

PROCEEDINGS OF CITY COUNCIL AUGUST 10, 1978

A public hearing was advertised for this date on request of Christopher Brown t/a Champagne Downing, for a liquor, beer and wine(drink) license at 2503 Waters Avenue. Recommendation was for approval of the beer and wine license and denial for liquor as it is too close to a school yard for a liquor license.

Mr. John Brennan, Attorney, appeared representing objectors of the issuance of any license at this location. The Blessed Sacrament Convent is across the lane and a funeral home next door and both have public functions at various hours of the day and evening which would be disturbed by noise from such an establishment. He asked Mr. Brown, who was present, various questions as to the type of business to be conducted there, the hours, etc. Mr. Brown said he would be open from 6 pm to about 2:30 a.m., with disco type music, no food, and there was a parking lot which would hold about 20 cars in the lane. He said the location is zoned for this type business.

Mayor Rousakis pointed out to Attorney Brennan that this was an application for a license and not a hearing about the conduct of a business which was not yet open.

Mr. Brennan said they hoped to prevent it from opening. The operator of the funeral home said he was concerned about parking problems and noise.

Mayor Rousakis said under the law he felt there was no way to deny the license which meets the legal requirements for beer and wine. If after the license is granted, a nuisance is proved, then the license could be taken away.

Mr. Robert Wing said there was room in the parking lot for only about 8 or 9 cars and that he felt it would be a nuisance. Alderman Rossiter agreed.

In answer to a question from Alderman Ford, Mr. Brown said he was buying the property and was the sole person involved. He said he had previous experience in operating this type of business.

Mr. Tony Ryan appeared in opposition, stating the chapel in the Blessed Sacrament Convent should be considered as a church, as masses are conducted there.

City Attorney Blackburn said if it is a residence, it is not a church. Many homes no doubt have religious services in them.

The City Manager said the issue here is distance from a school yard. There is no distance requirement under state law from a church, with reference to the sale of beer and wine. Attorney Blackburn said there is no specific requirement except for package stores. HE said Mr. Brown was entitled to full due process and if he wished the hearing could be continued so that he could bring witnesses, evidence, be represented by an attorney, etc. He could also be supplied with a written list of objections from Attorney Brennan. He could waive this procedure if he wanted to and have the matter settled at this meeting. Mr. Brown said he wished the matter settled today and did not want to take advantage of a continued hearing.

Alderman Rossiter moved the petition be denied. This was seconded by Alderman Ford.

Mayor Rousakis said his personal preference would be not to approve the license but as a mayor, sworn to uphold the laws of the city and state and country, he could not vote to deny a license which meets the requirements of these laws. A vote was taken and the petition was denied, with Aldermen Rossiter, Ford, Stillwell and Morrison voting to deny the license and Aldermen Center and Jackson and Mayor Rousakis voting against the motion to deny.

Alderman Stillwell asked if Waters Avenue had not been one of the streets included in a rezoning study to eliminate alcohol beverage license in its classification. Mark Permar of the MPC said it was included in the study but Council had not included Waters Avenue in the streets approved to be so rezoned.

A Beer License matter, August 15, 1978 in new book
City Manager Mendonsa said the city has a contract from Arch W Roberts and Company, and a resolution for the Water and Sewer Bonds approved to be issued at the meeting of July 27th, 1978. This firm will purchase the bonds, which will be used to retire all outstanding Water and Sewer Bonds, on condition that certain events take place; i.e., confirmation from Standard & Poor of an A bond rating and of a AA rating from Moodys for the City. There are also certain rulings of various attorneys. The resolution establishes schedule and interest rates and he recommends that the \$22,160,000 bonds be sold.

City Attorney Blackburn said the proceeds will be deposited in U.S. Government obligations pledged to the repayment and the new issue would be a lien upon the system. Some portion of the existing debt service will be freed. The resolution is otherwise substantially the same as our usual resolutions providing for bond issuance.

Alderman Rossiter asked if the city will be penalized if the contingencies are not met. City Manager Mendonsa said in that case the City simply would not sell the bonds. The benefits to the City would build an even larger fund than had been anticipated to make capital improvements, close to 37 million dollars. Alderman Rossiter moved approval of the contract and of the resolution. This was seconded by Alderman Jackson and unanimously carried.

Alderman Jackson asked if local firms would participate in sale of these bonds. Attorney Blackburn said all local financial underwriters are listed as potential sellers, with Arch Roberts to be manager. (See Resolutions)

Advertised for hearing this date was petition of St. Joseph's Hospital to rezone the northern half of Blackweiner Street from R-3 to P-1-F. The Metropolitan Planning Commission recommends approval. No objectors were present and upon motion of Alderman Rossiter, seconded by Alderman Center this was approved, with Alderman Stillwell abstain. An ordinance will be prepared to cover for the next meeting of Council.

Advertised for hearing was petition of Benjamin C. Stewart, for a text amendment to permit laundromats in I-L Districts. The MPC had recommended denial of this request but had recommended APPROVAL of rezoning this property from the existing I-L classification to a B-G classification which would permit this use. No objectors were present and upon motion of Alderman Jackson, seconded by Alderman Morrison and carried, this recommendation was approved and an ordinance will be prepared to cover for the next Council meeting.

Hearing was held on petition advertised to rezone the northwest corner of Skidaway Road and Bona Bella Ave. from R-6 to PUD-IS, by Maddox and Associates. Approval was recommended by MPC. Mr. Permar said the existing nursing home wishes to add residences for the elderly. The design must be approved by MPC. Mr. Walt Bazemore, architect, said cluster type one story apartments are planned, grouped by two's and four's. They will be similar to houses now in the area. They plan to build 12 and eventually 40. Mrs. Welch spoke for the nursing home. Retirement homes are needed for elderly people who are afraid of heights, like those in the existing hi-rise apartments for the elderly.

Mr. H. Glover asked the architect about the appearance of these houses. He was told they would be of wooden frame, brick veneer, asphalt shingles, etc., and must be approved by the Planning Commission. Mr. Permar said objectors could be notified and could be present when the plans are discussed. Parking is to be strung out rather than in one large parking lot. There are adequate sewers to handle the projected 40. Mrs. Cosnahan, Mrs. K. Fitzgerald, and Mr. Hardin all objected because of the heavy traffic problem already in the area. Mr. Permar said single family residences generally produce more traffic than this type of project.

Alderman Center said since this is a planned unit development and the objectors could meet with the MPC about the plan, he moved the petition be approved. This was seconded by Alderman Morrison and carried.

PROCEEDINGS OF CITY COUNCIL AUGUST 24, 1978

Ms. Kazetta V. Houston appeared in Council in reference to a petition for damages which had been denied at the meeting of July 27, 1978. She stated she had been out of town and unaware her petition was being heard at that time. Assistant City Attorney Shearouse said recommendation had been for denial of this petition, which was for damages caused by a tree limb falling on her car. The tree was reported to have been in good condition and had fallen due to a storm. The City had no previous knowledge of any defect. Ms. Houston exhibited a weather report she had obtained which stated the wind on the day in question had been only 15 miles per hour. She said the tree across the street had rotten limbs which had fallen and knocked down a limb from the tree over her car, causing the fender dents. Also when the city crew was sawing the limb, it had fallen into and broken her windshield. The City Manager said this was correct and had not been noticed in the report. Ms. Houston said she was asking \$89.55 to repair her windshield and the estimate for the other damage was \$339.84. Attorney Shearouse said he would like to change his recommendation to denial of the fender damage but approval to repay Ms. Houston for the broken windshield. The other damage was not due to any negligence on the part of the City. Mayor Rousakis explained to Ms. Houston the City has no way to tell about any defects in the trees unless they have been notified. Then if the City does not correct the trouble, and an accident occurs, the City would be responsible but where they have no prior knowledge, they cannot be responsible. He suggested she contact her insurance company under her comprehensive coverage. Alderman Rossiter then moved approval to pay for the damaged windshield and denial of the other request. This was seconded by Alderman Ford and carried.

Mr. Joseph Allison, as committee chairman, had requested the City to deny a building permit for seafood cold storage at the intersection of Lincoln Street and Maupas Avenue. He, and another resident, Mr. Bell, said this kind of business would further ruin the neighborhood because of the excessive noise and smell such a business would create. City Manager Mendonca explained that no such application had been received. If one was received the City could not deny the permit if the zoning permits the desired activity. This particular location is zoned to permit seafood cold storage but not a plant. (Mayor Rousakis at this point turned the meeting over to Mayor Pro Tem Rossiter, as he had to leave to attend an out-of-town meeting.) The City Manager suggested they meet with him to learn what businesses are permitted at this location under the present zoning and perhaps consider an amendment to the zoning ordinance to prohibit uses to which they object.

ORDINANCES

Ordinance read in Council for the first time August 10th, 1978; read a second time August 24, 1978, placed upon its passage, adopted and approved, upon motion of Alderman Center, seconded by Alderman Ford, and carried.

AN ORDINANCE

AN ORDINANCE TO REZONE CERTAIN PROPERTY FROM ITS PRESENT I-P AND R-1 ZONING CLASSIFICATION TO A PUD-B ZONING CLASSIFICATION; 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: The following described property be rezoned from its present zoning classification of I-P and R-1 to a zoning classification of PUD-B:

Beginning at the intersection of the centerlines of Eisenhower Drive and Hodgson Memorial Drive; thence in an easterly direction along the centerline of Eisenhower Drive a distance of approximately 800 feet to a point of intersection with the centerline of the Chatham County drainage canal; thence in a southerly direction along the centerline of the drainage canal a distance of approximately 1,750 feet; thence in a westerly direction along a line parallel with the centerline of Eisenhower Drive to a point of intersection with the centerline of Hodgson Memorial Drive; thence in a northerly direction along the centerline of Hodgson Memorial Drive to the point of beginning.

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

ADOPTED AND APPROVED AUGUST 24, 1978

Ordinance read in Council for the first time August 24, 1978; then by unanimous consent of Council, read a second time, placed upon its passage, adopted and approved, August 24, 1978, upon motion of Alderman Jackson, seconded by Alderman Rossiter and unanimously carried.

AN ORDINANCE

AN ORDINANCE TO REZONE CERTAIN PROPERTY FROM ITS PRESENT R-6 ZONING CLASSIFICATION TO A PUD-IS ZONING CLASSIFICATION 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: The following described property be rezoned from its present zoning classification of R-6 to a zoning classification of PUD-IS

Beginning at the intersection of the centerlines of Bona Bella Avenue and Skidaway Road; thence in a northerly direction along the centerline of Skidaway Road to a point of intersection with the centerline of Bacon Park Drive; thence in a westerly direction along the centerline of Bacon Park Drive a distance of approximately 400 feet; thence in a southerly direction along a line parallel with the centerline of Skidaway Road to a point of intersection with the centerline of Bona Bella Avenue; thence in an easterly direction along the centerline of Bona Bella Avenue to the point of beginning.

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

ADOPTED AND APPROVED AUGUST 24, 1978