

CITY GOVERNMENT
OFFICIAL PROCEEDINGS OF CITY COUNCIL
SAVANNAH, GEORGIA
May 17, 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 Ms. Margaret Williams; 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
Asst. City Attorneys William W. Shearouse and Lester B. Johnson

ABSENT: Aldermen Tony Thomas, Chairman of Council out of town representing Savannah at a National League of Cities Policy Committee meeting in California.

The Minutes of the following meetings were approved upon motion by Alderman Johnson; seconded by Alderman Shabazz and carried:

- Approval of the Council Minutes of May 3, 2012
- Approval of the summary/final minutes of the City Council Work Session/City Manger Briefing of May 3, 2012.

PRESENTATIONS

Elise Clark and Lynn Davis, President of the Savannah Chapter, National Society Daughters of the American Revolution were present for recognition of their design and contribution of informational brochures about Laurel Grove Cemetery to the City. With the assistance of James Flowers, Cemeteries Service Coordinator, they toured the cemetery. Glenda Carter took photographs of some of the notable people buried there; and with her Desktop Publisher she put together a brochure. They published it at their own expense and presented it to Mr. Flowers and gave some to the visitor's center. They then presented the last bundle of brochures to Mr. Flowers along with their thanks at this Council meeting. On behalf of the Cemetery Department Mr. Fleming thanked them for their contribution. Mayor Jackson thanked them for all their work. She stated there were so many names recognized on the brochure, in both north and south Laurel Grove Cemetery. She said she hoped people will take a copy of the brochure and read it and go to the cemetery. She also thanked Mr. Flowers. Alderman Johnson stated the Chapter is donating the template for the brochure to the City.

Public Facilities, Events and Services Bureau Chief Joe Shearouse, along with Shirley Smith, Barry Baker, Jim Shirley, Vince DelMonte, and Edith Crawford were present to announce the recognition of Savannah as a Playful City USA for the third straight year. Alderman Johnson stated Mayor Jackson was instrumental in this project. Mayor Jackson stated she could not take all the credit that the Mayor and Council could only bring the ideas; it takes the staff to run with them. She congratulated them for being recognized for the past 3-years; knowing it is not easy. She thanked them for keeping it foremost on their minds for the people with children in the Savannah community.

The 2011-2012 Savannah Youth Council members were present to show their appreciation to City Council for providing the opportunity to participate in the City's Youth Government Program. Those who spoke were: Torrey Mott – President, Lindsey Mitchell – Vice President, Sabrina Ang – Secretary Prentiss Bacon – Parliamentarian, and Lauren Sheldon. Mayor Jackson thanked Youth Council Director Carlis Bates for her assistance with the Savannah Youth Council. Mayor Jackson encouraged them to give back to the community. She stated these young people will move on and hopefully become at part of the Chatham County Commission. She told the students they have started their lives as becoming servants in the community and remember that they don't do it for themselves but for the good of others; and they will get their rewards when they see what others are doing.

LEGISLATIVE REPORTS

ALCOHOL BEVERAGES LICENSE HEARING

Roslind S. Brown t/a Montgomery Beverages. The City Manager's recommended authorizing the City Attorney to notify Roslind S. Brown to appear at the May 31, 2012 Council meeting to show cause why the liquor, beer and wine (package) license at 1825 Montgomery Street, which is located between 34th and 35th Streets in District 1, should not be suspended or revoked for violations of the Alcoholic Beverages Ordinance. Upon motion of Alderman Johnson, seconded by Alderman Hall and unanimously carried the City Manager's recommendation

ZONING HEARINGS

As advertised hearing was held on a petition of Harold B. Yellin, Agent for Ogeechee Real Estate, LLC and Shemerre, LLC, Owners (Z-120319-31225-2), requesting to rezone 4524 Ogeechee Road (PIN 2-0873-01-001A, -008B, -017, and -021) from B-G (General Business), C-A (Agriculture Conservation), PUD-B-R (Planned Unit Development Business Regional), P-B-C (Planned Community Business), and P-I-L (Planned Light Industrial). The Metropolitan Planning Commission (MPC) recommended approval because rezoning the majority of the site a P-I-L classification will create a unified zoning district that will allow the expansion of existing light industrial uses. Such uses would be compatible with the established development pattern in the general area. Consolidation of zoning will also avoid any future questions as to use and appropriateness of the businesses on the site. Marcus Lotson was present to present MPC's recommendation. No one appeared in objection to the zoning request.

Upon motion by Alderman Johnson; seconded by Alderman Sprague and unanimously carried, the public hearing was closed. Upon motion by Alderman Johnson; seconded by Alderman Hall and unanimously carried, the MPC recommendation was approved. Ordinance to cover will be drawn up for presentation at the next meeting of Council.

PETITIONS

Timothy Bright of Holder Properties Inc, representing Whitaker Associates LLC, – Petition 120067, requesting the City to allow sidewalk encroachments at W. Bryan Street and St. Julian Street, respectively, 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 original request includes the installation of eleven (11) Sabal palmetto trees in tree vaults at or above sidewalk level; five (5) on the south side of Bryan Street, and six (6) on the north side of St. Julian Street. The petitioner states that all trees will be installed in water resistant vaults to provide separation between the trees and the parking garage deck beneath. Each vault shall be flush with the sidewalk except for the three (3) vaults east of the parking garage stairwell on St. Julian Street which will be raised to provide a 6'-8" x 6'-8" seat wall around the tree. All trees and respective vaults will maintain, at a minimum, 4'-6" of passable sidewalk. Whitaker Associates, LLC has stated that they will assume all responsibility for the maintenance of the trees, tree wells and raised planters. The request has been reviewed by Water Resources and Public Works, Sanitation, Development Services and Park and Tree. Staff does not find any objection to the six (6) trees proposed for St. Julian Street. The petitioner wishes to remove from consideration the five (5) trees and respective vaults proposed for installation on Bryan Street at this time. It is required that the petitioner field verify the existence and location of any water and/or sewer lines within 7.5 feet horizontally of the proposed encroachment and tree vaults. Any permanent structure proposed to be closer than 7.5 feet horizontally from existing water and/or wastewater facilities shall require the relocation of said facilities at no cost to the City. The petitioner will be responsible for all maintenance, liability and consequences of the proposed encroachment and tree vaults. The City retains the right to remove the proposed encroachments at any time and for any reason. All City permitting and construction guidelines must be followed. A signed letter from Whitaker Associates LLC states their knowledge of said petition and acceptance of all responsibility and associated liability of the encroachments. Recommend approval of the request to install six (6) trees and tree vaults on St. Julian Street sidewalk but to remove the five (5) trees and tree vaults on W. Bryan Street from consideration at this time. 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 encroachments must be removed at petitioner's or property owner's expense.

Peter Shonka stated the petitioner had met all legal requirements of the sidewalk. This was a heavy pedestrian traffic area; especially in the evenings. Assistant City Attorney Shearouse stated the issue of the sidewalks was "notice." If the City has notice of a defected sidewalk and fails to address it there could be liability. The City takes the position of safety whenever there is an area in question. The petitioner does not have a right to the encroachment, it is a privilege granted by the City. Alderman Bordeaux questioned the City's law suits and City Attorney Blackburn stated the City was involved in cases and they are defended vigorously. Alderman Sprague stated that the John Kay building was one of the most beautiful building built in Savannah; and Savannah is a "tree-city" therefore, the City should encourage tree planting. The petitioners have agreed to maintain the trees and take them out if they do not survive. Alderman Bordeaux stated the City Code holds the property owner responsible for the sidewalk adjacent to their property. Alderman Shabazz was concerned about the visitors, and seniors on

the sidewalk. Alderman Hall stated he had reservations because of the City's liability and he felt they were setting a bad precedence by allowing this to go forward. Alderman Osborne stated the City should not put the citizens at risk with a narrow sidewalk; and she felt the petitioners could find other ways of beautifying the area. Alderman Bell stated she also felt it was a potential liability. Mayor Jackson said the petitioners have completed all the requirements of the City. Savannah is called a "City of Trees." If the request is granted the concerns of liability should be addressed. The building needs vegetation and trees proposed are not "spreading" trees; these are Palmetto trees. Alderman Sprague made a motion to allow the encroachment of the St. Julian Street side; seconded by Alderman Bell and carried with Alderman Hall opposing. Alderman Osborne made a motion to continue the W. Bryan Street request and allow the planners and the staff to come back in 2-weeks for consideration for approval; seconded by Alderman Sprague and carried with Alderman Hall opposing.

ORDINANCES **FIRST AND SECOND READING**

City Manager Toney stated the City Attorney has advised to substitute what the Council currently has and present it for first and second reading rather than go back and revise the one they already have for first reading. City Attorney stated it was two separate ordinances addressing the subject matter and debate what they want to. The contents have been worked out by a member of Council and City staff. Also, the starting dates are different. Alderman Bordeaux expressed his appreciation to the City Manager's office and to Stephanie Cutter for their work with the quadricycle ordinance. He said it was a learning experience for him and she helped tremendously.

Ordinance read for the first time in Council May 17, 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 carried.

AN ORDINANCE **To Be Entitled**

AN ORDINANCE TO AMEND PART 7, MOTOR VEHICLES AND TRAFFIC, ARTICLE F. BICYCLES, MOPEDS AND SKATEBOARDS OF THE CODE OF THE CITY OF SAVANNAH, GEORGIA (2003) TO DEFINE AND PROVIDE FOR REGULATIONS OF QUADRICYCLES; 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 lawful authority thereof:

SECTION 1: That Part 7, Motor Vehicles and Traffic, Article F. of the Code of the City of Savannah (2003) be amended by inserting a new Article F entitled "Quadricycles, Bicycles, Mopeds and Skateboards" as follows:

ARTICLE F. QUADRICYCLES, BICYCLES, MOPEDS AND SKATEBOARDS

Sec 7-1133. – Regulation of Quadricycles

(1.) A "Quadricycle" shall be defined as a non-motorized vehicle propelled entirely by human power through the use of fully operative pedals in a manner similar to a bicycle, and which has at least four (4) load-bearing wheels; a Quadricycle shall be equipped with more than 2 seats for passengers who shall operate the pedals to propel but not steer the vehicle, and a separate seat or bench to be occupied by a driver who shall steer the vehicle and be able to bring the vehicle to a complete stop on level pavement

(2.) Quadricycles operating within the City shall be equipped with the following:

(a.) Hip Restraints as defined by the American National Standards Institute (ANSI)/National Golf Carts Manufactures Association (NGCMA) shall be installed for every seat on the vehicle. The driver of the quadricycle shall not operate the vehicle unless each passenger thereon is wearing a hip restraint. The failure of a passenger to wear a hip restraint shall not be considered evidence of negligence, comparative or otherwise, including apportionment of fault, on the part of the passenger, and shall not be evidence used to diminish any recovery for damages arising out of the ownership, maintenance, occupancy, or operation of a vehicle.

(b.) Lighting on the vehicle which shall be the following:

(i.) A light on the front which shall emit a white light visible from a distance of 300 feet to the front.

(ii.) A taillight mounted on the rear, which when lighted shall emit a red light plainly visible from a distance of 500 feet to the rear.

(iii.) A brake light on the rear which shall emit a red light and which shall be actuated upon application of the service (foot) brake and which may but need not be incorporated with a taillight. Every brake light shall be plainly visible and understandable from a distance of 300 feet to the rear both during normal sunlight and at nighttime.

(c.) Rear signage which shall conform with those standards and specifications adopted for slow-moving vehicles by the American Society of Agricultural Engineers in December 1966, and contained within such society's standard ASAE S276.1, or shall be an emblem of the same shape and size painted on such vehicle in a bright and conspicuous retro reflective red orange paint.

Such emblem shall be mounted on the rear of such vehicles, in the approximate horizontal geometric center of the vehicle, at a height of three to five feet above the roadway, and shall be maintained at all times in a clean and reflective condition.

(d.) A mirror capable of showing the driver a view of the roadway for a distance of 200 feet to the rear of the vehicle.

(e.) A Braking system, operable by the driver, that is capable of overriding all methods of propulsion and bringing the vehicle to a complete stop.

(f.) A Barrier on both sides of bench seating that restricts sliding beyond seating capacity.

(3.) No person may occupy a quadricycle on a seat equipped with a pedal unless such person is physically able to sit upright in the seat and operate the pedals which power the vehicle.

(4.) No person under the age of 16 may occupy a quadricycle unless such person is wearing a properly fastened protective headgear set by the American National Standards Institute (ANSI) or the Snell Memorial Foundation.

(5.) All Quadricycles operating for commercial purposes must maintain the following insurance:

(a.) No owner of a quadricycle or any other person shall operate or authorize any other person to operate a quadricycle for commercial purposes within the City of Savannah unless the owner has in effect a policy of comprehensive general liability insurance issued by an insurance company duly authorized to do business in the State of Georgia, which policy provides for the payment of damages for bodily injury, loss of consortium or death of a person, and for injury to or destruction of property of a person or entity, due to the liability of the owner or operator of a quadricycle arising out of the ownership, operation, use, or maintenance of a quadricycle. The policy shall provide coverage with limits in an amount of not less than \$1,000,000.00 per accident. The policy shall provide that the insurer shall give notice of any cancellation or non-renewal of the policy which is due the named insured not only to the named insured but contemporaneously to the Revenue Director as well.

(b.) The owner of a quadricycle shall maintain on file with the Revenue Director a copy of the current policy of comprehensive general liability insurance required by subparagraph

(a). Failure to comply with this provision shall result in the immediate suspension of the owner's rights and privileges to operate the quadricycle commercially within the City.

(6.) Any commercial quadricycle operating under this article shall hold the City, its officers, agents, servants and employees harmless against any and all liability, loss, damages or expense which may accrue to the city by reason of negligence, default or misconduct of the company in connection with the rights granted to such company hereunder. Nothing in this article shall be considered to make the City, its officers, agents, servants or employees liable for damages because of any negligent act or omission or commission by the quadricycle company, its servants, agents, drivers or other employees, during the operation by the company of a quadricycle business or service, either in respect to injury to persons or with respect to damage to property which may be sustained.

Sec 7-1134 – Movement of Quadricycles in city.

Quadricycles operated for commercial purposes may only operate in an area encompassing Montgomery Street to the west, Charlton Street to the south, Bull Street to the east and Bryan Street to the north. Private/chartered quadricycle tour routes shall only operate in an area encompassing Montgomery Street to the west, the north side of Gaston Street to the south, Habersham Street to the east and Bryan Street to the north . All quadricycle tours shall be subject to all traffic regulations applicable to motorized tour vehicles; quadricycles operated for personal, non-commercial purposes shall be subject to the same rules of operation as bicycles within the City.

SECTION 2: That Subparagraph (2.) (a.) become effective on July 1, 2012; all other provisions of this Ordinance shall become effective on June 1, 2012.

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

ADOPTED AND APPROVED THIS 17TH DAY OF MAY, 2012.

AN ORDINANCE
To Be Entitled

Ordinance read for the first time in Council May 17, 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 carried.

AN ORDINANCE TO AMEND THE TOUR SERVICE ORDINANCE ARTICLE R OF PART 6 OF THE CODE OF THE CITY OF SAVANNAH, GEORGIA (2003) SEC. 6-1502. DEFINITIONS (P) TOUR SERVICE VEHICLE. TO PROVIDE THAT QUADRICYCLES MAY OPERATE AS TOUR SERVICE VEHICLES UNDER CERTAIN CONDITIONS; 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 Article R of Part 6 of the Code of the City of Savannah, Georgia (2003) Sec. 6-1502.

Definitions (p) Tour service vehicle be amended by adding thereto:

Quadricycles may operate as tour service vehicles, subject to the provisions of Sections 7-1133 and 7-1134 of City of Savannah Code of Ordinances and shall only operate between the hours of 10:00 am and 10:30 pm

so that as amended the first paragraph of said Definition (p) shall read as follows:

Sec. 6-1502. – Definitions.

(p) *Tour service vehicle.* A vehicle engaged in the business of carrying passengers for hire or offering to carry passengers for hire, through any part of the city when the primary purpose or riding in such vehicle is not transportation but touring and sight-seeing; included motor coaches which are operated as a part of special tours and are not operated as a part of a tour service licensed by the city; excluding horse-drawn carriages, and also excluding limousines (as they are defined by the laws of the state) which are operated primarily as a transportation service vehicle and which conduct tours on a reservation basis only; provide, however, that nothing contained herein shall exempt the conduct of the tours by limousine from the provisions of this article as it pertains to the conduct of tours by tour guides. Quadricycles may operate as tour service vehicles, subject to the provisions of Sections 7-1133 and 7-1134 of City of Savannah Code of Ordinances and shall only operate between the hours of 10:00 am and 10:30 pm.

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

ADOPTED AND APPROVED THIS 17TH DAY OF MAY, 2012

RESOLUTIONS

A RESOLUTION TO APPROVE AND ADOPT THE *WATERSHED PROTECTION PLAN FOR SAVANNAH AND UNINCORPORATED CHATHAM COUNTY* DATED JANUARY, 2012. THE FEDERAL CLEAN WATER ACT ESTABLISHED REQUIREMENTS FOR ALL SANITARY SEWER TREATMENT DISCHARGERS TO DEVELOP A WATERSHED PROTECTION PLAN.

WHEREAS, the United States Congress under the Clean Water Act (40 CFR 130) has mandated that individual states develop policies and program requirements for water quality planning, management, and implementation; and

WHEREAS, the State of Georgia under the Georgia Water Quality Control Act has issued to the City of Savannah, Georgia a National Pollutant Discharge Elimination System permits (NPDES Permit No. GA0025348, GA0020443, GA0046418, and GA0038326); and

WHEREAS, each of the NPDES permits cited above requires that the City of Savannah, Georgia develop a Watershed Protection Plan; and WHEREAS, the City of Savannah, Georgia has developed the necessary Watershed Protection Plan; and

WHEREAS, the City of Savannah, Georgia has complied with the requirements and standards of the above cited NPDES permits;

NOW, THEREFORE, BE IT RESOLVED by the City of Savannah City Council that the document entitled Watershed Protection Plan For Savannah and Unincorporated Chatham County and dated January, 2012 be officially approved and adopted.

ADOPTED AND APPROVED THIS 17TH DAY OF MAY UPON MOTION BY ALDERMAN JOHNSON; SECONDED BY ALDERMAN SPRAGUE AND UNANIMOUSLY CARRIED.

RESOLUTION OF SUPPORT

Savannah Gardens Phase IV Tax Credit Application

A RESOLUTION IN SUPPORT OF MERCY HOUSING'S LIHTC APPLICATION FOR PHASE IV DEVELOPMENT IN SAVANNAH GARDENS. THIS EQUITY WILL LEVERAGE PRIVATE CAPITAL TO PROVIDE FOR THE DEVELOPMENT OF AN ADDITIONAL 114 AFFORDABLE MULTI-FAMILY APARTMENT UNITS IN SAVANNAH GARDENS.

WHEREAS, the City of Savannah has identified the development and retention of affordable rental housing for Savannah residents as a priority in the City's 2008-2012 Housing and Community Development Plan; and

WHEREAS, the City of Savannah adopted on March 26, 2009 the Savannah Gardens Neighborhood Redevelopment Plan to comply with Title 36, Chapter 61 of the Code of Georgia, as amended, known as the Urban Redevelopment Law, in support of the redevelopment of the Savannah Gardens neighborhood; and

WHEREAS, the City of Savannah adopted on November 5, 2009 the Pennsylvania Avenue/Savannah Gardens Enterprise Zone to comply with Title 36, Chapter 81 of the Code of Georgia, as amended, known as the Urban Redevelopment Law, to provide certain exemptions or advantages to qualifying businesses and residential developments within the Enterprise Zone; and

WHEREAS, the City of Savannah fully supports the development of Savannah Gardens Phase IV, a proposed development containing 114 units of affordable housing along with appropriate recreational facilities and amenities to be generally located at 514 Pennsylvania Avenue and specifically located in Pods MF-1, MF-2, MU-1, MU-2 and TH-1 designated in the Master Plan for Savannah Gardens; and

WHEREAS, Savannah Gardens Phase IV will provide the third phase of multi-family housing designated for families in the newly designed, master planned, community and will offer quality new construction with 91 units housing families earning 60% of the Area Median Income or less and 23 units for families of any income; and

WHEREAS, Mercy Housing SouthEast, Inc., as developer, has the means and interest to pursue the development of this property; and

WHEREAS, the developer intends to submit an application for Low Income Housing Tax Credits to the Georgia Department of Community Affairs (DCA) for the project, which has a total development cost of approximately \$15 million;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Aldermen of the City of Savannah declare their full support for the development of Savannah Gardens Phase IV as proposed by Mercy Housing SouthEast, which will include 114 units of affordable family housing in the Savannah Gardens Neighborhood.

ADOPTED AND APPROVED THIS 17TH DAY OF DAY, 2012 UPON MOTION BY ALDERMAN JOHNSON; SECONDED BY ALDERMAN SPRAGUE AND UNANIMOUSLY CARRIED.

Sale of Surplus Portions of Victory Lane, Dixie Lane and Limerick Street. 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. Alderman Hall pointed this was not continues because of a problem with Whole Foods. Upon motion by Alderman Bordeaux; seconded by Alderman Hall and unanimously carried, the resolution was continued until May 31, 2012.

TRAFFIC ENGINEERING REPORTS

Parking Restriction on Orange Street. Traffic Engineering has reviewed the conditions along Orange Street based on a concern expressed by management at the Firestone Complete Auto Care and Parking Services. Orange Street is located south of W. Congress Street. The Ships of the Sea Museum parking lot entrance is on the north side of the street and Firestone Complete Auto Care is on the south side. Each week, the Firestone Complete Auto Care facility has a contractor pick up old tires. The best location for the pickup is on the south side of Orange Street, just west of the main gate to the Firestone parking lot. In addition, vehicles routinely park along the south side of Orange Street, despite a City ordinance prohibiting parking on that side. Currently, parking is allowed on the north side of the street. The street is significantly wider on the east end near Martin Luther King Boulevard and narrows as it proceeds west past the Ships of the Sea parking lot entrance. The curb to curb width of the roadway is 42 feet on the east end of Orange Street and 18½ feet on the west end. From Martin Luther King Boulevard to just west of the Ships of the Sea Museum parking lot, Orange Street conveys two-way traffic. To the west of the museum driveway, the street is one-way westbound traffic only. Traffic Engineering recommends that parking be prohibited on the north side of Orange Street from the Ships of the Sea Museum driveway west to Ann Street. In addition, it is recommended that a loading zone be created from 20 feet east of Ann Street for approximately 100 feet east. Upon motion by Alderman Bell; seconded by Alderman Sprague and unanimously carried, the request was granted. An ordinance to cover will be presented at the next meeting of Council.

Traffic Control – Intersection of Comer and New Castle Streets. Traffic Engineering conducted a study of the intersection of Comer and New Castle Streets and has determined that there is a need for some sort of traffic control. Based on the low traffic volumes on Comer Street, and the lack of correctable accidents on file at this intersection, Traffic Engineering recommends the installation of a yield sign for northbound traffic. Upon motion by Alderman Bell; seconded by Alderman Sprague and unanimously carried, the request was granted. An ordinance to cover will be presented at the next meeting of Council.

BIDS, CONTRACTS AND AGREEMENTS

Upon motion of Alderman Osborne; seconded by Alderman Shabazz and unanimously carried, the following bids, contracts and agreements were approved:

Roofing Materials for Summer Rehab Program – One Time Purchase – Event No. 269. Approval to procure roofing materials for the summer rehabilitation program from Southern Roof Center in the amount of \$143,786.20. The roofing materials will be used by World Changers and other youth and young adult groups that visit Savannah and rehabilitate homes throughout the city. The Housing Department oversees this program each year. Delivery: As Required. Terms: Net-30 Days. Funds are available in the 2012 Budget, Community Development Fund/Emergency Repair/Construction Supplies & Materials (Account No. 221-3259-51340).

Four Wheel Utility Truckster Sprayer – One Time Purchase – Event No. 289. Approval to procure a four wheel truckster from Jerry Pate Turf & Irrigation, Inc. in the amount of \$28,009.29. The truckster is a replacement for unit 3126 to be used by Park and Tree. The reason for not awarding to the low bidder, Vereen Stores, is that the equipment it offered did not meet specifications for the transmission. Delivery: As Required. Terms: Net-30 Days. Funds are available in the 2012 Budget, Vehicle Purchase/Vehicular Equipment (Account No. 613-9230-51515).

Mid-Size Sedans – One Time Purchase – Event No. 334. Approval to procure 25 mid-size sedans from J.C. Lewis Ford in the amount of \$438,419.75. The vehicles will be used by the Savannah-Chatham Metropolitan Police Department to replace units that are no longer economical to repair or operate. Bids were received April 10, 2012. This bid has been advertised, opened and reviewed. Delivery: As Required. Terms: Net-30 Days. Funds are available in the 2012 Budget, Vehicle Purchase/Vehicular Equipment (Account No. 613-9230-51515).

Hydraulic Articulating Telescopic Truck – One Time Purchase – Event No. 335. Approval to procure a hydraulic telescopic aerial truck from J.C. Lewis Ford in the amount of \$90,579.00. The hydraulic telescopic aerial truck will replace unit 5241 which will be used by Traffic Engineering. This bid has been advertised, opened and reviewed. Delivery: As Required. Terms: Net-30 Days. *Note: JC Lewis Ford (local non-minority owned business) is being recommended as oppose to O.G. Hughes (non-local non-minority owned business) because the local vendor preference right is being applied. Funds are available in the 2012 Budget, Vehicle Purchase/Vehicular Equipment (Account No. 613-9230-51515).

Type I Water Purification System – Emergency Purchase – Event No. 420. Approval to procure two water purification systems from EMD Millipore in the amount of \$25,740.44. The water purification systems will be used by the laboratory at Water Reclamation. The lab requires ultra pure water for eliminating sources of contamination in glassware cleaning, instrument calibration and for sample and reagent preparation. The current system used at the lab was purchased in 1996, and filters for this system are no longer available. As the filters are only replaced once a year and the unavailability of filters was only recently discovered, it is critical that the system be replaced immediately to maintain proper quality control in the laboratory operations. Two systems are being purchased for redundancy. Funds are available in the 2012 Budget, Capital Improvement Fund/Capital Improvement Projects/Other Costs/Treatment Plant Capital Maintenance (Account No. 311-9207-52842-SW319).

Foam Attack/Support Trailer – Event No. 312. Approval to procure a foam attack/support trailer from Tyco Fire Protection in the amount of \$109,598.00. The trailer will be used by Fire and Emergency Services primarily in industrial situations to transport large quantities of firefighting foam to the scene. The unit is equipped with quick attack nozzles to be used in response to hydrocarbon fires such as the fuel storage tanks located at Colonial Terminal and other Georgia Port Authority properties. This purchase is funded by a port security grant. The trailer is highly customized and the number of suppliers capable of manufacturing and fabricating the trailer to meet the requirements is limited. Pricing was solicited from all known sources, but only one response was received. Funds are available in the 2012 Budget, Fire Grants/Office, Building, Furniture, Equipment/Port Security Foam Trailer (Account No. 212-3117-51520-GT0147).

Grit Removal Services for Regional Plant – Sole Source Purchase – Event No. 421. Approval to award a contract for grit removal services to Southeast Pipe Survey in the amount of \$28,800.00. The grit will be removed from the north aeration basin at the Wilshire Water Reclamation Plant to facilitate the installation of new diffusers in the basin. Diffusers allow the transfer of oxygen back into the biologic treatment process. A contract for the same services on the other basin at Wilshire Plant was approved by Council in February 2011. The contractor is willing to hold the same unit price for this work. Funds are available in the 2012 Budget, Capital Improvement Fund/Capital Improvement Projects/Other Costs/Treatment Plant Capital Maintenance (Account No. 311-9207-52842-SW319).

Site Lighting for Savannah Gardens – Sole Source – Event No. 422. Approval to award a lease for site lighting services from Georgia Power in the amount of \$146,144.00. The proposed lighting plan includes

27 lights throughout Phase 2A and another 14 to light the park. Georgia Power will be responsible for providing and installing all components of the lighting system, and will be fully responsible for the operation, service, maintenance, and any necessary repairs of the installation for the duration of the agreement. The proposed lease agreement establishes a monthly cost to be paid by Traffic Engineering for the street lights and Leisure Services for the park lights as an operational expense. The costs for each area are: Phase 2 Lighting \$ 86,994.00 Park Lighting \$ 59,150.00 Total \$ 146,144.00. This is a sole source procurement based on Georgia Power's unique position to provide the light fixtures, poles, power and continuous service as the local electric utility. Delivery: As Needed. Terms: Net-30 Days. Funds are available in the 2012 Budget, Capital Improvement Fund/Capital Improvement Project/Other Costs/Savannah Gardens Phase 2A (Account No. 611-1140-52842-PD0400).

Savannah Gardens Phase IIA Civil Site Construction – Contract Modification No. 1 – Bid No. 10.156A. Approval of Contract Modification No. 1 from Astra Group, Inc. in the amount of \$23,043.18. Due to field conditions for underground work in Savannah, changes to the plans were made moving some infrastructure work from Phase I to Phase 2A. In addition, the stamped concrete crosswalks were changed to pavers requiring additional stone, fabric, crosswalk transitions and vehicular paver. Phase 2A is nearing completion and all installed items are functioning as expected. Forty-five (45) calendar days are being added to the contract. The cumulative total of the contract requires Council approval of this modification. Approval of Contract Modification No. 1 to Astra Group, Inc. in the amount of \$23,043.18. Funds are available in the 2012 Budget, Capital Improvements Fund/Capital Improvements Projects/Other Costs/Savannah Gardens Phase I (Account No. 311-9207-52842-PD0400).

Uniform Rental Services – Annual Contract Renewal – Event No. 35. Renewed an annual contract to procure uniform rental services from Aramark Uniform Services(B) in the amount of \$217,868.04. The contract will span two budget years and contains line item pricing for most of the uniform needs that may arise for various departments throughout the year. Actual usage will be substantially less than the contract amount. Water and Sewer has requested that denim jeans be added to the contract, and the vendor has provided a cost per set. This is the first of two renewal options. This bid was advertised, opened and reviewed. Bids were originally received August 3, 2010. Delivery: As Needed. Terms: Net-30 Days. Funds are available in the 2012 Budget, General Fund/Various Departments/Clothing & Laundry (Account No. Various 51310).

Savannah Airport Commission Office Renovations – Event No. 314 –Savannah/Hilton Head International Airport. The Savannah Airport Commission received approval to enter into a contract with National Office Systems in the amount of \$47,001.00 for the Savannah Airport Commission Office Renovations project. This project consists of, but is not limited to, furnishing all labor and materials to supply and install modular partitions with electrical and data hardware per the plans and specifications.

Relocate Perimeter Security Fencing – Event No. 315 – Savannah/Hilton Head International Airport. The Savannah Airport Commission received approval to enter into a contract with T & T Fencing Co., Inc. in the amount of \$37,500.00 for the Relocate Perimeter Security Fencing project. This project consists of, but is not limited to, the installation of approximately 2,130 linear feet of 8' high fencing with three strands of barbed wire, replacement of one 20' wide gate (2 – 10' leafs), removal of approximately 2,130 linear feet of existing fencing, and all other work associated with the project as shown on the plan drawings.

Conference/Meeting Facility Needs Assessment Study – Savannah/Hilton Head International Airport. The Savannah Airport Commission received approval of a Conference/Meeting Facility Assessment Study in the amount of \$35,000.00 with PFK Consulting. Members of the Savannah Aviation Village Hotel Owners Group created a committee to work with Airport staff to determine the feasibility of a conference/meeting facility on Airport property to fill a void in the group-market niche. The committee has advised the Airport staff that the hotels receive numerous inquiries from groups but lose business due to the lack of an adequate meeting facility nearby. Toward this end, the committee has provided the Airport Commission with a fee proposal from PFK Consulting to perform an in depth assessment and feasibility study to determine if a meeting/conference facility would benefit the Aviation Village and if so, define the type of facility that would be required. PFK Consulting is a national firm of consultants who provide a wide range of services to the hospitality, tourism and real estate industries. The fee proposal for this study is \$35,000.00. In addition to addressing the hotel owner issues, this study will address the Airport Commission's strategic plan related to building an event facility at the airport.

Extend Consulting Engineering Contract for North Aviation Development Project – Savannah/Hilton Head International Airport. The Savannah Airport Commission received approval to extend the contract with The LPA Group, Inc., in a not to exceed amount of \$253,400.00. In June 2011, the Airport Commission hired the consulting engineering firm The LPA Group Inc., to furnish a dedicated full-time Resident Inspector to report to Airport Commission staff and provide full-time construction inspection services for the Federal Aviation Administration (FAA) funded North Aviation Development Project. The contractor on this project, McLendon, has submitted a revised schedule indicating a new project completion date of February 24, 2013. Considering the significant extended period involved, the schedule is under review. While the Airport Commission staff hopes to arrive at a more reasonable project end date, the Airport Commission has committed to LPA that it would notify them of the need to extend the Resident Inspector services contract by June 1, 2012. As such, the Airport Commission recommends approval to extend the contract with LPA through the end of February 2013 as a not to exceed extension. The extension language will allow the Airport Commission to terminate the contract if

the project is completed at an earlier date. The proposed extension represents a maximum seven month extension at the monthly contract rate of \$36,200.00 for a not to exceed amount of \$253,400.00. The extra costs associated with the services will be funded through Airport Improvement Program (AIP) grants for the North Aviation Development project.

Air Service Industry Update/Workshop – Savannah/Hilton Head International Airport. The Savannah Airport Commission received approval of an Air Service Industry Update/Workshop with Leigh Fisher in the amount of \$26,000.00. The study will explain the dynamics of the current airline situation and the impact on small hubs such as Savannah; provide an analysis of historic/current/future traffic in relation to Savannah's benchmark airports; and discuss the cyclical nature of this business as it relates to the potential for new entrants, airfare methodologies, Southwest/JetBlue business models and plans and the effect that may have on service to Savannah, and opportunities for Savannah relative to air service and airfares. The information will be delivered in an executive briefing format to the Airport Commission and stakeholders along with any associated data and requested information.

Basic, Dependent and Supplemental Life and Accidental Death and Dismemberment Insurance Benefits.

Approval to procure basic, dependent and supplemental life and accidental death and dismemberment benefits from ING Employee Benefits Group (D) in the total annual premium amount of \$1,210,458. The total cost of this award is \$1,210,458 of which the City's share is \$402,961.00 which is funded by the 2012 Budget. The new annual premium is for the period of July 1, 2012 until June 30, 2013. The contract will provide employees, their dependents and retirees with life and accidental death and dismemberment benefits as well as supplemental life coverage. The proposal calls for a three year rate guarantee. The method used for this procurement was the Request for Proposal (RFP), which evaluates criteria in addition to cost. The criteria used for this RFP was Plan Design and Plan Management, Quality of Administration and Performance Guarantees, Financial Terms, Experience and References. Nine proposals were received. A finalist list was created based upon the quoted premium, resulting in the further evaluation of three carriers: ING, Aetna, and the Hartford. All three are excellent, experienced, financially sound insurance companies with extensive experience with life insurance. The proposals for the three finalists were fully evaluated, with both ING and Aetna rising to the top. While Aetna scored highest on the financial terms, ING scored higher in each of the other categories. ING presented the best overall offer and rated highest in total score. Explanation of the scoring matrix for the three finalists. Plan Design and Plan Management the Aetna plan offered benefits that are already being provided under other City benefit plans. For example, Aetna offered EAP services and funeral planning services, both of which are currently offered to City employees. There are other provisions unique to Aetna which reduces the value of its plan. For example, under the Aetna plan, the spouse is not able to report coverage upon the death of the employee. Quality of Administration and Performance Guarantees Performance guarantees provide for financial penalties should the carrier not meet certain agreed upon standards for such items as satisfaction with account management, timeliness of claim payment, and accuracy of claim payment. ING proposed 5% of the employer paid premium (\$22,344) at risk for failure to meet standards, or roughly twice the amount proposed by Aetna. Aetna placed 1% of annual premium (\$11,560) at risk should they not meet the proposed service performance guarantees. Financial Terms Premium waiver is a provision whereby a covered employee who is disabled and approved for premium waiver may keep the coverage at no cost to him or to the employer until a certain age is reached. ING proposed to allow the premium waiver to continue to age 70, and ING did not apply any waiting period – the individual becomes immediately eligible upon becoming disabled. Aetna proposed a 9 month waiting period before anyone could be approved for premium waiver, and the coverage would then continue to normal Social Security retirement age (ranging from age 65 to age 67). Currently, the City has 33 individuals on premium waiver with life insurance coverage totaling \$1.7M, and for which ING is receiving and will continue to receive no premiums. Experience and References ING has a history with the City in which it has paid death claims that could have been denied. Rather, ING agreed to pay the claim because it was the right thing to do. This claim pay flexibility is very positive for our employees. Our experience with ING has been that they are willing to consider the payment of all claims without automatically denying those claims which are questionable. Based upon references from Aetna clients, there is a perceived lack of flexibility and one client expressed difficulty in getting them to pay claims. ING has served the City well for the last five years, providing excellent service and flexibility in claims payment. ING has a history of extraordinarily fair renewals. Its financial offer indicates a similar drive to maintain a long-term relationship with the City given the competitive rates proposed. ING has agreed to offer an annual open enrollment for active employees and to allow for additional supplemental life benefits for dependents. ING's overall higher score indicates that it is very prepared to meet the City's ongoing expectations and needs. All of ING's references were exemplary, and ING is willing to place its fees at risk in terms of performance guarantees. Funds are available in the 2012 Budget, Group Life Insurance (Account No. 621-9803-52225).

Alderman Johnson referenced a letter from Aetna he received that was addressed to the City Manager. City Manger Toney stated she had not received the letter; therefore he was not sure they should address the matter at this time. City Manger Toney stated she had not seen the letter and respectfully she did not know what the letter was about. Mayor Jackson asked how the letter was handed to them that day because it was addressed to the City Manager. Ms. Toney stated she never received it; even this day she did not receive a copy. Alderman Johnson stated he had received the letter via email and that since it was addressed to the City Manager he assumed she had received it. Ms. Toney stated she had not and her staff checked to see if it had come through the mail and as of this time it had not been forwarded to her office. Mayor Jackson stated that Ms. Toney could have her copy and that it was "bad" for a company to give Council something and not making sure that the City Manager could have had it in time so that it could be

addressed and taken care of at this meeting. She said she recommends that anyone that does this in the future should make sure that it gets into the hands of the addressee first. She said on the letter, it was not carbon copied to City Council. Rightfully, the letter should have come from the City Manager to Council along with any recommendations. City Manager Toney stated in the City's procurement policy there is a process and time limit that someone can file a protest and she was not sure that the letter met the requirements. Alderman Osborne stated the signee of the letter needed to be made aware of the protocol for submitting letters. Purchasing Director Carla Byrd told Council that within the solicitation that was released, the section one information and instructions addresses the protest procedures and the proposer who is made by the recommendation of the City Manager to award a contract may appeal a decision to the City Manager no later than 48-hours prior to the date the award recommendation is scheduled to be approved by City Council. She stated it was included in the solicitation that was released January 27th. Mayor Jackson stated rightfully they do not have to table it because the procedures have not been followed. Alderman Bell asked again how many hours they had and Ms. Byrd said 48-hours; therefore the City Manager should have received it May 15th and she did not. Alderman Shabazz stated when she came back from lunch it was on her desk. Alderman Johnson stated he received the email with the letter and he made the copies and distributed to Council. He stated he assumed all of Council had received it and in talking with Alderman Bell and finding out she did not have it, he wanted to make sure everyone had a copy. City Manager Toney stated the procedure would be that it would come to her and she would advise City Council. Alderman Shabazz said she was talking about security and being out of order and doing things of this nature; and that this could not continue and that they needed to stay in order of how they receive information and how it is discussed. This letter was not discussed during the City Manager's briefing that day; and now it is brought into the Council chambers and it is totally out of order and she thought they should stay in order and the security issue was her concern now when things just show up in their spaces and it is out of order. Mayor Jackson said it was a matter of protocol also and by protocol it is addressed to the City Manager and it did not say carbon copied the City Council in their email; but if it is the procedure it becomes the City Manager's responsibility. She said there were guidelines for bids, contracts, and agreements and this letter should be null and void because it was not followed by the process and whatever recommendations comes from the Council is how it will be handled. Alderman Bordeaux said he was not trying to put words in anyone's mouth and he was saying this more for the purpose of educating the public, that they were not saying all of this about procedures and protocol because they are were some fancy-pants who do not want to follow procedures or protocol. The Council has a letter, unsigned to a person who has never received it and the Council has been given copies of it with no indication that it was being sent to Council; and there are legal procedures that must be followed in making objections and this is in violation of the legal procedures. Therefore, it is not just a matter of them standing on protocol it is a matter that the City Manager is supposed to be getting the notice and she did not and Council did and at the wrong time; therefore this is not Council having their noses out of joint, it is because it does not meet the legal procedures. Mayor Jackson thanked him. Alderman Bell recommended that Council proceed and evaluate and make their decision based on whatever questions were raised at the last meeting. Alderman Johnson stated the question he raised then and now was regarding the fact that there are 2-bids and the way he understood it from a previous event was that when the City had a low bid they had the opportunity to go back and discuss it with the individual in the group who did a low bid. They were talking about \$58,000 or so and over \$200,000 over a 4-year period. He stated his question now was were they able to quantify the difference in a guarantee in such a way that would justify his vote in going with a higher bid; he did not mind the value added as long as it was something that was quantified. Ms. Byrd stated she had asked Human Resource Director Beth Robinson to answer the questions from a procedural stand point because this was a request for proposal, the City does not solely base the decision on price; therefore there were various criteria references were contacted and an extensive evaluation was made and because of his previous inquiry additional information was inserted which Ms. Robinson will highlight and elaborate on. Ms. Robinson stated she appreciated Alderman Johnson's questions and she thought they were good questions and when there is a body that has a public purchase these questions need to be answered. She said as indicated it was an RFP process and because of that they looked at a variety of criteria, one being the cost. Looking at the weighted score, the most score to the financial terms of the proposal because it is an important consideration. However, at the end of the day the most important thing about life insurance is paying a benefit and that is why people have life insurance. ING is the current carrier and they have been an excellent partner. Everyone knows insurance companies that they stamp "no" on the first claim or that they ask for extra documentation. There was a claim this year on an individual that had been out of work for some period of time and it could have gone either way and ING said they decided to pay the claim and the family was very appreciative. Aetna is an excellent company and in no way was she speaking ill about Aetna, they made the final cut; but interestingly Aetna has a local public sector in Savannah, but when they provide the City with the reference list that local public sector was not on the reference list. She knew that this local public sector was a client of Aetna's so the City talked to the director of benefits there. Their feed-back was that Aetna would request irrelevant documentation; that they would deny premium waivers; that there is some difficulty with communication. Granted, it is one person's opinion and she acknowledged that that is what it is – one person's opinion. However, at the end of the day she had to figure out who will pay claims for the beneficiaries of the employees. In evaluating all of those things they made the determination that yes, ING's prices were slightly higher than those of Aetna, she felt like they could be a better partner in this and that was really the purpose of doing an RFP and looking at the full evaluation. Alderman Osborne stated she appreciated the viewing of this in that light, particularly in favor of employees and what is needed for them and for the extra dollars that is needed for it, and she thanked her for them doing their homework. Ms. Robinson stated it had been over 5-years and that it was time for it to go out to bids. Prior to ING there have been other carriers. Alderman Bell said she would value the input of their opinion because they had to deal with the benefits that the carrier. She did question under

the criteria financial terms there was approximately \$60,000 difference between Aetna and ING and approximately \$100,000 difference between ING and Hartford. Ms. Robinson stated the financial terms are not only the premiums they charge but it is also performance guarantees; in other words are they willing to put their money where their mouth is. Premiums' are a big portion but not the only issue. Alderman Johnson asked about the references checked and asked if it was a client in terms of a person insured or a counter-partner of hers. She stated it was someone who administers the program of benefits. Each carrier brings value-added services and they have to weigh the value of that and ING as well as Aetna offer funeral planning services; which is probably one of the most important added service. Mayor Jackson thanked her for coming forward and explaining the procedures. She said if the letter had been addressed to the Mayor and Council they could have addressed it, but it was not; and it is important that the public knows the Council is watchful of these kinds of things. Upon motion by Alderman Johnson; seconded by Alderman Osborne and unanimously carried the contract was granted. Mayor Jackson stated the City staff works very diligently to make Council looks good; therefore, Council needs to be supported of them.

Mayor Jackson stated she had enjoyed her trip to Israel and they were working on projects and some ideas they want to address with Council about economic development opportunities as well as an exchange program with SCAD. She stated she had not had an opportunity to discuss it with the City Manager or the Council the issues of the Israel trip.

Alderman Sprague said they had attended 3-area meeting regarding the drainage problems. She thanked the City Manager and the City staff was helpful talking with the residents and that it was a productive meeting.

Alderman Bell stated Mayor ProTem Johnson represented the Mayor and the City of Savannah at several events during her absence; especially a meeting with Charleston Mayor Joseph Riley. She thought it was interesting the similarities Savannah has with Charleston and there were talks of partnering with them on some projects.

Alderman Hall stated MPC had approved several Kroger fueling stations and a resident Alex Pelote had requested his letter of protest be entered into the record for the McAlpin Square location. He stated there was too much traffic on Skidaway now and this will only add to it. Assistant City Attorney Shearouse said the letter can be received as information and filed with the Clerk of Council's Office. Alderman Osborne asked if it was in reference to a traffic study. City Manager stated this was not about the traffic study. Alderman Osborne also asked if the Council could over-turn a decision of MPC. City Manager Toney stated she did not think they could in this case. Alderman Osborne asked for an update on the procedural responsibilities of the MPC and more notification on actions they take that affect the City of Savannah as the Council should be informed on matters such as these. City Manager Toney, stated that this could be done, but in the case of the murals, there is no written specific policy on these unauthorized murals panting. Mayor Jackson requested the Council receive a copy of Mr. Pelote's letter.

Mayor Jackson stated that the National League of Cities Women in Municipal Government meeting will be held this weekend in Charleston, SC and several members of Council will be attending and she serves on their board.

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



Dyanne C. Reese, Clerk of Council