the extent and in a manner that could endanger the public health, safety, and/or welfare or could adversely affect and/or impair the economic value of an adjacent property.

(1) Any accumulation of litter, debris, rubbish, garbage or animal excrement on any portion of the property, on any porch, or underneath or inside any structure or accessory structure.

(2) Any object or objects, as defined, on the front yard or on the front porch.

(3) Any object or objects, as defined, on the side or rear yards, or on side or rear porches, or underneath or inside any structure or accessory structure that is visible from the street, lane or neighboring property unless screened as to not be visible from the street, lane, or neighboring property.

(4) Any accessory building on the front yard or any accessory building in the side or rear yard which is dilapidated or in a state of disrepair.

(5) Any broken, discarded or abandoned refrigerator, freezer, water heater, dishwasher, range, oven, trash compactor, washing machine, clothes dryer or similar appliance located in the front, rear or side yard, including porches and unsecured garages, of any premises used as a residence regardless of zoning, or on any vacant lot.

(6) Any clothesline in the front yard, or on front or side porches.

(b) The provisions of this section shall not apply to material which is being used in connection with construction activity taking place on the premises, providing the construction activity is being diligently pursued and complies with applicable ordinances and codes.

2. Vegetation, grass, or weeds in excess of a height of 10 inches; debris, any dangerous or unsafe tree, stagnant water, and all other objectionable, unsightly or unsanitary matter.

(a) Whenever there exists on any lot, tract, parcel of land or premises in the city any vegetation, grass, or weeds in excess of a height of 10 inches; debris, any dangerous or unsafe tree, stagnant water, rubbish, garbage, debris, including but not limited to household furnishings, and all other objectionable, unsightly or unsanitary matter which, in the opinion of the code officer, might endanger the public health or safety, the code officer shall notify the owner or occupant of the property to cut or remove such items within 15 days.

(b) Portions of natural forest and land used for agricultural purposes within 150 feet of any building are required to maintain a ten foot wide strip at the property line abutting such building, property or improved right of way.

(c) If the property owner or occupant receiving notice under this section fails to have vegetation, grass, or weeds in excess of a height of 10 inches; debris, any dangerous or unsafe tree, stagnant water, and all other objectionable, unsightly or unsanitary matter cut or removed from his property within 15 days after required notice, the expenses or charges of removal shall include inspection, advertising, labor and equipment costs.

**Section 8-1006—8-1030. - Reserved.**

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

**ADOPTED AND APPROVED: NOVEMBER 20, 2018** upon motion of Alderman Miller, seconded by Alderman Thomas, and unanimously carried.

## **RESOLUTIONS**

[18. Motion to Adopt a Resolution Authorizing the Increase of 2018 Emergency Solutions Grant Funding Allocations to Family Promise of Greater Savannah and Inner City Night Shelter](#)

[Resolution Authorizing Reprogrammed 2018 ESG Allocations.pdf](#)

### **RESOLUTION**

**WHEREAS**, the City of Savannah, Georgia received a total of \$183,495 from the United States Department of Housing and Urban Development in the form of Emergency Solutions Grant funds for fiscal year 2018; and

**WHEREAS**, the Mayor and Aldermen of the City of Savannah resolved on November 9, 2017 to provide Emergency Solutions Grant (ESG) funding allocations of \$14,885 to Family Promise of Greater Savannah, \$20,082 to Inner City Night Shelter, and \$20,082 to the Salvation Army; and,

**WHEREAS**, the City of Savannah seeks to increase the adopted Emergency Solutions Grant (ESG) funding allocations to Family Promise of Greater Savannah in the amount of \$24,926, and \$30,123 to Inner City Night Shelter. The increase is due to Salvation Army's decision to decline their 2018 ESG shelter funding allocation in the amount of \$20,082.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Aldermen of the City of Savannah authorize Rob Hernandez, City Manager, to reprogram FY2018 ESG funds to the homeless service agencies approved by City Council to support emergency shelter services in the 2018 One Year Action Plan adopted on November 9, 2017.

**ADOPTED AND APPROVED:** November 20, 2018 upon motion of Alderwoman Bell, seconded by Alderman Miller, and unanimously carried.

[19. Motion to Adopt Resolution Accepting Bid for Purchase of Savannah General Obligation Bond](#)

[Memo to CM RE 2018 GO Bond Issue.pdf](#)

[res-bond \(v2\) 10-29-18.pdf](#)

GPW (v2) 10-29-18

A RESOLUTION OF THE MAYOR AND ALDERMEN OF THE CITY OF SAVANNAH TO REGULATE AND PROVIDE FOR THE ISSUANCE OF A \$2,000,000 IN PRINCIPAL AMOUNT CITY OF SAVANNAH GENERAL OBLIGATION STREET IMPROVEMENT BOND, SERIES 2018, AS AUTHORIZED BY THE CONSTITUTION OF THE STATE OF GEORGIA, PURSUANT TO AND IN CONFORMITY WITH THE CONSTITUTION AND STATUTES OF THE STATE OF GEORGIA, TO REGULATE AND PROVIDE FOR THE FORM OF THE BOND; TO PROVIDE FOR THE ASSESSMENT AND COLLECTION OF A DIRECT ANNUAL TAX SUFFICIENT IN AMOUNT TO PAY THE PRINCIPAL OF AND INTEREST ON THE BOND; TO PROVIDE FOR THE ISSUANCE AND SALE OF THE BOND; TO PROVIDE FOR THE VALIDATION OF THE BOND; AND FOR OTHER PURPOSES.

PREAMBLE

WHEREAS, it is provided by the Constitution of the State of Georgia, I Ga. L. 1972, p. 1521, Section 1, that:

“...the Mayor and Aldermen of the City of Savannah may issue general obligation bonds for street and drainage improvements and all costs necessary therefor including acquiring rights-of-way without submitting the issuance thereof to the voters of said City at a referendum, subject to the following restrictions and limitations:

1. The issuance of such bonds shall be authorized at a public meeting held for such purpose after at least ten (10) days’ notice thereof in the official organ of said City and in at least one (1) of the daily newspapers of said City.
2. Not more than ten (10%) percent of the total unused bond capacity of said City and in no event more than one million dollars (\$1,000,000.00) in the aggregate in such bonds so issued without a referendum shall be issued in any fiscal year.
3. The aggregate of all outstanding bonds, including those issued by vote of the people in a referendum and those issued under this amendment without a referendum, shall not exceed the limitations provided elsewhere in this paragraph.
4. Funds realized under provisions of this paragraph shall be expended only in accordance with existing paving policies of the Mayor and Aldermen of the City of Savannah in effect on January 1, 1972, to the end that property owners affected will continue to pay such present portion of paving costs unless the paving project is declared a public necessity;” and

WHEREAS, it is provided by the Constitution of the State of Georgia, as amended, I Ga. L. 1977, p. 1583, Section 1, that:

“Notwithstanding any provision of this Article, the Mayor and Aldermen of the City of Savannah may issue general obligation bonds for street and drainage improvements and all costs necessary therefor including acquiring rights-of-way without submitting the issuance thereof to the voters of said City at a referendum. The authority to issue bonds under the provisions of this paragraph shall be in addition to and shall not alter, impair, limit or otherwise affect the power of the Mayor and Aldermen to issue the bonds provided for in an amendment ratified on November 7, 1972 (Ga. L. 1972, p. 1521), but the bonds issued under this paragraph shall be in addition to the bonds authorized by such amendment. Bonds issued under this paragraph shall be subject to the following restrictions and limitations:

1. The issuance of such bonds shall be authorized at a public meeting held for such purpose after at least ten (10) days’ notice thereof in the official organ of said City and in at least one (1) of the daily newspapers of said City.
2. Not more than ten (10%) percent of the total unused bond capacity of said City and in no event more than one million dollars (\$1,000,000.00) in the aggregate in such bonds so issued without a referendum shall be issued in any fiscal year.

3. The aggregate of all outstanding bonds, including those issued by vote of the people in a referendum and those issued under this amendment without a referendum, shall not exceed the limitations provided elsewhere in this paragraph.

4. Funds realized under provisions of this paragraph shall be expended only in accordance with existing paving policies of the Mayor and Aldermen of the City of Savannah in effect on January 1, 1979, to the end that property owners affected will continue to pay such present portion of paving costs unless the paving project is declared a public necessity;” and

WHEREAS, the public meeting required by the provisions of Section 1, Paragraph 1, of each of the aforesaid constitutional amendments was held on November 5, 2018, after at least ten days’ published notice thereof, for the purpose of considering the issuance of a general obligation street improvement bond (the “**Bond**”) of the Mayor and Aldermen of the City of Savannah, a municipal corporation and a political subdivision of the State of Georgia (the “**City**”), in the principal amount of \$2,000,000, to provide funds needed to pay the costs of street improvements in the City for the use and benefit of the people of the City, and the costs of issuance of the Bond; and

WHEREAS, a request for offers for the purchase of the Bond (the “**RFO**”) has been disseminated to prospective bidders by the City; and

WHEREAS, prospective bidders were invited to submit bids for the purchase of the Bond as the same was fully described in the RFO; and

WHEREAS, in the RFO, bidders were requested to submit bids not later than 2:00 p.m., Eastern Time, on Monday, November 19, 2018; and

WHEREAS, bids were received and opened at 2:00 p.m., Eastern Time, on Monday, November 19, 2018, a summary of all of which bids is attached hereto and made a part hereof as Exhibit A; and

WHEREAS, the bid of Capital One Public Funding, LLC was the best bid with the lowest true interest cost; and

WHEREAS, pursuant to this resolution, the City deems it advisable and in the best interest of the City to accept the best bid for the purchase of the Bond, the best bidder having in all respects complied with the terms of the RFO.

NOW, THEREFORE, in order to issue and deliver the Bond, to adopt a form for the Bond, and to authorize the execution of the same, be it resolved by the Mayor and Aldermen of the City of Savannah in public meeting assembled, and it is hereby resolved by authority of the same, that:

**Section 1. Authorization and Sale of the Bond.** Under authority of the constitution and laws of the State of Georgia and of this resolution, the Bond is hereby authorized to be issued by the City a single-instrument bond in the principal amount of \$2,000,000 for the purpose of providing funds needed to pay the costs of street improvements in the City, which purpose is declared to be a public necessity, and for the purpose of paying the costs of issuance of the Bond.

**Section 2. Designation, Maturity and Interest Rate.** The Bond will be dated as of its date of issuance and delivery, will be lettered and numbered R-1, and will bear interest at a rate of 3.28% per annum, calculated on the basis of a 360-day year consisting of twelve 30-day months, payable February 1, 2019, and August 1, 2019, and semi-annually thereafter on February 1 and August 1 (each an “**Interest Payment Date**”) in each year in the manner stated in the bond form set forth in Section 14 hereof. The Bond will be designated City of Savannah General Obligation Street Improvement Bond, Series 2018, and the principal of the Bond will mature and be paid on August 1, 2026, and will be subject to scheduled mandatory redemption of principal on August 1 in the years and amounts (the August 1, 2026, amount to be paid at maturity rather than redeemed) as follows:

<u>Year</u>	<u>Principal Amount</u>
2022	\$375,000
2023	385,000
2024	400,000
2025	415,000
2026	425,000

**Section 3. Medium of Payment.** The principal of and interest on the Bond shall be payable in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts. The principal of and interest on the Bond on its maturity date shall be payable upon presentation and surrender of the Bond at the designated corporate trust office of the Paying Agent. The scheduled mandatory payments of principal of and interest on the Bond shall be paid by check or draft mailed by the Paying Agent by first class mail to the owner of the Bond at its address as it appears on the bond register kept by the Bond Registrar or by wire transfer to the registered owner of the Bond at a wire transfer address which said registered owner has provided to the Paying Agent not less than five days prior to an Interest Payment Date, which wire instructions shall remain in effect until the Paying Agent is notified to the contrary.

**Section 4. Redemption of the Bond.** The Bond is subject to optional redemption, in whole or in part, prior to its maturity on any Interest Payment Date beginning August 1, 2022, without premium.

**Section 5. Registration of the Bond, Paying Agent, and Bond Registrar.** The Bond shall be registered as to both principal and interest on registration books to be kept for that purpose by The Bank of New York Mellon Trust Company, N.A., as Paying Agent, Bond Registrar and Authentication Agent. The Paying Agent will be the Bond Registrar for the Bond and will keep, at its designated corporate trust office, proper registration, exchange, and transfer records in which it shall register the name and address of the owner of the Bond. The Bond shall have endorsed thereon a Certificate of Authentication substantially in the form hereinafter set forth, duly executed by the manual signature of an authorized signatory of the Authentication Agent, and such certificate upon the Bond when duly executed shall be conclusive evidence that the Bond has been duly authenticated, registered, and delivered, and only the Bond bearing such certificate shall be so evidenced. The person in whose name the Bond shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and the payment of principal and interest shall be made only to or upon the order of the registered owner.

**Section 6. Bond Registration Book.** The Bond Registrar shall keep the Bond Registration Book of the City for the registration of the Bond and for the registration of transfers of the Bond as herein provided. The issuance of the Bond shall be registered upon the Bond Registration Book, and the transfer of the Bond shall be registered upon the Bond Registration Book upon the presentation and surrender of the Bond to the Bond Registrar accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing in such form as shall be satisfactory to the Bond Registrar. Upon any such registration of transfer, the Bond Registrar shall cause to be authenticated and delivered in exchange for the Bond so surrendered, a new Bond registered in the name of the transferee in a principal amount equal to the principal amount of the Bond so surrendered.

**Section 7. Exchange of the Bond.** Subject to compliance with the restrictions on transfer set forth in the Bond, the Bond, upon presentation and surrender thereof to the Bond Registrar, together with an assignment duly executed by the registered owner or his duly authorized attorney, in such form as may be satisfactory to the Bond Registrar, may be exchanged, at the option of the registered owner, for a Bond of the same maturity equal to the principal amount of the Bond so surrendered. In all cases in which the privilege of exchanging or transferring the Bond is exercised, the City shall execute and the Bond Registrar shall authenticate and deliver a Bond in accordance with the provisions hereof. The Bond Registrar shall make no charge for such exchange or registration of transfer of the Bond except such charge as shall be sufficient to reimburse it for any tax or other governmental charge, if any, which may be required to be paid with respect to such exchange or registration of transfer. A Bond surrendered in any such exchange or registration of transfer shall be forthwith cancelled by the Bond Registrar and a record of such cancellation shall be entered in the permanent records pertaining to the Bond maintained by the Bond Registrar.

**Section 8. Execution of the Bond.** The Bond shall be executed for and on behalf of the City with the manually subscribed or the facsimile of the signature of the Mayor, and the seal of the City shall be imprinted, impressed, or otherwise reproduced thereon and attested by the manually executed or facsimile signature of the Clerk of Council. In case any officer whose signature shall appear on the Bond shall cease to be such officer before delivery of such Bond, such signature shall, nevertheless, be valid and sufficient for all purposes as if such officer had remained in office until such delivery, and the Bond may, nevertheless, be issued and delivered as though the person who signed or sealed such Bond had not ceased to be such officer, and the Bond may be executed and sealed on behalf of the City by such officers who may at the time of the execution of such Bond hold the proper offices of the City although on the date of such Bond or on the date of any lawful proceedings taken in connection therewith such persons may not have held such offices. At least one signature required or permitted to be placed on the Bond shall be manually subscribed, which manually subscribed signature may be that of an authorized signatory of the Bond Registrar, as provided in Section 5 hereof.

**Section 9. Mutilated, Lost, Stolen, or Destroyed Bond.** In the event the Bond is mutilated, lost, stolen or destroyed, the Bond Registrar shall authenticate and deliver a new Bond of like tenor, date, maturity, and denomination as that mutilated, lost, stolen or destroyed, provided that, in the case of any such mutilated Bond, such Bond is first surrendered to the Bond Registrar, and, in the case of any such lost, stolen or destroyed Bond, there is first furnished evidence of such loss, theft, or destruction satisfactory to the Bond Registrar together with indemnity satisfactory to the Bond Registrar. No service charge shall be made for any such transaction, but a charge may be made to cover any actual expense involved. In the event the Bond shall have matured or become due, in lieu of issuing a duplicate Bond, such Bond may be paid without the surrender thereof.

**Section 10. Person Treated as Owner of the Bond.** The City and its agents, including the Paying Agent and the Bond Registrar, may deem and treat the registered owner of the Bond as the absolute owner of such Bond for the purpose of receiving payment of the principal thereof and the interest thereon and for all purposes whatever. All such payments of principal and interest made to any such owner or upon his order shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid, and neither the City nor any such agent shall be affected by any notice to the contrary.

**Section 11. Validation Certificate.** A duly executed validation certificate of the Clerk of Superior Court of Chatham County, State of Georgia, signed with the manually subscribed or facsimile signature of such Clerk will be endorsed on the Bond and will be essential to its validity.

**Section 12. Tax Covenant.** In order to maintain the exclusion from federal gross income of interest on the Bond, the City covenants to comply with the applicable requirements of the Internal Revenue Code of 1986, as amended (the “Code”). The Director of Finance, or other official of the City, will execute a certificate, dated as of the date of authentication and delivery of the Bond, to the effect that, on the basis of the facts, estimates and circumstances in existence on the date of such authentication and delivery, it is not expected that the proceeds of the Bond will be used in a manner that would cause the Bond to be an “arbitrage bond” within the meaning of § 148(a) of the Code and the applicable regulations thereunder, and such certificate shall state that, to the best of the knowledge and belief of such officer, such expectations are reasonable and there are no facts or circumstances that would materially change the expectations expressed in such certificate.

**Section 13. Form of the Bond.** The Bond and the Certificate of Validation and Certificate of Authentication to be endorsed thereon will be in substantially the following terms and form, with such variations, omissions, and insertions as may be required to complete properly the Bond and as may be approved by the officer or officers executing the Bond which approval shall be conclusively evidenced by such execution:

[Form of the Bond]

THIS BOND IS SUBJECT TO AN INVESTMENT LETTER AGREEMENT AND MAY NOT BE SOLD, TRANSFERRED, ASSIGNED, OR OTHERWISE DISPOSED OF EXCEPT PURSUANT TO THE TERMS OF SUCH INVESTMENT LETTER AGREEMENT.

*This Bond shall not be sold or transferred if such sale or transfer would void the exemption, contained in U.S. Securities and Exchange Commission Rule 15c2-12(d)(1)(i), from the disclosure requirements of Securities and Exchange Commission Rule 15c2-12(b)(5) or any similar rules or statutes in effect at the time of such sale or transfer.*

No. R-1

UNITED STATES OF AMERICA

STATE OF GEORGIA

CITY OF SAVANNAH

GENERAL OBLIGATION STREET IMPROVEMENT BOND

SERIES 2018

Maturity Date: August 1, 2026

Principal Amount: \$2,000,000

Interest Rate: 3.28%

Bond Date: [Date of Issuance and Delivery]

Registered Owner: Capital One Public Funding, LLC

The Mayor and Aldermen of the City of Savannah, a municipal corporation and a political subdivision of the State of Georgia (the “City”), in Chatham County, for value received hereby promises to pay or cause to be paid to the registered owner named above, or registered assigns, the principal amount specified above, subject to the scheduled mandatory payments of principal on August 1 in the manner and in the years and amounts hereinafter set forth, on the maturity date specified above, upon presentation and surrender

of this Bond (this “Bond”) at the designated corporate trust office of The Bank of New York Mellon Trust Company, N.A. (the Paying Agent”).

Interest shall accrue on the outstanding principal amount of this Bond beginning on the Bond Date specified above, at a fixed rate of 3.28% per annum and shall be payable on February 1, 2019, and August 1, 2019, and on February 1 and August 1 of each year thereafter, together with the August 1 scheduled mandatory payments of principal, directly to the Registered Owner pursuant to a Home Office Payment Agreement, dated the date hereof, by and among the City, the Registered Owner and the Paying Agent, by check or draft mailed by first class mail to such owner at its address as it shall appear on the bond register kept by the Bond Registrar or by wire transfer to the Registered Owner of this Bond at a wire transfer address which the Registered Owner has provided to the City, which wire instructions shall remain in effect until the City is notified to the contrary.

Both the principal of and interest on this Bond are payable in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts. This Bond is issued as a single-instrument bond, to provide funds needed to pay the cost in part of street improvements in the City for the use and benefit of the people of the City, and to pay the costs of issuance of this Bond.

This Bond is issued under and pursuant to authority of the constitution and laws of the State of Georgia, which issuance was duly authorized by a resolution of the governing body of the City adopted on November 20, 2018 (the “Bond Resolution”). The indebtedness evidenced by this Bond is a general obligation of the City for the payment of the principal of and interest on which the full faith and credit of the City have been and hereby are irrevocably pledged.

This Bond is subject to scheduled mandatory redemption on August 1 in the years and principal amounts (the August 1, 2026, amount to be paid at maturity rather than redeemed) as follows:

<u>Year</u>	<u>Principal Amount</u>
2022	\$375,000
2023	385,000
2024	400,000
2025	415,000
2026	425,000

This Bond is subject to optional redemption, in whole or in part, prior to its maturity on any Interest Payment Date beginning August 1, 2022, without premium.

The person in whose name this Bond is registered shall be deemed and regarded as the absolute owner hereof for all purposes, and payment of or on account of either principal or interest made to such registered owner shall be valid and effectual to satisfy and discharge the liability upon this Bond to the extent of the sum or sums so paid.

It is certified and recited that all acts, conditions, and things required by the constitution or statutes of the State of Georgia, to exist, happen, or be performed precedent to and in the issuance of this Bond, do exist, have happened, and have been performed in due and legal time, form, and manner as required by law, that provision has been made for the collection of a direct annual tax sufficient in amount to pay the principal of and interest on this Bond in accordance with its terms and that the total indebtedness of the City, including this Bond, does not exceed any limitation prescribed by said constitution or statutes.

IN WITNESS WHEREOF, the Mayor and Aldermen of the City of Savannah has caused this Bond to be executed by the facsimile signature of its Mayor, and its corporate seal to be hereunto reproduced and attested with the facsimile signature of its Clerk of Council, as of the day first above written.

**ADOPTED and APPROVED: NOVEMBER 20, 2018** upon motion of Alderwoman Bell, seconded by Alderman Miller, and carried with the following voting in favor: Mayor DeLoach, Aldermen Bell, Miller, Foster, Durrence, Johnson, Thomas, and Hall; Alderwoman Shabazz voted against the motion.

## **SAVANNAH AIRPORT COMMISSION ACTION ITEMS**

[20. Motion to Purchase Flight Information Display \(FIDS\) Monitors, Computers, and Licenses from Infax, Inc.](#)



[SAV4656 QUOTE.pdf](#)

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

[21. Motion for Approval to Purchase Ford Utility Police Interceptor from Wade Ford, Inc.](#)

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

[22. Motion to Procure Materials for Terminal Concourse Fan Terminal Units from Brooks Building Solutions](#)

[Concourse Fan Terminal Unit Bid Document.pdf](#)

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

[23. Motion to Procure Installation Services for the Terminal Concourse Fan Terminal Units from Brooks Building Solutions](#)

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

[24. Motion to Approve a Conde Nast Magazine Co-Op Advertising Campaign Partnership with the Hilton Head Island-Bluffton Chamber of Commerce](#)

[Conde Nast Co-op Program.pdf](#)

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

[25. Motion to Approve a Travel and Leisure Magazine Co-Op Advertising Campaign Partnership with the Hilton Head Island-Bluffton Chamber of Commerce](#)

[Travel and Leisure Campaign.pdf](#)

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

[26. First Reading of Amendments to the Charter of the City of Savannah Implementing Certain Pension Plan Changes for Savannah Airport Commission Employees](#)

[12150292 \(1\) \(34266\\_124321\) \(Notice of Charter Amendment - Pension Plan ...pdf](#)

[Ordinance to Amend City of Savannah Employees Retirement Plan.pdf](#)

**Attorney Stillwell:** Item 26, is the first reading of a change to the City Charter that was requested by the Savannah Airport Commission. As you'll recall they requested that they be allowed to have their new employees who sign on after the first of next year be exempted or not be members of the City's pension plan. But instead they're going to provide a new plan that's similar to a 401K plan that they are in the process of passing. The reason I asked to speak on this is the agenda item is a little bit wrong so I'd like to ask the Clerk to strike the last part of it where it says for Savannah Airport Commission employees. The reason for that is there are two other changes in the charter amendment that do not specifically affect the airport that are generally applicable to the pension plan that were suggested by the City's outside pension lawyer who was recently hired by the Pension Board. One of them just simply makes the City's pension plan subject to general State laws affecting pension plans, which is a recommended item from State law. The other item, the City's fire and police retirees have an opportunity to take advantage of a provision in the law that allows them to allocate up to \$3,000 a year to pay their out of pocket medical expenses and make that tax free by making an election under the pension plan. But our plan doesn't allow that currently so we recommend a change in the plan that would be a benefit to our retirees that are police and fire personnel.

No Action Necessary.

**SPLOST PROJECTS**

[27. Motion to Award Construction Contract for Cann Park Sidewalks to Astra Construction Services, LLC \(Event No. 6700\)](#)

[Cann Park Purchasing Summary.pdf](#)

[Cann Park Funding Verification.pdf](#)

**Alderman Shabazz:** This item I would like to make a motion for and recommend approval for the services that will be rendered at the Cann Park. We're going to be putting in more sidewalks, rubberize a walking trail, and great improvements to Cann Park. This is a SPLOST funded project and I wanted that to be known. We will be moving forward with completing Cann Park as the improvements have been going on now for about 12 months, so we're almost at the end.

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

[28. Motion to Procure Playground Equipment from GameTime c/o Dominica Recreation Products, Inc. for Summerside Park \(Event No. 6732\)](#)

[Summerside Playground Funding Verification.pdf](#)

[Summerside Playground Purchasing Summary.pdf](#)

**Alderman Shabazz:** Item number 28, we have a motion to purchase playground equipment and this is for a wonderful improvement that's going on in the Summerside subdivision that's long been coming. I just wanted to announce that we are beginning to procure the playground equipment for those wonderful playground improvements and the new playground that we are going to develop.

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

## **BIDS AND CONTRACTS**

[29. Motion to Procure Design Services for Lift Station 23 Upgrade and Force Main from Hussey, Gay, Bell, and DeYoung, Inc. \(Event No. 6356\)](#)

[Lift Station 23 Purchasing Summary.pdf](#)

[Lift Station 23 Scope.pdf](#)

[Lift Station 23 Exhibit.pdf](#)

[Lift Station 23 Funding Verification.pdf](#)

[Lift Station 23 Project Vicinity Map.pdf](#)

Withdrawn per the City Manager's recommendation

[30. Motion to Award Annual Contract for Lawn and Leaf Bags to Paper Chemical Supply \(Event No. 6526\)](#)

[Lawn and Leaf Scope.pdf](#)

[Lawn and Leaf Funding Verification.pdf](#)

[Lawn and Leaf Bid Tab.pdf](#)

[Lawn and Leaf Purchasing Summary.pdf](#)

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

[31. Notification of Emergency Procurement of Replacement Expansion Joints from Engineered Restorations for the Motor Controls Room at President Street Water Reclamation Plant \(Event No. 6740\)](#)

[Expansion Joint Funding Verification.pdf](#)

[Expansion Joint Purchasing Summary.pdf](#)

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

[32. Notification of Emergency Procurement of Propane from MX Energy for the President Street Water Reclamation Plant \(Event No. 6741\)](#)

[Propane Funding Verification.pdf](#)

[Propane Purchasing Summary.pdf](#)

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

[33. Motion to Procure Curtain Rigging Equipment from Stage Front to Repair the Johnny Mercer Theater Curtain Rigging System \(Event No. 6606\)](#)

[Rigging Bid Tab.pdf](#)

[Rigging Purchasing Summary.pdf](#)

[Rigging Scope.pdf](#)

[Rigging Funding Verification.pdf](#)

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

[34. Motion to Procure Control System Repairs from Southeastern Air Conditioning for the Northwest Police Precinct \(Event No. 6540\)](#)

[Great Dane Heat Funding Verification.pdf](#)

[Bid Tabulations.pdf](#)

[Control System Specs.pdf](#)

[Event 6540 Purchasing Summary .pdf](#)

**Alderman Johnson:** I thought that the Northwest Precinct was a rental with a lease agreement, generally with those types of things aren't they a part of the lease agreement?

**City Manager Hernandez:** Well, per our lease agreement with Great Dane, we are required to maintain and repair the HVAC system. However we have been in negotiations with the landlord about the possible replacement of the existing system. So, we'd like to move forward with this particular item to repair the system, but continue our conversations with the landlord.

**Alderman Johnson:** I think it should be some discussion in terms of the warrantability, I mean we just moved in there, so obviously whatever issues occurred probably existed or were getting contributed significantly before we got there. And now here we are putting this money out. How much was it?

**City Manager Hernandez:** \$48,700.

**Alderman Johnson:** That's a significant amount of money. So, let's just keep those negotiation conversations going.

**City Manager Hernandez:** Let me just say this, they have been very accommodating. They've been great to work with during the last year or so since we've gotten that facility converted into a police precinct. So, I have no reason to believe that that's going to change.

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

[35. Motion to Renew and Modify Annual Contract for City Wide HVAC Maintenance Services with Edge Air Conditioning & Refrigeration \(Event No. 4836\)](#)

[City Wide HVAC Scope.pdf](#)

[City Wide HVAC Bid Tab.pdf](#)

[City Wide HVAC Purchasing Summary.pdf](#)

[City Wide HVAC Funding Verification.pdf](#)

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

[36. Motion to Procure Painting Services from United Grounds Maintenance Services, Inc. to Paint the Stairwells in the Liberty Street and Whitaker Street Garages \(Event No. 6424\)](#)

[Stairwell Painting Purchasing Summary.pdf](#)

[Stairwell Painting Scope.pdf](#)

[Stairwell Painting Bid Tab.pdf](#)

[Stairwell Painting Funding Verification.pdf](#)

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

[37. Motion to Renew Annual Contract for Debris Monitoring Services with Witt O'Brien's, LLC \(Event No. 3923\)](#)

[Debris Monitoring Services Funding Verification.pdf](#)

[Debris Monitoring Scope.pdf](#)

[Debris Monitoring Purchasing Summary.pdf](#)

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

[38. Motion to Renew Annual Contract for Mechanical, Electrical, and Plumbing Engineering Services with Sebring Engineering, LLC \(Primary\) and RWP Engineering \(Secondary\) \(Event No. 3599\)](#)

[MEP Bid Tab.pdf](#)

[MEP Funding Verification.pdf](#)

[MEP Purchasing Summary.pdf](#)

[MEP Scope.pdf](#)

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

[39. Motion to Renew Annual Contract for Digital Advertising for Savannah Police Department with WSAV/Lin Digital \(Event No. 4497\)](#)

[Digital Advertising Scope.pdf](#)

[Digital Advertising Purchasing Summary.pdf](#)

[Digital Advertising Funding Verification.pdf](#)

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

[40. Motion to Renew Annual Contract for Structural Welding and Fabrication at the Dean Forest Landfill with L&H Welding \(Event No. 4961\)](#)

[Structural Welding Purchasing Summary.pdf](#)

[Structural Welding Funding Verification.pdf](#)

[Structural Welding Bid Tab.pdf](#)

[Structural Welding Scope.pdf](#)

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

[41. Motion to Renew Annual Maintenance Agreement for ShoreTel Phone System with CNP Technologies \(Event No. 6707\)](#)

[ShoreTel Maintenance Purchasing Summary.pdf](#)

[ShoreTel Maintenance Funding Verification.pdf](#)

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

[42. Motion to Approve Contract Modification No. 1 with Southeastern Site Development to Reduce the Cost of the Bacon Park Bridge Replacement \(Event No. 5543\)](#)

[Bacon Park Bridge Purchasing Summary.pdf](#)

[Bacon Park Bridge Bid Tabulation.pdf](#)

[Bacon Park Bridge Funding Verification.pdf](#)

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

[43. Notification of Contract Modification No. 1 with E&D Contracting Services to Reduce the Cost of Bowles C. Ford Park Repairs \(Event No. 5908\)](#)

[Bowles C Ford Park Funding Verification.pdf](#)

[Bowles C Ford Purchasing Summary.pdf](#)

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

[44. Motion to Approve Contract Amendment No. 3 for Design Services for Downtown Streetscapes with EDSA \(Event No. 4348\)](#)

[Downtown Streetscapes Funding Verification.pdf](#)

[Downtown Streetscapes Purchasing Summary.pdf](#)

**Alderman Miller:** A contract to design services for downtown streetscapes if necessary because we're looking at other items as well not to exceed \$86,000. It gives the City Manager the authority to move forward, if we determined that's necessary.

**Alderman Foster:** Don't you have to amend that to add that language.

**Alderman Miller:** Motion to approve contract amendment No. 3 for design services for downtown streetscapes with EDSA, if necessary and not to exceed \$86,000. Move to approve.

**Alderman Hall:** \$86,256.

Approved with the amended language "if necessary and not to exceed \$86,256.33," upon motion of Alderman Miller, seconded by Alderman Hall, and carried per the City Manager's recommendation with the following voting in favor: Mayor DeLoach, Aldermen Bell, Miller, Foster, Durrence, Johnson, Thomas, and Hall; Alderwoman Shabazz voted against the motion.

[45. Motion to Amend Annual Contract for Body-Worn Camera Devices and Support Services with Axon Enterprise, Inc. \(Event No. 6771\)](#)

[Axon Funding Verification.pdf](#)

[Axon Purchasing Summary.pdf](#)

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

## AGREEMENTS

### [46. Motion to Approve Revocable License Encroachment Agreements for the Broughton Street Streetscape Improvement Project and Authorization for the City Manager to Execute](#)

#### [EXAMPLE OF REVOCABLE LICENSE ENCROACHMENT AGREEMENT.pdf](#)

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

### [47. Motion to Adopt Agreement with Georgia Emergency Management and Homeland Security Agency Concerning Emergency Response Grant](#)

#### [GEMA Homeland Security SFES agreement.pdf](#)

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

## MISCELLANEOUS

### [48. Motion to Declare Property Located at East Victory Drive as Surplus and Available for Sale](#)

#### [Map at East Victory and Oleander Avenue.pdf](#)

Continued to the meeting of December 6, 2018, per the request of the City Manager.

### [49. Motion to Declare Surplus Property and Available for Sale at 4214 Sumter Street](#)

#### [Map and Picture of 4214 Sumter Street.pdf](#)

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

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

#### [CIP Amendment 9 - Nov 20 AMENDED.pdf](#)

**City Manager Hernandez:** If I may Mr. Mayor and members of Council, I just want to point out that in the Monday night memo we made a correction to this item. To be more specific, there is a budget adjustment affecting Capital Improvement Project PD0611, which is the Old Savannah Pharmacy Project, a SPLOST funded project. The previous agenda item said that the residual funds were being transferred to the new arena, that is incorrect. The residual funds are being transferred to the Central Precinct Project.

**Alderwoman Bell:** How much is it?

**City Manager Hernandez:** \$93,567.60.

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

### [51. Motion to Approve Naming of 201 Montgomery Street the 'Savannah Cultural Arts Center'](#)

#### [Application - 201 Montgomery St. Renaming Cultural Arts Center 18-004315-HM.pdf](#)

#### [COA - 201 Montgomery Street 18-004315-HM.pdf](#)

Continued to the meeting of December 6, 2018.

## ADDED AGENDA ITEMS

### [52. Motion to Approve Settlement of Claim by MMA/PSP Savannah River, LLC](#)

**Attorney Stillwell:** On number 52, which is an addition to the agenda. If you all recall we have had some continuing litigation concerning the condemnation that the previous City Council authorized for the widening of the Bilbo Canal that was necessary to facilitate the President Street widening project. This is the settlement of a condemnation claim by MMA/PSP Savannah River, LLC for the Bilbo widening project. The original amount that the City paid into court in this case was \$819,182, that's previously been paid.

There was a contest about the appropriate value of the condemned land. We've reached a settlement, contingent on Council approval. The value of the land at \$1.2 million, which we condemned. That will result in an additional payment to the previous owner of \$380,818. I recommend approval of the settlement.

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

### **ANNOUNCEMENTS**

Mayor DeLoach announced that this meeting was the last City Council meeting for City Attorney Brooks Stillwell, who has attended over 600 City Council meetings in his time as either a lawyer or alderman. He stated it is the end of an era, though we will still be seeing him. He thanked Mr. Stillwell for all that he has done for the City and stated that he has probably seen millions of changes with the City, through Johnny Rousakis' time up through now. It's an amazing track record that Mr. Stillwell should be proud of. Brooks Stillwell thanked the Mayor and Council and stated that it has been an honor to serve as City Attorney and formerly as alderman all these years. He said the City is a lot better today than in 1978 [1974] when he started. Though there is still a lot to do, he thinks we are headed in the right direction.

Alderwoman Shabazz announced that the Fifth District has lost two constituents, both of whom passed away this past Sunday. Funeral services for Mrs. Swannie Richards of Sylvan Terrace will be held on Saturday, November 24th, at St. Philip A.M.E. Church on Martin Luther King, Jr. Boulevard. The funeral for former alderman Reverend Clifford Hardwick, one of Alderwoman Shabazz's mentors, will also be held at St. Philip A.M.E. Church on Monday, November 26th. Alderwoman Shabazz sent condolences on behalf of the City to all of their family members.

Alderman Johnson announced the passing of Lucius "Bo" Levette, who served on the Savannah Police Department and started the Police Athletic League of Savannah (PALS), as well as traveled with the Harlem Globetrotters. On behalf of the City of Savannah, Alderman Johnson expressed his condolences to the Levette family, including his daughter, School Superintendent Ann Levette.

Alderman Hall reminded everyone with Thanksgiving approaching to remember those less fortunate than us and to remember the victims of the fires in California.

Mayor DeLoach wished everyone a Happy Thanksgiving.

There being no further business, Mayor DeLoach declared the regular 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=879bUE9Pmalp>

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