

AGENDA

MEETING OF THE MAYOR AND ALDERMEN

NOVEMBER 17, 2011

1. Approval of the summary/final minutes of the Town Hall meeting of October 26, 2011.
2. Approval of the summary/final minutes of the City Council work session/City Manager's briefing of November 3, 2011.
3. Approval of the minutes of the City Council meeting of November 3, 2011.
4. An appearance by Library Director Christian Kruse and Foundation Director Christy Divine to invite the Mayor, Aldermen, and citizens of Savannah to attend the Savannah Children's Book Festival at Forsyth Park from 10 a.m. to 4:00 p.m. on Saturday, November 19, 2011.
- 4.1. An appearance by Beth Robinson of the City's Human Resources Department and Captain Gregory Smedley of the U.S. Army's Partnership for Youth Success Program to announce the establishment of a new partnership between the Army and City that exposes soldiers being honorably discharged with job opportunities in the City organization.

ALCOHOLIC BEVERAGE LICENSE HEARINGS

- 4.2. Stephen Douglas Barnhill, Jr. for Intelligent Aromas, LLC d/b/a The Boiler Room, requesting a liquor, beer and wine (drink) license at 302 Williamson Street, which had a 2011 liquor, beer and wine (drink) license and is located between Barnard Street and Martin Luther King, Jr. Boulevard in District 1. (New business at location) Recommend approval.
- 4.3. Lisa Ann Dellert for 3127 LLC d/b/a Crystal Beer Parlor, requesting to transfer a liquor, beer and wine (drink) license with Sunday sales from Phillip S. Nichols at 301 W. Jones Street, which is located between Jefferson and Montgomery Streets in District 1. (New ownership/manager) Recommend approval.

- 4.4. Stephanie C. Lindley for Byrd Cookie Company of Savannah d/b/a Byrd Cookie Company, requesting a wine (package) with tasting license at 6700 Waters Avenue, which had a 2004 wine (package) license and is located between Eisenhower and Seawright Drives in District 3. (New ownership) Recommend continuing to December 1, 2011 while the Revenue Department reviews a proposed Wine Sampling Ordinance. The applicant has been informed of this recommendation.
- 4.5. Larry McPherson for Mutual Benevolent Society d/b/a The Mutual House, requesting to transfer a liquor, beer and wine (drink) license with Sunday sales at 3030 Barnard Street, which is located between Pearl and W. 44th Streets in District 5. (Transfer) Recommend approval.

PUBLIC HEARINGS

5. Budget Hearing. A hearing to present information and receive comments concerning the proposed 2012 Service Program and Budget.

ZONING HEARINGS

6. Metropolitan Planning Commission (Z-110505-51311-2), recommending a text amendment to the City of Savannah Zoning Ordinance, Article J, Sections 2.0, 6.6 and 7.0, to add definitions and to require aircraft hazard lighting and reflective tape wrapping on wireless telecommunications facilities between 100 and 199 feet in height. As technologies have evolved, more and more wireless telecommunications facilities will be needed to provide the communications, data and entertainment services of the public. Lighting systems and reflective tape are a comparatively low-cost and low impact measure that helps mitigate the dangers of operating aircraft at low altitudes. The proposed amendments would require lighting and reflective taping on all new towers, and where towers are structurally modified under the terms of the ordinance. (Continued from October 6, 2011) Recommend approval. This amendment was requested for safety reasons by Chatham County Mosquito Control and has been approved by the County Commission.
7. Clifton Kennedy (Z-110831-63065-2), requesting an amendment to Section 8-3025(b) of the City of Savannah Zoning Ordinance to allow a church or other place of worship as a permitted use in the B-N (Neighborhood Business) district. The B-N district is designed to provide neighborhood-scale services to areas of from 3,000 to 5,000 people. It is unknown why churches and other places of worship were excluded from the B-N classification, since such uses as clubs or lodges, schools and libraries, and assembly halls are permitted. An amendment to allow churches and other places of worship in the B-N district, consistent with nearly all other commercial classifications in the city, would appear to have no adverse impacts beyond those which may

be associated with other places of public assembly. All uses within the district, including churches or other places of worship, are and would be subject to the appropriate development standards of the district and the required review procedures identified in the Ordinance. Inclusion of churches and other places of worship as a permitted use in the B-N district would also remove a restriction which may be at odds with the Federal Religious Land Use and Institutionalized Persons Act of 2000. Recommend approval.

ORDINANCES

First Readings

8. Budget Ordinance. An ordinance to adopt the 2012 Service Program and Budget proposed by the City Manager with certain changes.
9. Revenue Ordinance. An ordinance to raise revenue for the City of Savannah the same as was adopted and amended for 2011 with certain changes.

First and Second Readings

10. Historic Building Map Amendment (Z-111012-3403-2). An ordinance to amend the Historic Building Map established in Section 8-3030(f), Historic District, Classification of structures, of the City of Savannah Zoning Ordinance to remove the "Historic" classification from the property located at 720-722 Habersham Street. Recommend approval.
11. One Hour Time Zone Request – 0 Block of West Brady, 0 Block of East 34th Street, 100 Block of East 36th Street. An ordinance to authorize one hour time zones on the 0 block of West Brady, 0 block of East 34th Street, and 100 block of East 36th Street. This action has been requested by residents via petition. Mobility and Parking Services conducted a six month trial of the time zones and they were effective in reducing student overcrowding and allowing residents to park on their blocks. Approval of this ordinance would make the trial permanent. (Deferred from October 6, 2011) Recommend deferring to December 1, 2011.
12. 90-Minute Time Zone Request – Bull Street Library/Thomas Square Parking Area. An ordinance to authorize 90-minute time zones for all spaces in the Bull Street Library/Thomas Square parking area. The parking lot is fronted by Bull Street, 35th Street, and Drayton Street. Because of the opening of Arnold Hall parking in this parking area was unavailable for library patrons. At the library's request the spaces were converted to 90-minute zones for a six-month trial. The time zones have proven effective in allowing enough turn over for library patrons to use the lot. (Deferred from October 6, 2011) Recommend deferring to December 1, 2011.

RESOLUTIONS

13. Affordable Housing Fund. A resolution authorizing the creation of an Affordable Housing Fund. Recommend approval.

MISCELLANEOUS

14. Appointments to Boards, Commissions and Authorities.

TRAFFIC ENGINEERING REPORTS

15. West Jefferson Street at Gaston Street. The intersection of Jefferson Street at W. Gaston Street was evaluated for multi-way stop control, and meets the Criteria B (Crash Experience) warrant.

Currently W. Gaston Street stops for Jefferson Street, and there are marked crosswalks across all four legs of the intersection. Sight distance is limited in all directions which is created by a fence on the northeast corner, off-street parking on the southeast corner, a building on the southwest corner, and metered parking on the northwest corner.

The crash criterion for a multi-way stop control is five crashes within a twelve month period. There have been six crashes reported at the intersection for the period from September 1, 2010 thru August 30, 2011. Five of these crashes were "angle" crashes, correctable by traffic control.

Recommend that multi-way stop control be installed at Jefferson Street at W. Gaston Street. In addition, recommend that one metered parking space on the northeast corner be removed to provide a safer line of sight for motorists stopping on Jefferson Street and traveling south. (See attached aerial photo.) Recommend approval.

BIDS, CONTRACTS AND AGREEMENTS

16. Vehicle Batteries – Annual Contract – Bid No. 11.208. Recommend awarding an annual contract to procure vehicle batteries from Interstate Battery System of Savannah in the amount of \$37,331.17. The batteries will be used by the Vehicle Maintenance Department.

Bids were received September 27, 2011. This bid has been advertised, opened and reviewed. Delivery: As Needed. Terms: Net-30 Days. The bidders were:

L.B. ^(D) Interstate Battery System of Savannah	\$	37,331.17
^(D) The Parts House	\$	37,824.88
^(B) O'Reilly Auto Parts	\$	46,918.49

Funds are available in the 2011 Budget, Internal Service Fund/Inventory Vehicle Parts (Account No. 611-0000-11325). A Pre-Bid Conference was conducted and one vendor attended. ^(B)Indicates local non-minority owned business; ^(D)Indicates non-local non-minority owned business. (Deferred from November 3, 2011.) Recommend approval.

17. Deptford Tract Cleanup and Cost Share Agreement. Recommend authorizing the City Manager to enter into an agreement with Greenfield Environmental Savannah Trust LLC (Trust) to implement a Corrective Action Plan approved by Georgia EPD (Environmental Protection Division) for remediation of the Deptford Tract (former municipal landfill) Site HSI No. 10179 under Georgia's Hazardous Site Response Act. The agreement will also amend a June 2003 Cost Share Agreement with the Trust formerly known as Kerr McGee Pigments (Savannah) Inc. (See attached memo.) Recommend approval.

18. Authorization for City Manager to Sign and Administer through Sub-Grant Recipients FY2012 Adult And Dislocated Worker Grant Funds. The City of Savannah has received a "Statement of Grant Award" from the Georgia Department of Labor for Workforce Investment Act (WIA) Adult Programs (\$1,043,083) and Workforce Investment Act (WIA) Dislocated Worker Programs (\$1,066,501). These funds will support "One-Stop" Career Centers that provide job training, preparation and placement services. The grant program year is October 1, 2011 through June 30, 2013.

Pursuant to the Coastal Workforce Services (CWS) Consortium Agreement, recommend approval to authorize the City Manager to receive grant funding and enter into Grant Administration Agreements with sub-grant recipients in accordance with City of Savannah procurement policies and procedures. The grant awards totaling \$2,109,884 provide funding for adult and dislocated workers programs within the nine counties of Service Delivery Region 12: Bryan, Bulloch, Camden, Chatham, Effingham, Glynn, Liberty, Long and McIntosh. Recommend approval.

19. SCADA Annual Maintenance Service Agreement – Sole Source – Requisition No. 1111LAW3182. Recommend awarding an annual maintenance service agreement for the Supervisory Control and Data Acquisition (SCADA) System from Emerson Process Management Power Water & Solutions in the amount of \$58,800.00. The contract is needed to maintain the SCADA equipment at various wells, lift stations, treatment plants and storm water pumping stations.

The reason why a sole source vendor is required is that this Maintenance must be provided by the equipment manufacturer.

Funds are available in the 2011 Budget, Capital Improvement Fund/Capital Improvement Projects/Other Costs/Treatment Plant Capital Maintenance (Account No. 311-9207-52842-SW319). A Pre-Bid Conference was not conducted as this is a sole source purchase. ^(D)Indicates non-local non-minority owned business. Recommend approval.

21. Occupational Health Services – Annual Contract – RFP No. 11.132A. Recommend approval to terminate a contract with Docu Family Medicine Center and award a new contract to Substance Abuse Testing d/b/a Health Awareness for occupational health services in the amount of \$39,750.00. The contract with Docu Family Medicine Center is being terminated because the center and staff have failed to meet the required turnaround time of 24 hours of providing reports of potential/current employees examination; the center is not open all of the required hours specified within the RFP and the physician has failed to communicate with the City's Employee Health and Wellness Coordinator regarding fitness for duty examinations.

The occupational health services include but are not limited to: pre-employment physicals, disability evaluations, and medical records review. These services are provided to City of Savannah applicants and current employees.

The method used for this procurement was the Request for Proposal which evaluates criteria in addition to the costs. The criteria evaluated as part of this RFP were Qualifications and references, evaluation of the program as well as fees. Substance Abuse Testing d/b/a Health Awareness was the second highest ranked proposer and is willing to maintain their pricing as submitted in the original response.

Proposals were received July 12, 2011. The proposal has been advertised, opened and reviewed. Delivery: As Needed. Terms: Net-30 Days. The proposers were:

B.P. ^(F) Substance Abuse Testing of Savannah	\$	39,750.00
^(B) + Docu Family Medicine Center	\$	35,000.00
^(B) Work One/Memorial Health	\$	44,325.00
^(B) Georgia Emergency Associates	\$	53,750.00

Qualification Criteria:	Qualifications & References	Evaluation of Program	Fees	Total
Proposers:	(20 points)	(50 points)	(25 points)	(100 points)
Docu Family Medicine Center	20	49	25	94
Georgia Emergency Associates	20	40	16.3	76.3
Substance Abuse Testing of Savannah	20	35	22	77
Work One/Memorial Health	20	30	19.75	69.75

Funds are available in the 2011 Budget, General Fund/Human Resources/Medical Costs (Account No.101-1103-51290). A Pre-Bid Conference was conducted and three proposers attended. ⁽⁺⁾Indicates proposer terminated; ^(B)Indicates local non-minority owned business; ^(F)Indicate local woman owned business. Recommend approval.

22. Fernwood Curb & Gutter Improvements – Summary Contract Modification No. 2 – Bid No. 08.327 (SP115). Recommend approval of a Summary Contract Modification No. 2 to E & D Contracting Services in the amount of a deduction of \$53,442.51.

The original contract was for the improvement of local drainage by removing roadside ditches, adding curb and gutter, adding a new stormwater system, replacing the road surface and replacing the water mains. This contract modification includes adjustments made in the field that caused changes to the final quantities. Also included in the modification is an amount of a settlement of a claim between the contractor and the City.

Recommend approval of Summary Contract Modification No. 2 to E & D Contracting Services in the amount of a deduction of \$53,442.51. Funds are available in the 2011 Budget, Capital Improvement Fund/Capital Improvement Projects/Other Costs/Fernwood Curb & Gutter Improvements (Account No. 311- 9207-52842-SP115). Recommend approval.

23. Two Midsize 4WD SUV's – Bid No. 11.213 – Savannah/Hilton Head International Airport. The Savannah Airport Commission requests authorization to purchase two midsize 4-wheel drive SUV's from OC Welch in the amount of \$57,432.70. The units will be used primarily by the Security Coordinator and Assistant Director of Operations and will replace unit 5 - 2002 Ford Explorer and unit 10 - 2004 Dodge Durango. The following bids for the midsize 4WD SUV's were received:

L.B. ^(D) OC Welch Ford	\$	57,432.70
^(B) JC Lewis Ford	\$	64,416.00
^(D) Bellamy-Strickland Chevrolet	\$	59,202.00
^(D) Hardy Chevrolet	\$	71,036.00

^(D)Indicates non-local non-minority owned business;^(B)Indicates local non-minority owned business. Recommend approval.

24. Amendment No. 1 to Supplemental Agreement No. 2 with URS Corporation Southern – Savannah/Hilton Head International Airport. The Savannah Airport Commission requests approval of Amendment No. 1 to Supplemental Agreement No. 2 with URS Corporation Southern in the amount of \$56,370.00. The scope of services includes the preparation of construction plans, specifications, reports and related services, and bid, award and construction phase services for installing a Midfield Runway Visual Range (RVR) Visibility Sensor. The midfield RVR will reduce takeoff minimums for the airlines which will help reduce departure delays due to fog. This is a Passenger Facility Charge (PFC) funded project. Recommend approval.

25. Supplemental Agreement No. 11 with URS Corporation Southern for the Gulfstream Site Access Improvements from Airways Avenue – Savannah/Hilton Head International Airport. The Savannah Airport Commission requests approval of Supplemental Agreement No. 11 with URS Corporation Southern in a not to exceed amount of \$38,940.00 for the Gulfstream Site Access Improvements from Airways Avenue. The services include the preparation of construction plans, specifications, reports, and related services, and also bid, award, and construction phase services for Gulfstream Site Access Improvements on Airways Avenue. A left turn/deceleration lane will be added in the median of Airways Avenue eastbound to facilitate turning into the main entrance into Gulfstream’s new facilities. The connector will be constructed across the median between the eastbound and westbound lanes of Airways Avenue opposite the entrance to be constructed for the new Gulfstream facilities, and will provide site access from the west and departure to the east. Recommend approval.

26. Supplemental Agreement No. 12 with URS Corporation Southern for SAV Master Plan Update – Savannah/Hilton Head International Airport. The Savannah Airport Commission requests approval of Supplemental Agreement No. 12 with URS Corporation Southern in the not to exceed amount of \$646,495 for SAV Master Plan Update. On January 28, 2010, City Council approved a supplemental agreement with URS/RS&H/Ricondo team for an amount not to exceed \$898,855 to update the Airport’s Master Plan for FAA approval. Activities were to include: public involvement; description of existing conditions; aviation forecasts; facility requirements; alternatives development and evaluation; airport layout plan update; a facilities implementation plan; a financial feasibility analysis; energy studies; and GIS (Geographic Information Systems) database development.

Based on new discussions with and new guidance received from FAA, the Airport has revised the scope of the Master Plan Update and reduced the cost. Some of the requirements of a full master plan (such as alternatives development and evaluation) are not as intensive for the update of a Master Plan. The Airport has also decided that outside financial assistance is not needed at this point, Ricondo will not be needed, and the energy studies have been scaled back. The other activities remain.

The master plan update will address the need for future improvements to the airfield, passenger terminal and aircraft apron, ground access and parking, land use, and airport support facilities. It will detail the need for expansion of existing facilities or the construction of new facilities on the basis of increases in passenger enplanements. Future annual passenger enplanement levels will be planned for and the Master Plan Update will indicate the various improvements required. A goal of the plan will be to validate how many aircraft operations or passenger enplanements existing facilities can accommodate before reaching capacity or unacceptable levels of delay. Additionally, the study will reassess the operational need for a third runway. Conceptual cost estimates will be prepared for each proposed project. Deliverables will include: working papers and reports; presentation materials; and an executive summary. This is an AIP project. Recommend approval.

27. Building 1224 Parking Lot Repairs and Overlay, City of Savannah Bid No. 11.211-10-15 – Savannah/Hilton Head International Airport. The Savannah Airport Commission requests authorization to enter into a contract with Carroll & Carroll, Inc. in the amount of \$122,164 for the Building 1224 Parking Lot Repairs and Overlay. This project consists of milling, miscellaneous pavement repairs, asphalt overlay, marking, and associated ditch grading and grassing on Building 1224 Parking Lot and drives. The following bids were received:

L.B. ^(D) Carroll & Carroll, Inc.	\$	122,164.00
^(D) Ricketson Construction Co., Inc.	\$	126,021.58
^(D) Savannah Paving, Inc.	\$	127,856.59
^(D) Baker Infrastructure Group, Inc.	\$	138,800.00
^(E) E & D Contracting Services, Inc.	\$	184,178.00

^(D)Indicates non-local non-minority owned business; ^(E)Indicates local woman owned business. Recommend approval.

28. Additional PFC Services – Savannah/Hilton Head International Airport. The Savannah Airport Commission requests approval for additional Passenger Facility Charge (PFC) services by Ricondo & Associates, Inc., in the total amount of \$29,600.00. Ricondo & Associates, Inc. will further prepare PFC Application No. 9 (\$12,600.00) with an airline consultation meeting to increase the PFC collections amounts on the North Aviation Development (NAD) Projects. Ricondo & Associates, Inc. will also prepare a new PFC Application No. 10 (\$17,000.00) for reimbursements of eligible portions of the Airport's modernization projects. The PFC service costs are 100% PFC eligible. The PFC No. 9 and No. 10 applications will be submitted to the Federal Aviation Administration (FAA). Recommend approval.
29. Cooling Tower Piping Upgrade – Bid No. 11.189-9-27 – Savannah/Hilton Head International Airport. The Savannah Airport Commission requests approval to enter into a contract with Mock Plumbing & Mechanical, Inc. in the amount of \$259,900 for the Cooling Tower Piping Upgrade project. The Maintenance Department has programmed to refurbish Cooling Tower No. 2 and to replace the riser pipes on all cooling towers as part of the lifecycle upgrade program. The 2011 combined budget amount is \$190,000. As the bid deadline approached, it was determined that additional valves such as the 12" tower isolation butterfly valves and actuators, and 12" 3-way cooling tower bypass valves and actuators also needed to be replaced. These valves were at first thought to be in good condition; however, upon further investigation it was determined that the valves were allowing bypass which reduced the efficiency of the towers and would require they be replaced. It is more cost efficient to replace the valves, etc., while the riser pipes are being installed to prevent additional future costs in the event a valve failed. While installing these additional valves, all controls, including the additional valves, for each of the cooling towers will be interfaced with the existing automated control system. This interface requires National Electrical Manufacturers Association (NEMA) rated control panels with controllers, relays, transformers, and current switches. Adding the additional items to the original project will result in better pricing as opposed to bidding it separately and waiting until next year. Funds are available to absorb the non-budgeted portion of this project. Mock Plumbing and Mechanical of Savannah was the low bidder at \$259,900.

The bidders were:

L.B. ^(B) Mock Plumbing & Mechanical, Inc.	\$	259,900.00
^(B) Boaen Mechanical	\$	285,785.00
^(D) W.W. Gay Mech Contracting, Inc.	\$	335,467.00

^(B)Indicates local non-minority owned business; ^(D)Indicates non-local non-minority owned business. Recommend approval.

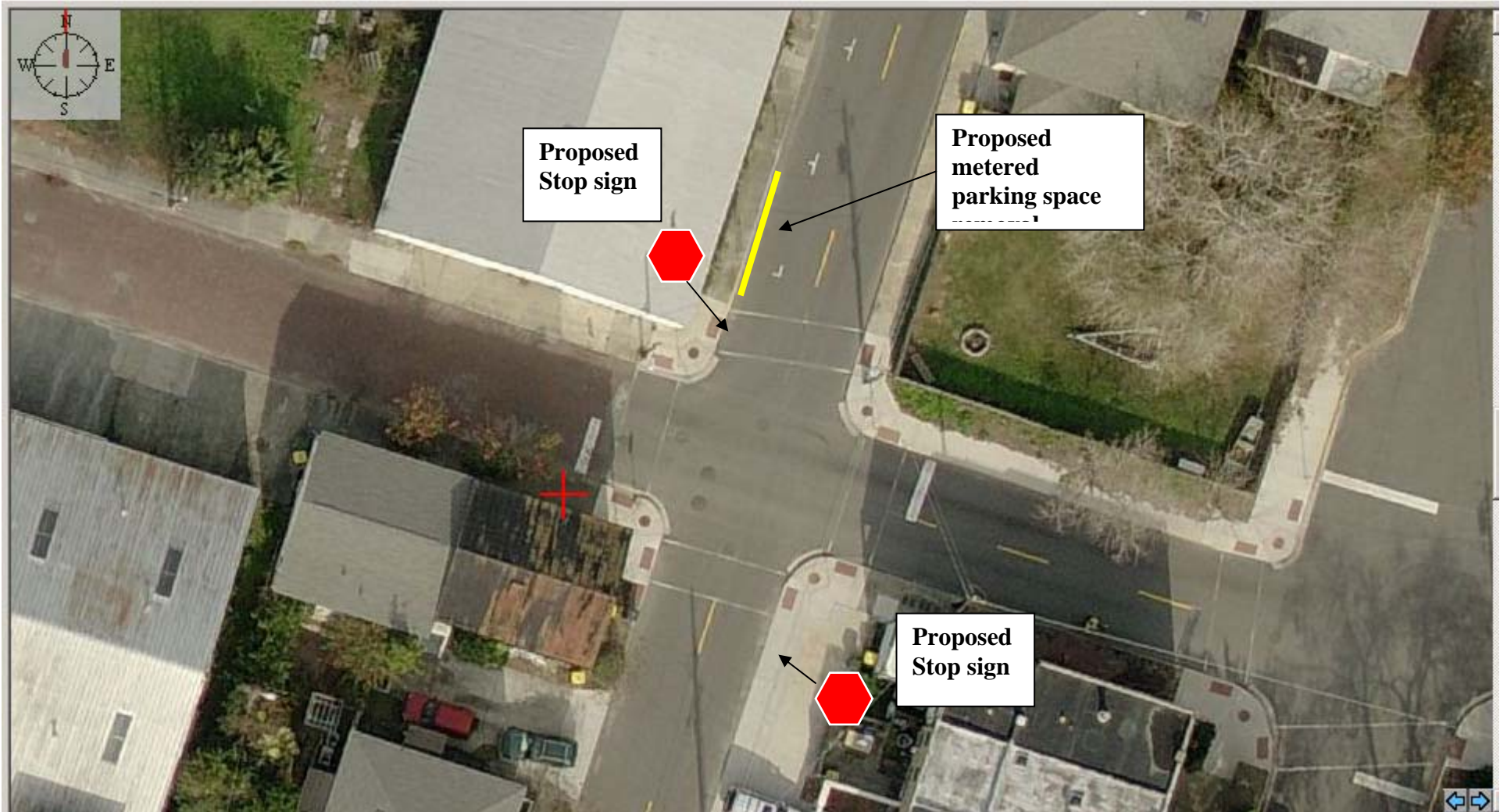
City of Savannah
 Summary of Solicitations and Responses
 For November 17, 2011 Agenda

<u>Bid Number</u>	<u>Annual Contract</u>	<u>Description</u>	<u>Local Vendor Available</u>	<u>MWBE Vendor Available</u>	<u>Total Sent</u>	<u>Sent to MWBE</u>	<u>Total Received</u>	<u>Received From MWBE</u>	<u>Estimated Award Value</u>	<u>Estimated MWBE Value</u>	<u>Low Bid Vendor Type</u>	<u>MWBE Sub</u>	<u>Vendor Type</u>
B11.208	X	Vehicle Batteries	Yes	Yes	50	6	3	0	\$ 37,331.17	0	D	0	0
R11LAW3128		SCADA Maintenance Service Agreement	No	No	1	0	1	0	\$ 58,800.00	0	D	0	0
B11LAW2737		Retrofit of Bar Screen Carriages	No	No	1	0	1	0	\$275,878.39	0	D	0	0
B11.132A	X	Occupational Health Services	Yes	Yes	58	17	4	0	\$ 39,750.00	\$39,750.00	F	0	0
B11.189		Cooling Tower Piping Upgrade	Yes	Yes	127	65	3	0	\$259,900.00	0	B	0	0
B11.211		Building 1224 Parking Lot Repairs and Overlay	Yes	Yes	127	45	5	1	\$122,264.00	0	B	0	0
B11.213		Two Midsize 4WD SUV	Yes	Yes	58	16	4	0	\$57,432.70	0	D	0	0

Vendor(s)*

- A. Local Minority Owned Business
- B. Local Non-Minority Owned Business
- C. Non-Local Minority Owned Business
- D. Non-Local Non-Minority Owned Business
- E. Woman Owned Business
- F. Non-Local Woman Owned Business

Jefferson Street @ West Gaston Street
Proposed Stop sign installations and metered parking space removal





MEMORANDUM

TO: Mayor & Aldermen

FROM: Rochelle Small-Toney, City Manager *RS*

SUBJECT: EPD required investigation of the Deptford Former Municipal Landfill

DATE: November 8, 2011

For nearly 10 years, staff has been involved in a cleanup project with Kerr McGee and its successors under the Georgia Hazardous Site Response Act, HSRA. The City was identified by Georgia EPD, as one of the parties responsible for investigation and clean-up of an old municipal landfill on the former Kerr McGee property along East President Street between the Red Cross Warehouse and Air Liquide. In 2001, EPD requested that the City either conduct an investigation of the site or participate in Kerr McGee's on-going investigation. Following consultation with the City Attorney, staff elected to participate with Kerr McGee.

Records indicate that the City did operate a municipal landfill at this site between 1921 and 1954. The practice at the time was to dump the trash and burn it so the existing residue is mostly noncombustible materials, bottles and metals, and ash. There is no evidence that anyone used the area as a landfill, or for any other purpose, since that time. The former landfill site is approximately 60 acres and is mostly undeveloped and practically inaccessible due to extremely dense vegetation. In the 2001-03 time period all parties, the City, Kerr McGee, and GA EPD believed the investigation was nearing completion and that the cost to complete the investigation and obtain EPD's approval of a Corrective Action Plan, CAP, was expected to be in the range of \$300,000. Implementation of the anticipated CAP was expected to cost in the range of \$600,000 to \$650,000.

In March, 2003, the Mayor and Aldermen authorized the City Manager to enter into a formal agreement with Kerr McGee regarding management of the project and a cost share agreement. At the time Kerr McGee had spent approximately \$700,000 and they wanted the City to pay all on-going costs until the City's costs matched what KM had already spent. In recognition of these prior costs the City agreed to split the ongoing costs on a 75/25 basis but the total expenditure per this agreement was capped at

\$1,000,000, which at the time was believed to be adequate to complete the investigation and to implement the required remediation. Over the past 8 years, each anticipated 'final' submittal to EPD has lead to additional site investigations and the 2003 anticipated \$300,000 cost for site investigation has grown to nearly \$700,000.

Kerr McGee no longer exists. They spun their chemical units, which included the Savannah facilities, off as a separate corporation known as Tronox, and Kerr McGee was acquired by Anadarko, and oil exploration company. Tronox eventually filed for bankruptcy and in the bankruptcy settlement all the property, facilities, and remaining operations at the Savannah site were transferred to an environmental response trust, Greenfield Environmental Savannah Trust, LLC. The beneficiaries of the Trust are: The United States of America and The State of Georgia. The governing board of the Trust is made up of representatives of US EPA and GA EPD. The purpose of the trust is to utilize any income from continuing operations of the manufacturing facilities and/ or the sale of any of the assets, to conduct any environmental remediation required at the site. However, most of the former manufacturing operations have been shut down so there is very little income being generated.

The Trustee has requested that the City amend the existing cost share agreement to remove the \$1,000,000 cap. Staff recommends that a cap remain but that it is raised to \$1.4 million, maintaining the 75/25 cost share ratio. This is consistent with the intent of the original agreement and recognizes that the costs required to complete the assessment, and to develop an EPD approved Corrective Action Plan were actually \$400,000 more than anticipated in 2003. At the \$1.4 million point, the City and the aggregate of the other parties (Kerr McGee, Tronox, and the Trust) would each have invested \$1,050,000 in the site investigation and cleanup.

GA EPD has approved a final Corrective Action Plan (CAP) for the site which will require that most of the site be fenced to prevent access and that for a couple of small areas along the plant access road and on the adjacent Air Liquide property which cannot be fenced, that surface soils be removed and replaced with clean fill. The engineers estimate of cost to complete the CAP is now anticipated to be less than the \$600,000 anticipated in 2003. It is highly probable that the cleanup will be completed without exceeding the \$1.4 million cost share cap.

Staff is recommending that Council authorize the City Manager to enter into an agreement with the trustee to complete this cleanup and to amend the existing cost share agreement to raise the cap to \$1.4 million.

A portion of the City's costs associated with this project are eligible for recovery from the State's Hazardous Waste Trust Fund. Under the Hazardous Site Response Act, HSRA which established the Hazardous Waste Trust Fund, the first \$500,000 of a

municipality's costs required for cleanup of abandoned municipal landfills is eligible for full recovery and 50% of up to the next \$3,000,000 is recoverable. The City has already received reimbursement for the first \$353,355 spent under the current agreement. Should the City's total costs reach \$1,050,000, current worst case estimate, we would expect to receive reimbursement of \$775,000 from the State's Hazardous Waste Trust Fund. Since 2001, the City has spent \$584,637 as its share of the site investigation required by EPD.

Because this is an abandoned municipal landfill, a Capital Improvement Project was established in the Sanitation Fund in 2003 to cover these costs. This fund CIP - SA 601 currently has sufficient funding to cover all anticipated future expenses for this project. The November 2011 balance in the SA-601 CIP fund is \$602,940.