

CITY GOVERNMENT
OFFICIAL PROCEEDINGS OF CITY COUNCIL
SAVANNAH, GEORGIA
May 31, 2012

The regular meeting of Council was held this date at 2:00 P.M. in the Council Chambers of City Hall. The Invocation was given by Police Captain Carl Ramey, Associate Pastor of Evangel Temple Full Gospel; followed by the Pledge of Allegiance to the Flag.

PRESENT: Mayor Edna B. Jackson, Presiding
Alderman Van R. Johnson, II Mayor Pro-tem
Alderman Mary Osborne, Vice-Chairman of Council
Aldermen Mary Ellen Sprague, John Hall, Carol Bell,
Estella Shabazz and Tom Bordeaux

City Manager Rochelle D. Small-Toney
City Attorney James B. Blackburn
Assistant City Attorney Lester B. Johnson

ABSENT: Aldermen Tony Thomas, Chairman of Council was in Washington, DC representing the City of Savannah along with the Mayor of Hinesville and an entourage of others after receiving word that the Department of Defense had planned to make some cuts at Hunter Air Force Base and Fort Stewart. Alderman Thomas called the Mayor earlier and reported the meeting had gone well.

Assistant City Attorneys William W. Shearouse

The Minutes of the following meetings were approved upon motion by Alderman Osborne; seconded by Alderman Sprague and unanimously carried:

- Approval of the Council Minutes of May 17, 2012
- Approval of the summary/final minutes of the City Council Work Session/City Manger's Briefing of May 17, 2012.

PRESENTATIONS

Scott Smith of the Coastal Heritage Society was present to invite City Council and the public to the opening of the Savannah Children's Museum's first phase, called *Exploration Station*, on Saturday, June 9th at 9:00 a.m. This \$1.5 million project was made possible through the support of the City of Savannah, Georgia State, the Federal Government, and other private contributors. They have partnered with the City of Savannah for 22-years. Stewart Dohrman Norman has worked with the project for 9-years. The entire structure has been refurbished; all City departments were most helpful. He stated it was a fabulous building and a great place for the children to play in, with its 44-arches. Educator Liz Comparetto stated the space was different from a play ground because of its educational components are throughout. Georgia Educational and Safety Standards were taken into account in every aspect of the space. Mayor Jackson stated she viewed the area before the renovations and it was a disaster. She complimented Mr. Smith for sticking with the project. Alderman Shabazz asked the ages of the children and Mr. Smith stated ten and under but other parts of the complex is set up for kids of an older age. Alderman Osborne said often it is said there is nothing in the City of children and as a tourist city she was extremely proud of the birth of the museum; it will be a big attraction for locals as well as visitors. Alderman Bordeaux stated he has the youngest children and he has spent more time in this area than the rest of the Council; also in the model train section.

Police Major Richard Zapal introduced LaGrange Police Chief Louis (Lou) Dekmar, President of the Commission on Accreditation for Law Enforcement Agencies Inc. Major Zapal stated he was a "cop's cop." Chief Dekmar has been in law enforcement 35 years; former past president of the Georgia Association of Chiefs of Police and he was attending to present the Savannah-Chatham Metropolitan Police Department with its Certificate of Accreditation.

Chief Dekmar stated:

"First of all I am proud to be here and especially as a colleague of Chief Lovett. As the Chair of CALEA, I appreciate the opportunity to share in the Law Enforcement Accreditation celebration of the Savannah Metropolitan Police Department. This award is only possible because the Savannah Metropolitan Police Department worked as a team and committed themselves to the standards of professionalism that defines the Accreditation Process. As a fellow Georgia Police Chief, I am

particularly proud of Chief Willie Lovett and his agency's commitment to professional police services. Having been an Assessor for almost 10 years and a CALEA Commissioner for over eight years, I have had the opportunity and occasion to write or review hundreds of assessment reports for a variety of agencies. The Savannah Metropolitan Police Department's assessment report clearly describes an agency committed to community policing and excellent law enforcement services. For those of you not that familiar with the CALEA process, I want to spend just a minute and explain what the Commission on Accreditation for Law Enforcement Agencies is. It was founded in 1979 by the four national law enforcement groups: the International Association of Chiefs of Police, the National Organization of Black Law Enforcement Executives, the Police Executive Research Forum, and the National Sheriff's Association. Those professional organizations got together and recognized the need for national standards to increase police professionalism. Initially, they generated over 1000 standards, overtime they have been modified and changed in several revisions, resulting in the current number of 181. The standards address all aspects of law enforcement from the nature and type of equipment the agency uses, to the protection of constitutional rights, to issues involving use of force. The standards are continually reviewed and updated to stay current with technology, contemporary practices, and evolving laws and trends. The Commission is composed of 21 members, 11 are law enforcement practitioner, such as myself, internationally selected and the 10 other members represent elected officials, the courts, city and county management, and the private sector. Once an agency decides to embark on the path to accreditation, they receive a copy of the standards and begin self assessment. Generating policies, procedures, and written directives and then conducting training to cover all aspects of the policies or written directives. This is generally a three year process, in the case of Savannah Metropolitan Police Department it took only two years. At the point the agency believes it is in compliance with all the standards, it submits itself to an on-site assessment. A team made of law enforcement practitioners, from North America, and unknown to the agency...comes to the department and verifies compliance by reviewing reports, policies, directives, conducting interviews, participating in ride-a-longs, and soliciting input from the public. The Assessment Team completes a detailed report and that report is assigned a reviewing Commissioner. The Commissioner and a panel of other Commissioners will question the agency, as they did this past March in Mobile, Alabama. Then, after considering the report and the appearance by the Agency before the panel of commissioners, a decision is made as to whether or not awarding accreditation is appropriate. In the case of the Savannah Metropolitan Police Department the decision was obvious, resulting in the department receiving unanimous support for accreditation status. In my opinion, the most significant aspect of the CALEA process is the opportunity for outsiders to come in and make an objective assessment of the agency...it is not a rubber stamp process which is why of the over 18,000 law enforcement agencies in the country less than 1,000 are accredited. Many agencies are reluctant to have outsiders review their work and their processes and detail any deficiencies the agency may have, it involves risk. It also requires the department to be open to change so that they can demonstrate that they work and conduct business in way that meet the contemporary law enforcement standard. The Savannah Metropolitan Police Department has opened themselves up to peer review and scrutiny and as a result will be better enabled to serve their community. The benefits of the CALEA process are clear. It results in a department that is better able to serve its community and demonstrate a commitment to professionalism as defined by objective standards. The CALEA process has resulted in numerous benefits for the Savannah Metropolitan Police Department and the community they serve. Those benefits include international recognition, increased accountability, and reduced liability; the agency has also demonstrated improvements in their administrative and operational processes. The thing that struck me in reviewing the report was how your police department embraced the "Spirit of Accreditation," using it as a tool to increase performance, service, and agency professionalism. What is clear in the report is the department's recognition that to be successful in police services, it must develop and foster support from the citizens they serve. The Savannah Metropolitan Police Department now rejoins the ranks of accredited agencies and stands as a leader in professional police services. Each member of the Savannah Metropolitan Police Department, civilian and sworn, should be very proud, as should you. And by the display of support from elected officials, it is also clear they are proud of each you and your accomplishment. So it is with great pleasure that I present the Savannah Metropolitan Police Department with their Accreditation Award which reflects the police department's hard work over the last couple years."

Chief Dekmar asked Chief Lovett, Mayor Jackson, and City Manger Rochelle Toney to accept the certificate; he then read it aloud. Mayor Jackson stated they were proud of the Savannah Police force and of Chief Lovett and the efforts they made to get the accreditation recognition back in the City. She thanked Chief Dekmar for bringing the certificate to Savannah and assured him they would not lose the accreditation because of the outstanding leadership in the community; not only through the Police Chief but through his staff and the City Manager. This was great for the City because people look to Savannah to serve as the leader so that they can follow and receive the same kind of recognition. She also thanked Chief Lovett and all of the officers. Chief Lovett stated that no police department would be successful without the support of the community they serve. He then introduced Captain Philip Reilley who is the Department's Accreditation Manager and stated most if not all of the credit should go to him. Captain Reilley gave credit to the other officers for their assistance and he thanked the City Manager and Council for their support. Alderman Johnson stated he had the opportunity to travel to Mobile, Alabama to represent the Mayor, with the City Manager, Police Chief, Major Tolbert, Major Zapal, and Captain Reilley to accept the accreditation on behalf of the Police Department. He said, as a law enforcement officer himself, the accreditation is the "gold standard" when you talk about the evaluation of various agencies. The issues of liability have decreased because they have the ability to have policies that are predictable and to have continuity through the administration. The accreditation is important, but the next

day is the most important because it is a continuous process. In Mobile, they were with people from various cities that were seeking the accreditation that the City of Savannah has and not too many agencies in Georgia have; and this is a representative of the many men and women who are patrolling the streets to protect everyone. He commended those present this day and the ones working. Chief Dekmar stated in going around the country and reviewing agencies that have accreditation and those who have not, the City of Savannah's Police Department reflects their leadership and the fact that the City has an expectation of high quality law enforcement spoke more about the Council that it did about the police department. He thanked them for their support of professional law enforcement.

LEGISLATIVE REPORTS

ALCOHOL BEVERAGES LICENSE HEARING

As advertised, the following alcoholic license petitions were heard. No one appeared in objection to the issuance of the licenses and upon motion of Alderman Johnson; seconded by Alderman Hall and unanimously carried, they were approved:

Franklin Reed Dulany, III, for 1 W. Liberty LLC t/a The Public Kitchen and Bar, requesting a liquor, beer and wine (drink) license with Sunday sales at 1 W. Liberty Street, which is a new location between Bull and Whitaker Streets in District 1. (New owner/location) approval for a liquor, beer and wine (drink) license with Sunday sales to be issued after the applicant is issued a Certificate of Occupancy.

Jennifer M. Goltz for Ruby Tuesday No. 2936, requesting to transfer a liquor, beer and wine (drink) license with Sunday sales at 14045 Abercorn Street, which is located between Apache Avenue and Rio Road in District 6. (New manager)

Stephanie C. Lindley for Byrd Cookie Company of Savannah t/a Byrd Cookie Company, requesting a beer and wine (drink) license with Sunday sales at 6700 Waters Avenue, which has a 2012 beer and wine (package) license and is located between Stephenson Avenue and Eisenhower Drive in District 3.

ALCOHOLIC BEVERAGE LICENSE SHOW CAUSE HEARINGS

Montgomery Beverage. A hearing for Roslind S. Brown to show cause why her liquor, beer and wine (package) license at 1825 Montgomery Street, located between 34th and 35th Streets in District 1, should not be revoked or suspended on the grounds that the operation of the establishment has constituted a nuisance requiring an unusual amount of police and enforcement activity.

City Attorney Blackburn thanked the Mayor and stated they had asked Chief Lovett to stay for the meeting due to the fact it was his recommendation. The holder of the license for a package store is Mrs. Roslind S. Brown and she was present. According to the application for a package store license, Mrs. Brown indicated she was the sole owner of the business as well as he on-site manager of the business. At this time Attorney Blackburn swore-in Chief Willie Lovett, Officer Andrea Williams, Pete Delatorre, John Garcia, Mrs. Roslind Brown and Mr. Richard Brown. The police department recommended that Mrs. Brown show cause why her license for a package store should not be suspended or revoked on the grounds of the activity in and around the package store. The apparent buys of drugs, the operation of other businesses out of the package store, and the operation within the same complex of unlicensed businesses, the citations by the Revenue Department with reference to the printing of lottery tickets, and undercover sales through a drug investigation, all of which took place in or around the package store. However, Mr. Blackburn pointed out that there was no evidence that Mrs. Brown actually sold the drugs but they allegedly took place in and around her premises that she is in charge of; being a package store which has to be operated under some very strict rules under state law. Therefore, the notice was given to her to show cause why her license should not be suspended or revoked; but allowing the activity to take place. The chief of police recommended that the license be suspended or revoked because it created a nuisance in the area causing a great deal of police activity. To outline what Mr. Blackburn had stated and what he stated in the show cause letter to Mrs. Brown, he asked her if she had received the letter from his office to which she stated she did. Mr. Blackburn asked her if she was represented by counsel and she stated not at this time. He told Mrs. Brown that this was the time that she needed to be represented by counsel because her property rights were involved. Mrs. Brown stated she did obtain an attorney but he did not get the letter, he got a notice for a recorder's court on June 4th but not a notice that they were supposed to appear this date. Attorney Blackburn stated, for the record, there were some citations for recorder's court, and they are not relevant only in the sense that they happened. There have been search warrants and a great deal of activity by the police department with reference to this establishment. He stated he was being extremely careful, to be sure Mrs. Brown understands what her rights were. His letter to her stated she had the right to be represented at the public hearing, which was the present meeting, by counsel and she and her counsel would have the opportunity to cross-examine all witnesses and to examine any evidence presented. Also, they have the right to present witnesses, testimony or evidence that they may have. Mr. Blackburn asked her if she would desire to have representation or if she was prepared to go forward. She stated they were ready to go forward. Mr. Blackburn asked her to identify the person with her and she stated it was Richard Brown, her husband. Mr. Blackburn asked her if Mr. Brown was the license holder of the package store and she stated he was not; therefore, Mr. Blackburn asked her if she accepted sole responsibility for the application and for the activities within the establishment and she stated she did.

Mr. Blackburn asked Sergeant Andrea Williams, who was assigned by Chief Lovett, if she were to work with the licensing authority in the policing of the alcohol beverage establishments in the City; and she stated she was. She in conjunction with others conducted an investigation arising from complaints of the package store operated by Mrs. Brown; and she had with her this day the officers who actually worked on the case and conducted surveillance. She identified them as Officer Pete Delatorre who was the case agent, and John Garcia who was working on another case that stemmed from this business, know as Dirty South. Mr. Blackburn asked Sgt. Williams if during her undercover investigation were there actually buys made from someone in the package store and she stated yes. Mr. Blackburn stated it was not Mrs. Brown and Mrs. Brown was not present but she was in charge of operating the package store. Sgt. Williams stated that was correct that Mrs. Brown was not there and was not involved in the drug sale. Mr. Blackburn asked Sgt. Williams if during the investigation if she sought to determine what kind of businesses were being operated from, and as a headquarters so-to-speak of a family-type business that Mr. Brown operated in and around the premises. Sgt. Williams stated that was correct. Mr. Blackburn asked if she found Mr. Brown was operating other businesses without a business certificate from this premise; and although he was not the license holder he seemed to be operating on the entire establishment; Sgt. Williams stated that was correct. Mr. Blackburn said that the investigation stated that the actual buys and reported buys from the search warrant and that warrants had been issued for the arrest of people who would appear in the recorder's court that Mrs. Brown alluded to earlier; Sgt. Williams stated yes. None of those had come up and there were no convictions at this point, but the activity was such that the department through chief of police determined that this was being operated illegally in violation of the ordinances and as front for several other businesses; Sgt. Williams stated that was the information that was provided. Thus, the police department recommends that the license be revoked due to the continuing activity found from the investigation; Sgt Williams stated it was correct. Mr. Blackburn asked Mrs. Brown if she had any questions for Sgt. Williams. She stated she did not have any questions but wanted to state that she was not at the establishment the week that it transpired. Mr. Blackburn told her she would have an opportunity to make a statement but the witness was available for questions at this time. She had no questions for Sgt. Williams. Mr. Blackburn called Chief Lovett to the stand to give a brief statement. Mr. Blackburn said to the chief that as a department head to the City Manager, was it was his recommendation that this establishment operated as a package store which has very strict rules of operation, and that it was being operated not within the rules but in conjunction with other area businesses that apparently this family controlled without a license or tax certificate and according to the police they did find illegal activities present as well as drug buys within the establishment; Chief Lovett stated that was correct. Mr. Blackburn asked if it was his recommendation that the license be suspended or revoked; Chief Lovett stated that was also correct. Mrs. Brown declined asking Chief Lovett any questions. Mr. Blackburn stated that concluded the police department's findings in the case and their recommendations to Council. He said Mrs. Brown was entitled to make a statement and call any witnesses she may have; and that her husband was present who had done most of the operating although he was not prepared to show any specific evidence of his participating.

Alderman Bordeaux asked if the Browns had the burden of proof, since it was a show cause hearing that they had to show cause as to why it should not be revoked and not the City's burden to prove; to which Mr. Blackburn stated in due process the City has to make a case under the activity and under the ordinance and the City's cause is that it is being operated as a nuisance. Alderman Bordeaux stated that the City had to make a basic case and the Browns had the burden of proof; Mr. Blackburn stated that was correct that the Browns had to rebut it an could do so in any way they saw fit. Also that was why he was careful in pointing out that Mrs. Brown had the right to have counsel to represent her. He told Council that was the conclusion of the evidence brought by the police department. Now the burden was upon Mrs. Brown to show as to why her license should not be revoked.

Mrs. Brown stated they had been in operation over 3-years and the police had never been called to the establishment; they had never gotten any citations or tickets or anything negative associated with this business other than what transpired on May 4th. She stated she was not present that week due to the death of her mother and she was out the week of her passing and the following week. It was her understanding that the incident took place on April 28th and they served the warrant on May 4th. She stated the young man they were searching for was not affiliated with her business and he does not work there. Also, from what she read from the transcripts, he supposedly sold drugs on 2 occasions within that same week to someone who was not affiliated with her, her business, or her husband. He husband was operating a taxi service which was in the back of the building; it faced the MLK Street side of the City block. They were not operating 2 businesses out of the package store. The phone numbers are different and no one catches a cab from her establishment. She stated she was not present during that time; therefore she could not speak on what had happened on those days but that she knew, according to the records that the police submitted that there was not one affiliated with her business at all. When the police came in the search warrant said they were looking for things related to narcotics; bags, monies that were specifically noted, etc., and none of which were found. The only weapon that was found was registered to her son who works there; it is a legal weapon and not involved in any criminal activity. She stated she believed the situation had been polarized because it made it seem as if they were a public nuisance when clearly it was the only incident in 3-years that the police had been called.

Mayor Jackson asked Mrs. Brown why her legal counsel was not present because according to the letter read by Attorney Blackburn, she was notified to have her counsel present and it was her responsibility. Mrs. Brown stated she did have an attorney and they had been to one hearing that day but she did not

know what happened in the transition; whether they did not get the letter she got, because she had sent it to his office. However, she and her husband went to his office earlier in the day and she thought that they would all be attending the meeting. However, his representative said they had no knowledge of it. She stated she did not want to “not” attend the meeting and felt she was between a rock and a hard place.

Alderman Sprague asked if her husband’s taxi business was fully licensed and was it the only business that he operated in or close to her store. Mrs. Brown stated that was correct.

Alderman Osborne stated she recalled when Mrs. Brown came before Council to get her license, and she had visited the business and saw that it was a very attractive frontage. In her observations there were a lot of people loitering and surrounding the business and this was part of the nuisance; and that it may have attracted more than she needed at this point. She stated that Mrs. Brown was correct that she had not been before Council for anything in the past 3-years and that she was sorry for the death of her mother and sorry for her absence. She thought it would be a shame to lose her license and business based on an incident that occurred while she was not present. She said she was sorry her attorney was not present but that Mrs. Brown had done a good job and stated it as it had happened. She was not there and could not protect matters; the person that was involved in the illegal drug sales was not a part of her business and it was unfortunate that they were there at that stage. Mrs. Brown stated they had signed an agreement with the City of Savannah Police Department over a year ago stating that they would comply with any type of nuisance and loitering and that they had indeed asked people to move and leave. They had called the police non-emergency number letting the police know that there were people loitering on one occasion. Ms. Jones from City Marshall’s Office had pointed out different things, such as cups on the ground and anything that she pointed out, minor nuisance, they had addressed immediately. She had spoken with Sgt. Williams on more than one occasion when there were too many signs in the window and they moved it immediately. Any time the police department came to them with anything, no matter how minute, they took care of it instantly and she did not understand how they became a nuisance.

Alderman Hall recused himself from participating because Mrs. Brown was a former coworker, and he left the meeting.

Alderman Bordeaux asked Mrs. Brown if she was at the store during all the hours that it was open, all day, every day. Mrs. Brown stated the store is open from 7:30 am until 11:30 pm and when she was not there her 25 year old son was in charge. He asked if her son was in charge the entire time she was out during her mother’s death and Mrs. Brown stated he was. Alderman Bordeaux stated although she was not present her usual manager was, therefore it was business as usual; to which Mrs. Brown agreed.

Alderman Bell asked Mrs. Brown how long her business had been open and she stated 3-years.

Alderman Johnson stated the business was in his district and he clearly remembered objecting to the original license, because of the concerns that were raised at the time. He asked her if, within 3-years there had been no calls for police service at that location. Mrs. Brown stated only the calls that she had made on the non-emergency number because she had signed an agreement with the police department stating they would incorporate the best that they could. Once there was a take-out restaurant next door to the package store and people would buy food and congregate and people would get unruly if they were asked to move and she would call the police. Alderman Johnson stated that it was pointed out that she was not the on-site manager; therefore she would not necessarily know. Mrs. Brown stated she was at her business every day between 7:00 and 11:00 am and that she had a young son in school and she would pick him up but she was in-and-out of the business every day. He asked her how many businesses were operating from that location and she stated only one. That they could not get into the other businesses from the package store. There is one big-building but no entrance to the other businesses from her store. He asked if the other businesses were leased independently by her and she stated they were.

Mayor Jackson asked who managed the store from 7:30 am until 11:30 pm. Mrs. Brown stated her son and he was not present this day. Mayor Jackson stated Mrs. Brown would not know if there were complaints against the establishment unless her son informed her. Mrs. Brown said when ever Officer Williams went to the establishment and she was not present, her son would call her on her cell phone.

Alderman Shabazz stated the City has the streetscape for MLK Blvd. redevelopment project that has been going on for years; also, the streetscape and redevelopment corridor for Montgomery Street. She said she was speaking on the subject of nuisance to categorize nuisance from her block of property. Because of esthetics and how things look around the business; if those things could be improved around the business the decrease of nuisance would occur. She stated they have a business on MLK Blvd. and they do not allow people to stand around or park cars unless they are doing business during business hours. Perhaps cleaning up around the property could help in this case.

Mayor Jackson stated there were reports of violations and the only way they could find out about them was to talk to the officer. She asked guidance from the City Attorney. Mr. Blackburn said as he stated in this letter to her, her application indicates that her license was for a package only with no consumption on the premises; and that she acknowledged that although she was not personally present, an operation of a package store business must have an on-site manager. It is understandable that she would not be there every hour that the place is open; however she indicated that although she was not present illegal activity took place in the establishment. Mrs. Brown stated that was not true; Mr. Blackburn stated the officers

were present to testify that was the case. He stated she indicated she was the license holder and that she was in charge when this incident happened and the show cause was directed at her as a license holder as a property right. The remedy of the City and police department was to revoke the license. She was advised to have counsel present and have witnesses but she chose to only make a statement with reference to her operation. That statement, as he understood and characterized it to be a family business with family people and she was not a full-presence manager on-site controlling what was happening at the business. Mrs. Brown stated that she was; that she was there in the mornings between 7:00 and 11:00 am and after picking up her son from school in the afternoons she was there after 4:00 pm. Mr. Blackburn stated he was trying to establish a fact and not to say that she was not correct. He said the point was the license that she signed was an obligation that she took to the public to run it according to the law. She stated that was what she was doing. Mayor Jackson stated the Council wanted to know about the violations and the police department could share that. Mr. Blackburn stated she could ask but it would not add anything to the record. The officers were present unless she did not contest that the incident occurred.

Alderman Sprague stated that earlier Mrs. Brown said the taxi business was the only business operating in the area that her husband was involved in; she also mentioned a game area, a restaurant, and a hair salon and asked her if she owned any of the businesses and if they were on her premises. Mrs. Brown stated she did not own the building; her husband had a restaurant next door but none of them were connected to her business. Alderman Sprague asked her if all the businesses were properly licensed with the City. Mrs. Brown stated to her knowledge they were; or the ones they were affiliate with were. Mayor Jackson asked Mrs. Brown which businesses in the complex were she licensed to run. Mrs. Brown stated the package store and no others.

Mayor Jackson asked Mrs. Brown's husband, Richard Brown to answer some questions. She stated that Mrs. Brown said she was the license holder for the package store and asked him if he was the license holder for any other businesses in the complex. He said they had a taxi cab service in the back and he operates it. The Mayor asked about the game room and Mr. Brown stated at this time it was not license but he would apply for one. He stated they had only had the machines a few months and have now applied for a state license. Alderman Johnson asked him if he was operating without a license for several months, against the law and Mr. Brown stated he was. Alderman Sprague asked about the other businesses and Mr. Brown stated the restaurant had been closed for a year and the hair salon belongs to another person. At the time the restaurant was open he had a license for it.

Mayor Jackson stated it was a complicated situation and Mr. Blackburn stated it was not. Some of the businesses may have a proper tax certificate and some may not. Those are different from the holders that the package store; Mrs. Brown had it. Mr. Blackburn stated he alleged and showed evidence that it is a family affair and they were operating it in conjunction one-with-another and various activities that have been taken place are not activities allowed to be run in a package store. They were violating the ordinance and state law by doing so. The only remedy the City has is the license holder says she is in charge according to the rules. There is no doubt the evidence presented were unlawful and that is grounds for revocation of the license. Mr. Blackburn stated they had evidence against Mr. Brown with reference of recorder's court and the other businesses, but he was trying not to bring that into focus with this case. The focus this day is the alcoholic beverage license operating a package store not within the rules.

Alderman Bordeaux asked Mr. Brown if he had been running the game room and if he brought the machines in, next door to the liquor store; Mr. Brown said that was correct. Alderman Bordeaux asked if there was a door or opening between the game room and the liquor store and Mr. Brown said there was not and they could not go to the game room from the store. Alderman Bordeaux asked if he had ever ran the liquor store and Mr. Brown stated if they needed him he did; but he had not been in the store in a while because his son was running it. The last time he filled-in was sometime last year.

Mayor Jackson stated they were only hearing one side and Sgt. Williams needed to tell of her findings. She asked Attorney Blackburn if the Council could ask questions. Mr. Blackburn stated the officers that investigated the under-cover buys were present and ready to testify. They could testify that buys were made, not by Mrs. Brown but in the establishment. Sgt. Williams stated that Mrs. Brown had said there had not been any calls for service there; yet even when she first opened 3-years ago there has been a vice unit that has written numerous citations where people were outside drinking alcohol. She did sign a Citizen's Agreement and she did not initiate it the officers went to her complaining about the number of people that hang out in front of her business. She signed one as well as her husband. The intersection is a high-traffic area with loitering; there is a lot across the street where homeless people drink. She stated she had seen people in front of the store numerous times; there was never been a license for the game room and he had to shut down the restaurant because he never got a license. At one time there was an open door between the game room and the liquor store but now it has been sealed. Officers can testify that they have never seen Mrs. Brown on the premises during their surveillance. Alderman Johnson asked if the individual that was arrested, in association with the buy, was associated with the business. Sgt. Williams said the officers who did surveillance said he was there so much that they thought he was an employee; that's how often he was there. He stood in the game room where he did a lot of his drug sales. The game room does have an association with the liquor store because Mrs. Brown could not close the liquor store until the game room closed because they were on the same alarm system without the game room door being closed and secure; they do have control of the game room. Alderman Johnson asked if during the observation they found consumption within the game room. Sgt. Williams stated when officer went in with a search warrant they found bottles in the game room where people had been drinking and

small, plastic baggies that was commonly used for distribution of illicit drugs; also a stolen X-Box console machine inside the liquor store. When the State went in they found the console used for video game machines; with wires running from the liquor store to the game room showing receipts were printed out in the liquor store, not the game room. There is definitely an association between the two. Alderman Sprague asked if she complied with the agreement with the police department to work on the situation. Sgt. Williams stated it was more of a Citizens Agreement Form where Mrs. Brown signed-off giving the officers agreement to arrest anyone they feel is loitering outside of her business; it is her property and she has to give the police department approval to make someone move from her property. Alderman Sprague asked if the police department gave Mrs. Brown any recommendations to prevent the difficulties. Sgt. Williams stated officers had been there numerous times to discuss the loitering. She stated every time she visited Mrs. Brown was never present but they always called her and she would speak with her about the loitering. Every time they stopped and talked to the people they stated Mr. Brown gave them permission to be there. As for the individual that was arrested Mrs. Brown stated she was familiar with him and Mr. Brown stated he knew him. There was an incident in August 2010 where someone broke into the game room and pried-open the game machines and the individual that was arrested was in there; he definitely knows Mr. and Mrs. Brown. Alderman Osborne asked as a result of Mrs. Brown signing the agreement, did officers run people away from her business; and Sgt. Williams stated they did.

Alderman Johnson moved to close the hearing; seconded by Alderman Shabazz and unanimously carried. Alderman Osborne stated it was with much regret but based upon the evidence presented she made a motion to revoke the license; seconded by Alderman Johnson and unanimously carried. Alderman Hall had recused himself earlier.

ZONING HEARINGS

As advertised David Kaufman, Agent for D. Kaufman Construction Group, LLC, Owner (Z-120228-37176-2), was requesting to rezone 3311 Martin Luther King, Jr. Boulevard from R-6 (Single-Family Residential) to B-N (Neighborhood Business). The Metropolitan Planning Commission (MPC) recommended denial of the request to rezone the property to B-N and recommended approval to rezone the property to R-B-1 (Residential-Business). The building on the site has existed with non-conforming status since the inception of zoning. The R-B district allows residential uses along with low-impact commercial uses. It is one of the least intense zoning districts. Jim Hansen was present to present MPC's recommendations. No one appeared in objection to the petition. Alderman Johnson moved to close the public hearing; seconded by Alderman Osborne and unanimously carried. Upon motion by Alderman Shabazz; seconded by Alderman Hall and unanimously carried the request was granted. Ordinance to cover will be drawn up for presentation for Council.

PETITIONS

Timothy Bright of Holder Properties, Inc. for Whitaker Associates LLC – Petition 120067, requesting the City to allow sidewalk encroachments at W. Bryan Street, lying north and south of 22 W. Bryan Street for the installation of trees, tree wells and raised planters within the sidewalk area. The property to which these sidewalks are adjacent is also known as the Cay Building. (The St. Julian Street portion of the petition was approved May 17, 2012.) Upon motion by Alderman Johnson; seconded by Alderman Sprague and unanimously carried the petition was granted.

Pamela Howard Oglesby – Petition 12850, requesting that the City declare surplus and quit claim the lane behind her property at 116 Brittany Street, PIN 2-0026-16-005, -006, and -007. The subject right-of-way is Brittany Lane, a/k/a Clay Ward Lane, which runs between Lewden Street on the south and an unnamed street on the north, just south of Bay Street in the West Savannah neighborhood. This small fifteen (15') foot wide right-of-way is not used for access to any of the adjoining properties. According to the petitioner, the lane is used only as a shortcut to Bay Street (and the nearby liquor store) and is overgrown and littered with debris. Ms. Oglesby is willing to assume ownership and maintenance of that portion of the lane adjacent to her property, as is her neighbor at 112 Brittany Street, Lisa Harris. The adjoining property owners on the east side of this portion of the lane have waived their interest in a share of the right-of-way. The petition has been reviewed by Public Works and Waters Resources Sanitation, and Development Services. All the impacted departments recommend approval. There are no public utilities within the lane. Recommend declaring surplus that portion of Brittany Lane (a/k/a Clay Ward Lane) lying adjacent to 112 and 116 Brittany Lane in order to quit claim said right-of-way to the adjacent property owners who are willing to assume ownership and maintenance of the property. Upon motion by Alderman Johnson; seconded by Alderman Sprague and unanimously carried the petition was granted.

Steve Bowen, President of Sign-A-Rama Savannah, for Middleground Ridgewood LLC, Property Owner – Petition 120055, requesting the City to allow an encroachment in the right-of-way at 12008 Middleground Road in order to relocate and construct a new entranceway sign for the Ridgewood Apartment Complex. The Ridgewood Apartment Complex is located on Middleground Road south of Mohawk Street and north of Shawnee Street. The existing entranceway sign sits approximately 57'-0" from the road and according to the petitioner is not visually effective due to the extended location. Mr. Bowen would like to construct a new entranceway sign closer to the road (within the right-of-way) making it more visible. He is also asking permission to landscape the area surrounding the sign in place of the existing concrete slab. The property owners will provide their own landscaping and continued maintenance. The request has been reviewed by Public Works and Water Resources and Development Services. Upon initial review it was recommended that the request be denied as signs are not typically

allowed in the right-of-way. However Mr. Bowen provided Traffic Engineering with an acceptable solution addressing a right-of-way issue which happened during the widening project of Middleground Road. Upon secondary review the request was accepted by all with no further objections. According to the zoning ordinance, the location of an area identification sign to a residential development shall be permitted as approved by the City Traffic Engineer. Ridgewood LLC (property owner) has provided a signed letter stating their knowledge and acceptance of liability for said encroachment. The petitioner must apply for a building permit and meet all development standards as set forth by the Building Department. Recommend approval of the request from Steve Bowen, President of Sign-ARama Savannah, for Middleground Ridgewood LLC (property owner), to allow an encroachment in the right-of-way at 12008 Middleground Road in order to relocate and construct a new entranceway sign for the Ridgewood Apartment complex at the location as approved by Traffic Engineering. Approval is subject to the petitioner submitting for a building permit through the City's Building Department. The petitioner and the property owners alike should be advised that such encroachment grants no ownership rights to the property and that, if ever required, the sign and landscaping must be removed at the petitioner's or property owner's expense. Upon motion by Alderman Johnson; seconded by Alderman Sprague and unanimously carried the petition was granted.

Brian Robin of Robin Restoration LLC for Almar Realty LLC, Property Owner – Petition 120056, requesting the City to allow an encroachment at 20 E. Bay Street in order to reconstruct an existing pedestrian walkway that spans over Lower Factor's Walk, allowing passageway from Drayton Street Ramp to a building entry door. The bridge is designed as 10' wide and approximately 20' long. It will be reconstructed of concrete and steel with re-use of the existing historic railing or modified railing. The petition has been reviewed by Public Works and Water Resources, Sanitation, Fire, and Development Services. Development Services states that all permitting and construction guidelines are to be followed and the construction must meet all federal, state and local codes including the current ADA regulations. The petitioner is currently working with City building officials to come up with an acceptable solution for the railing as to meet all code requirements. The property owner, Almar Realty LLC, will be responsible for all maintenance and upkeep of the pedestrian bridge and have provided a signed letter stating their knowledge and acceptance of liability for said encroachment. A Certificate of Appropriateness is required by the Historic District Board of Review. Approval of the request from Brian Robin, representing Almar Realty LLC (property owner), to allow an encroachment at 20 E. Bay Street in order to reconstruct a pedestrian walkway over Lower Factor's Walk. Such approval is subject to the petitioner providing an acceptable plan to City building officials (meeting all required codes) and obtaining a Certificate of Appropriateness from the Historic District Board of Review. The petitioner and the property owners alike should be advised that such encroachment grants no ownership rights to the property and that, if ever required, the pedestrian bridge must be removed at the petitioner's or property owner's expense. Upon motion by Alderman Johnson; seconded by Alderman Sprague and unanimously carried the petition was granted.

Andrew Barber of Coastal Canvas for Jason Fackler, Tenant, and 423 East River Street LLC, Property Owner – Petition 120066, requesting the City to allow an encroachment onto City right-of-way at 423-A E. River Street for the installation of an awning. The proposed awning is designed to be 6'-0" wide and 3'-0" high, projecting 6'-0" out from the building façade and maintaining 8'-0" vertical clearance from the sidewalk. The request has been reviewed by Water Resources and Public Works, Sanitation, and Development Services. Public Works and Water Resources state that water and/or sewer facilities are within the general area of the requested encroachment and that the owner may be required to temporarily remove the encroachment at no cost to the City so as to perform any necessary work on these public facilities. Traffic Engineering recommends that the awning installation project no more than 4'-6" from the building façade or the petitioner provide separate lighting under the awning (to remain on during the night) to ensure a properly lit sidewalk. The petitioner and tenant alike have agreed to install an outdoor rated florescent fixture under the awning to maintain proper lighting levels as requested by Traffic Engineering. A signed letter from the property owner has been provided stating their knowledge and acceptance of liability for said encroachment. All City permitting and construction guidelines must be followed. The awning design was approved by the Historic District Board of Review. Approval of the request from Andrew Barber of Coastal Canvas to allow an encroachment onto City right-of-way at 423-A E. River Street for the installation of an awning, subject to the petitioner providing a separate light fixture under the awning to light the sidewalk during the night. The property owner must be aware of the water and/or sewer facilities that are within the general area of the requested encroachment and agree to temporarily remove the encroachment at no cost to the City if and when any necessary work is needed on these public facilities. The petitioner and the property owners alike should be advised that such encroachment grants no ownership rights to the property and that the City can require the encroachments be removed at any time for any reason at the petitioner's or property owner's expense. Upon motion by Alderman Johnson; seconded by Alderman Sprague and unanimously carried the petition was granted.

ORDINANCES

FIRST AND SECOND READING

Ordinance read for the first time in Council May 31, 2012; then by unanimous consent of Council read a second time, placed upon its passage, adopted and approved upon motion of Alderman Johnson; seconded by Alderman Sprague and unanimously carried.

AN ORDINANCE
To Be Entitled

AN ORDINANCE TO AMEND APPENDIX I, SECTION 219 OF THE CODE OF THE CITY OF SAVANNAH, GEORGIA (2003) PERTAINING TO SECTION 7-1091 OF SAID CODE TO PROVIDE THAT THE STREET NAMED HEREIN SHALL PROHIBIT STOPPING, STANDING AND PARKING AT ALL TIMES; 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 Appendix I, Section 219 of the Code of the City of Savannah, Georgia (2003), pertaining to Section 7-1091 of said Code, as amended, shall be amended by adding thereto the following:

AMEND SECTION 219 STOPPING, STANDING AND PARKING
PROHIBITED AT ALL TIMES TO INCLUDE

ORANGE STREET

On the north side of Orange Street from Ann Street east to the Ships of the Sea Museum driveway.

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

ADOPTED AND APPROVED THIS 31ST DAY OF MAY, 2012.

Ordinance read for the first time in Council May 31, 2012; then by unanimous consent of Council read a second time, placed upon its passage, adopted and approved upon motion of Alderman Johnson; seconded by Alderman Hall and unanimously carried.

AN ORDINANCE
To Be Entitled

AN ORDINANCE TO AMEND APPENDIX I, SECTION 210 OF THE CODE OF THE CITY OF SAVANNAH, GEORGIA (2003), PERTAINING TO SECTION 7-1026 OF SAID CODE, TO PROVIDE THAT THE STREETS NAMED HEREIN SHALL BE DESIGNATED YIELD RIGHT OF WAY INTERSECTIONS; 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 Appendix I, Section 210 of the Code of the City of Savannah, Georgia (2003), pertaining to Section 7-1026 of said Code as amended shall be amended as follows:

AMEND SECTION 210, YIELD RIGHT-OF-WAY INTERSECTIONS TO INCLUDE:

Comer Street SHALL YIELD for New Castle Street.

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

ADOPTED AND APPROVED THIS 31ST DAY OF MAY, 2012.

RESOLUTIONS

A RESOLUTION ACKNOWLEDGING THE LIFE AND ACCOMPLISHMENTS OF FRENCHYE MASON BYNES, THE WIDOW OF FRANK H. BYNES, SR., AND OWNER AND PRESIDENT OF BYNES-ROYALL FUNERAL HOME, INC., THE OLDEST BLACK OWNED FUNERAL HOME IN THE UNITED STATES; A POSITION SHE HELD UNTIL HER DEATH ON MAY 26, 2012.

WHEREAS: Mrs. Frenchye Mason Bynes was a native of Jackson, MS. She received her Bachelor of Arts Degree from Henderson Business College. Mrs. Bynes was the widow of Frank H. Bynes, Sr., and owner and President of Bynes-Royall Funeral Home, Inc. the oldest Black owned funeral home in the United States; a position she held until her death, May 26, 2012; and

WHEREAS: Mrs. Bynes was a Deaconess of St. John Baptist Church, The Mighty Fortress, the Georgia Funeral Services Practitioners' Association, Inc., the National Funeral Directors & Morticians Association, Inc., Lifetime member of the National Association of the Advancement of Colored People, the Wolverines and the Mutualettes; and

WHEREAS: She was the recipient of numerous awards and honors which include her most recent; 2008 honorary Co-Chair for The Big Show Savannah, 2007 Spirit of Excellence Lifetime Achievement Award, 2006 the 50 year membership Recognition Award from the National Funeral Directors and Morticians, 2005 Outstanding Business Legacy Award of West Broad Street given by the Savannah Chapter of Links;

2004 Grand Marshall for the Martin Luther King, Jr. Day Parade and the Community Spirit Award from the 100 Black Men of Savannah, Inc.; and

WHEREAS: She served as a member of the Board of Directors of Hospice Savannah, Inc., Carver State Bank and the Wesley Community Center. Mrs. Bynes also served on the Tax Equalization Board of Chatham County; and

WHEREAS: Survivors include four children: daughter, Olga B. Bland; son, Dr. Frank H. (Gayle) Bynes, Jr.; daughters, Frenchye (Carey) Jones all of Savannah and Lisa (Anthony) Reid of Atlanta, twelve grandchildren and six great-grandchildren; two sisters, Esther Anderson of Jackson, MS and Lorraine Nash of Detroit, MI; two sisters-in-law, Marjorie Bynes and Olga W. Ivey of Oxnard, CA; one brother-in-law, Solomon (Iva) Bynes, Sr., of Atlanta, GA; and

NOW, THEREFORE BE IT RESOLVED THAT the Mayor and Aldermen of the City of Savannah, celebrate the life, legacy and accomplishments of Frenchye Mason Bynes. We offer our appreciation for her service and the impact her life contributed to the Savannah/Chatham County Community.

We further resolved that a copy of this resolution be delivered to her family and made a part of the permanent records of the Savannah City Council meeting minutes of May 31, 2012.

ADOPTED AN APPROVED THIS 31ST DAY OF MAY, 2012 ALDERMAN JOHNSON; SECONDED BY ALDERMAN SPRAGUE AND UNANIMOUSLY CARRIED.

Upon motion by Alderman Johnson; seconded by Alderman Sprague and unanimously carried the agenda was amended to add following item:

RESOLUTION

A RESOLUTION ACKNOWLEDGING THE LIFE AND ACCOMPLISHMENTS OF JANIE R. TOOMER, ONE OF SAVANNAH'S FIRST REAL ESTATE BROKERS, OWNER OF JANIE TOOMER REALTY; WIDOW OF L. B. TOOMER, FOUNDER OF CARVER STATE BANK, THE CITY'S FIRST AFRICAN AMERICAN OWNED BANKS WHERE SHE SERVED ON THE BOARD AT THE TIME OF HER DEATH ON MAY 24, 2012.

WHEREAS: Mrs. Janie R. Toomer, was a native of Portal, GA., attended the public schools of Bulloch County and a graduate of Savannah State College (University) where she received a B.S. degree in Business Administration; and

WHEREAS: Mrs. Toomer was the owner and operator of Janie R. Toomer Realty, was one of the first African American Broker in Savannah and widow of L. B. Toomer , founder of Carver State Bank of which she was presently serving on the board of directors until her death on Thursday, May 24, 2012; and

WHEREAS: Mrs. Toomer was a faithful member of First Bryan Baptist Church where she served in various capacities including the deaconess and trustee boards; and

WHEREAS: Mrs. Toomer was a successful business woman and has been recognized and honored as an Outstanding Humanitarian; and

WHEREAS: She was preceded in death by a loving daughter, Lavonne Toomer - Bryant and a devoted grandson, Raja Norman; and

WHEREAS: Her Survivors are: two grandsons, Ronald Norman of Savannah and Vernon T. (Ebony)) Bryant, Jr., of Raleigh, NC; five great grandchildren, A'Jare Norman of Augusta, Jaylen Morin of Raleigh, NC, Brijon Jackson Norman of Savannah, and Jameer Demarcus Bryant of Raleigh , NC; three brothers, Frank (Inez) Sheffield, Jr., of Portal, Ernest (Carletha) Sheffield of Hollywood, FL, and James Sheffield; six sisters, Mary Etta Sheffield of Miami, FL, Rosetta Gasney, Frankie Mae Sheffield, Jeroline Hagins and Argie Dell Young all of Roanoke, VA and Beulah Mae Gillis of Vidalia; sister-in-law, Anna T. Robinson of Savannah and a devoted friend, Daisy Wesley of Savannah, a host of nieces, nephews, cousins and other relatives.

NOW, THEREFORE BE IT RESOLVED THAT the Mayor and Aldermen of the City of Savannah, celebrate the life, legacy and accomplishments of Janie R. Toomer. She will be remembered as a trailblazer in the African American business community. We extend our appreciation for her service and the impact her life contributed to the greater Savannah/Chatham County Community.

We further resolved that a copy of this resolution be delivered to her family and made a part of the permanent records of the Savannah City Council meeting minutes of May 31, 2012.

ADOPTED AND APPROVED this 31ST DAY OF MAY, 2012 UPON MOTION BY ALDERMAN BELL; SECONDED BY ALDERMAN HALL AND UNANIMOUSLY CARRIED.

City Manger Toney read into the record: A resolution authorizing the City Manager to sign the Quit Claim Deed transferring a portion of Victory Lane, a portion of Dixie Lane, and a portion of Limerick Street to Victory Station, LLC (a name change from S. J. Collins); also to name Galway to Limerick Street.

RESOLUTION

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN THE QUIT CLAIM DEED TRANSFERRING A PORTION OF VICTORY LANE, A PORTION OF DIXIE LANE, AND A PORTION OF LIMERICK STREET TO S. J. COLLINS FOR \$28,513.00.

WHEREAS, the Mayor and Alderman of the City of Savannah are authorized by Georgia Laws 1927, p. 1537, sec. 1, codified as Sec. 6-105 of the Charter and Related Laws of the City of Savannah, to sell to abutting property owners, for such compensation as The Mayor and Alderman of the City of Savannah deem reasonable, such streets, lanes, alleys and/or ways as do not conform to the plan of the City of Savannah, or which are obsolete, or which no longer serve the purpose for which these particular streets and alleys were originally established; and

WHEREAS, the Mayor and Aldermen of the City of Savannah are authorized under Ga. Code Ann. §32-7-1 to “substitute for, relocate, or abandon any public road that is under its respective jurisdiction...”; and

WHEREAS, the petitioner, Victory Station Savannah, LLC, has petitioned the city to relocate a portion of Limerick Street, shown as Parcel 3 on a Right of Way Vacation Plat by Thomas & Hutton Engineering Company dated March 21, 2012 (the “Plat”), to the right of way of Galway Street, which is shown on such Plat, because such existing portion of Limerick Street no longer provides access to businesses which formerly abutted the portion of the street shown as Parcel 3 on the Plat, all of which have been closed, and the street is thus obsolete; and

WHEREAS, petitioner has entered into contracts to purchase all of the properties abutting Parcel 3, and has proposed to recombine all of the lots abutting the street, and to make traffic improvements within the area to include the installation of a traffic light on the corner of Victory Drive and Dixie Avenue; and

WHEREAS, the relocation of traffic from Parcel 3 to Galway Street and Dixie Avenue as shown on the Plat will improve traffic safety in the area, and provide better access to Victory Drive since the relocation will cause traffic to be directed to a signalized intersection; and

WHEREAS, the renaming of “Galway Street” as a portion of “Limerick Street” is in the public interest since it will enable businesses on the remaining portion of Limerick Street to give clearer directions to their businesses, and there are no property owners on Galway Street which use this street name in their address; and

WHEREAS, the portions of Dixie Lane and Victory Lane shown on the plat as Parcels 1, 2, and 4 do not serve the purposes for which they were established because of the recombination of lots abutting such lanes; and

WHEREAS, the petitioner has contracted to buy properties which abut each of Parcels 1, 2, 3 and 4; and the sellers of such properties have all elected to purchase the portions of Parcels 1, 2, 3 and 4, and have assigned their rights to purchase such properties to petitioner; and

WHEREAS, all other abutting property owners have received notice of their right to purchase the portion of the street or lane abutting their land, and have waived any interest in acquiring such parcels;

NOW, THEREFORE, The Mayor and Aldermen of the City of Savannah, in a regular meeting assembled, with more than two-thirds of the Aldermen present and voting in the affirmative, make the following findings and take the following actions:

1. The relocation of the portion of Limerick Street shown as Parcel 3 on the Plat, to the right of way of Galway Street as shown on the Plat, is in the public interest, and will enhance traffic safety in the area.
2. The portion of Limerick Street shown as Parcel 3, and the portions of Dixie Lane and Victory Lane shown as Parcels 1, 2, and 4 on the Plat are obsolete, and do not serve the purposes for which they were originally established because of the recombination of lots in the area, and the closing of most of the businesses which abut such rights of way.
3. The relocation of a portion of Limerick Street shown as Parcel 3 on the Plat, to the right of way of Galway Street, is hereby approved.
4. The name of “Galway Street” is hereby changed to “Limerick Street.”
5. The sale of Parcels 1, 2, 3, and 4, being portions of Limerick Street, Dixie Lane and Victory Lane to Grantee is approved, subject to Grantee’s closing of the acquisition of title to land abutting each of said parcels. The Mayor or City Manager is authorized to execute a quitclaim deed in conformance with this resolution.

ADOPTED AND APPROVED this 31ST DAY OF MAY, 2012 UPON MOTION BY ALDERMAN HALL; SECONDED BY ALDERMAN SHABAZZ AND UNANIMOUSLY CARRIED.

BIDS, CONTRACTS AND AGREEMENTS

As advertised upon motion of Alderman Johnson; seconded by Alderman Shabazz and unanimously carried, the following bids, contracts and agreements were approved:

Emergency Management Consultation Services. Approval to close out the consultation services agreement with Gregory Chamberlain, LLC for a fee in the amount of \$21,320.00. If additional services are needed to continue work related to the LNG (liquefied natural gas) facility on Elba Island, it will be done in accordance with a newly developed agreement. The cumulative total of the agreement requires Council approval. Funds are available in the 2012 Budget, City-Wide Emergency Planning/Professional Purchased Services (Account No. 101-5102-51238).

Emergency Command and Control Center – Contract Modification No. 9 – Bid No. 11.001. Approval of Contract Modification No. 9 from Pioneer Construction in the amount of \$6,270.00. The original contract was for the construction of a new space to house the Command and Control Center for all port and public safety partners to interact and plan responses to incidents. This modification was requested by the City and requires the contractor to tap into an alternate water source location and installation of a backflow preventer to ensure the quality of the drinking water available for staff utilizing the space. The cumulative total of the contract requires Council approval of this modification. Approval of Contract Modification No. 9 to Pioneer Construction in the amount of \$6,270.00. Funds are available in the 2012, Capital Command and Control Center Budget (Account No. 311-9207-52842-PB526).

Gwinnett Street Widening – Contract Modification No. 9 (TE709) – Bid No. 03.258. Approval of Contract Modification No. 9 from Hussey, Gay, Bell and DeYoung in the amount of \$123,000.00. The original contract for engineering services for this project was approved on December 2003 in the amount of \$168,750 and included the design of the realignment of the curve on W. Gwinnett just west of Stiles Avenue, which was completed last year. The consultant can no longer proceed with the original concept design for this project because the City provided copies of the site plan for the proposed civic arena on W. Gwinnett to the Federal Highway Administration (FHWA) as part of its final review of the environmental study. Because the City is re-evaluating the use of the Gwinnett Street site for the arena, the Georgia Department of Transportation has directed the City to revise the Need and Purpose as well as the Concept Report for this project based on the information provided to FHWA. The revised design concept will proceed with a vertical alignment modification for a two-lane road, including a bridge structure over the Springfield Canal, which will allow navigation or recreational vessels such as kayaks and the expansion of the facilities along the canal area. Approval of Contract Modification No. 9 to Hussey, Gay, Bell and DeYoung in the amount of \$123,000.00. Funds are available in the 2012 Budget Capital Improvements Fund/Capital Improvements Projects/Other Costs/Gwinnett Street Widening Design (Account No. 311-9207-52842- TE709).

Facility Assessment of Broughton Municipal Building – Event No. 350. Approval to procure consultant services for the Facility Assessment of the Broughton Municipal Building from CHA Consulting, Inc. in the amount of \$29,500.00. The facility assessment will include life safety plans, recommendations, preliminary construction schedule, preliminary construction cost estimate, outline specifications, and photographic documentation of the basement, first, and second floors of the Broughton Municipal Building. The project will also include assessment of the basement, first, and second floors for code compliance, accessibility (Georgia and ADA 2010), mechanical, electrical, plumbing, asbestos, and lead-based paint. A comprehensive life safety analysis plan and recommendations for the entire building will also be included. The method used for this procurement was the Request for Proposal (RFP) which evaluates criteria in addition to costs. The evaluation criteria used for this RFP was the proposer's qualifications and experience with similar type work, the methodology for completing the project, references and fees. The reason for not awarding to the low proposer was that the firm's principal consultant did not include any experience similar to the assessment project as was required in this RFP and provided poor references. While the low proposer would partner with a firm experienced in the assessment of facilities, staff believes a better assessment will be made by the more qualified second low proposer, CHA Consulting, Inc., whose principal consultant has extensive experience in the area of public sector office building assessments Funds are available in the 2012 Budget, Capital Improvement Fund/Other Costs/BMB Interior Renovation (Account No. 311-9207-52842-PB0741).

Greenwich Columbarium Design and Construction – Event No. 362. Approval to procure design and construction services for the Greenwich Columbarium from Eickhof Columbaria in the amount of \$42,818.00. The columbarium will have 96 niches for internment of cremains and will be installed on the Wilmington River Bluff in Greenwich Cemetery. The columbarium is to match an existing columbarium installed on the same bluff in the year 2000. The method used for this procurement was the Request for Proposal (RFP) which evaluates criteria in addition to costs. The evaluation criteria used for this RFP was the responsiveness to the scope of work, proposer's past performance and experience with similar type work, the quality of the team proposed to work on the project and fees. While over 130 proposers were solicited for this RFP, only one proposer responded. That proposer provided the existing columbarium in 2000. Terms: Net-30 Days. Funds are available in the 2012 Budget, Capital Improvement Fund/Other

Costs/Greenwich Cemetery Expansion (Account No. 311-9207-52842-CM504).

Pedestrian Bridge Repair - Event No. 305. Approval to procure bridge repair services from Collins Construction Services in the amount of \$26,080.00. The services will be utilized by Park and Tree to repair the pedestrian bridge and supporting wall next to City Hall at Factor's Walk. This bid has been opened and reviewed. Delivery: Monthly. Funds are available in the 2012 Budget, Capital Improvement/Other Costs/Historic Wall Preservation (Account No. 311-9207-52842-SQ0603).

Mowing Services for Streets Maintenance – Annual Contract – Event No. 358. Awarded an annual contract for mowing services to Complete Lawn Care in the amount of \$36,720.00. The contract will be utilized by Street Maintenance for mowing 255 City-owned properties. Delivery: Monthly. Funds are available in the 2012 Budget, General Fund/Streets Maintenance/Other Contractual Services (Account No. 101-2105-51295).

Uniform Accessories for Savannah-Chatham Metropolitan Police Department – Annual Contract – Event No. 213. Awarded an annual contract for uniform accessories to Smyrna Police Distributors (Items 2, 4, 11, 13, 15, 17, 18, 20, 22, 23, 26-31, 33, 34, 35, 37, 39-41, 43, 44, 48, 54 and 55) in the amount of \$86,593.50, Patrick's Uniforms (Items 6, 7, 8,12, 21, 42, 51 and 56) in the amount of \$77,987.50, GT Distributor (Items 9, 10,14, 24, 32 and 47) in the amount of \$20,746.75, Manufacturers Components (Item 16) in the amount of \$18,750.00 and Galls (Items 1, 49, 50, 52 and 53) in the amount of \$11,545.50. The uniform accessories are being recommended based on the lowest bidder who met specifications. This bid has been advertised, opened and reviewed. Funds are available in the 2012 Budget, General Fund/SCMPD Support Services/Operating Expenses (Account No. 101-4240-51310).

Authorization to Enter Into Grant Administration Agreement with Sub-Grant Recipients. The City of Savannah has accepted a grant award from the Georgia Department of Labor Workforce Investment Act (WIA) Grant Program to provide year-round youth programs for the period April 1, 2012 – June 30, 2014 to low-income youth between the ages of 14 and 21. Youth programs include work experience, occupational skills training, alternative secondary school services, tutoring and supportive services. Pursuant to the Coastal Workforce Services (CWS) Consortium Agreement, recommend approval to authorize the City Manager to enter into a Grant Administration Agreement with sub-grant recipients in accordance with the City of Savannah's procurement policies and procedures. The grant award totaling \$1,513,783 provides funding for youth programs to a nine (9) county area, Region 12, that includes Bryan, Bulloch, Camden, Chatham, Effingham, Glynn, Liberty, Long and McIntosh counties. Alderman Osborne asked what portion came back to the City and Director Cindy Landolt stated last year approximately 75% remained in the Savannah area; this years' figure are not complete at this time. Upon motion by Alderman Bell; seconded by Alderman Sprague and unanimously carried the request was granted.

Gwinnett, Culver and Wheaton Streets Storm Drainage Improvements – Event No. 349. Approval to procure construction services for the Gwinnett, Culver and Wheaton Streets Storm Drainage Improvements from Southern Champion Construction Services, Inc. in the amount of \$866,569.00. This project consists of the installation of municipal storm drainage system improvements including approximately 1,600 lineal feet of reinforced concrete storm drain pipe, construction of auxiliary utility relocations and improvements, and the restoration of streets, sidewalks, curb, gutter and turf. The improvements are for the area bounded by Waters Avenue and Cedar Street between Wheaton Street and Waldburg Street, and are designed to prevent structural flooding for up to the 100 year - 24 hour storm (10 inches of rainfall). Bids were received from pre-qualified bidders only. Funds are available in the 2012 Budget, Capital Improvement Fund/Capital Improvement Projects/Other Costs/Bilbo-North Casey Drainage (Account No. 311-9207-52842-DR215). Alderman Osborne wanted to make sure the residents of the Gwinnett, Culver and Wheaton Streets understands that the storm drainage improvements are on the way. Roger Raines, Storm Water Director stated the project had been contemplated for some time and now the design plans are completed and it was put out to bid to get the improvements underway. This is a low area where there are troubles during heavy rain fall and this should alleviate the problem. Upon motion by Alderman Osborne; seconded by Alderman Hall and unanimously carried the request was granted.

Mayor Jackson thanked Clerk of Council Dyanne Reese and Assistant to Clerk of Council Sandy Brown for preparing the resolutions in a short time.

Mayor Jackson announced that US President Obama presented to the Juliette Gordon Lowe a Medal of Freedom as the Founder of the Girl Scouts in Savannah, GA; this was presented on the previous Tuesday and he mentioned Savannah.

There being no further business, Mayor Jackson declared this meeting of Council adjourned.

Dyanne C. Reese, Clerk of Council