

**MINUTES OF THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF CHATHAM COUNTY, GEORGIA, HELD ON FRIDAY, OCTOBER 22, 2004, IN THE COMMISSION MEETING ROOM ON THE SECOND FLOOR OF THE CHATHAM COUNTY COURTHOUSE, LEGISLATIVE AND ADMINISTRATIVE BUILDING, 124 BULL STREET, SAVANNAH, GEORGIA.**

**I. CALL TO ORDER**

Chairman Billy Hair called the meeting to order at 9:15 a.m., Friday, October 22, 2004.

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**II. INVOCATION**

Mr. Van Johnson gave the invocation.

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**III. PLEDGE OF ALLEGIANCE**

All pledged allegiance to the flag of the United States of America.

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**IV. ROLL CALL**

The Clerk called the roll.

PRESENT: Dr. Billy B. Hair, Chairman  
Frank G. Murray, Chairman Pro Tem, District Four  
Jeffrey D. Rayno, District One  
Joe Murray Rivers, District Two  
John J. McMasters, District Three  
Harris Odell, Jr., District Five  
David M. Gellatly, District Six  
B. Dean Kicklighter, District Seven

ABSENT: Dr. Priscilla D. Thomas, Vice Chairman, District Eight

IN ATTENDANCE: Patrick Monahan, Assistant County Manager  
R. Jonathan Hart, County Attorney  
Sybil E. Tillman, County Clerk

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**YOUTH COMMISSIONERS**

Chairman Hair introduced the following Youth Commissioners who were in attendance: Shanika Bass, a Junior at Windsor Forest High School, Katherine Blackburn, a Sophomore at Savannah County Day, and Kevina Bland, a Junior at Savannah High School.

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## **V. PROCLAMATIONS AND SPECIAL PRESENTATIONS**

### **1. PRESENTATION OF MYSTERY CUSTOMER AWARD WINNERS.**

Chairman Hair recognized Assistant County Manager Pat Monahan.

Mr. Monahan said, thank you, Mr. Chairman. We are today resurrecting the Mystery Customer Award Program, which recognizes the good service and customer skills of various employees. We have an anonymous —, anonymous to who that person is —, who visits various offices and asks tough questions and tries to be a difficult citizen, not too different than we see almost every day in our work lives, and depending upon how the employee handles the customer that employee gets rated, and we have three award winners today and I will turn it over to Mr. Johnson to introduce them.

Mr. Van Johnson said, thank you, Mr. Monahan. Gentlemen, we adopted this program —, you adopted this recognition program six years ago to award employees that render quality customer service, and I'm pleased to report that Chatham County was three for three. We had three County employees were visited at their places of business and these three employees received top marks. In recognition to their commitment to quality customer service, they will receive \$50 and a certificate, and these employees are with us this morning. Our first Mystery Customer Award Winner is Sherry Crawford, who is a Delinquent Tax Technician in the Tax Commissioner's Office.

Ms. Sherry Crawford said, I would just like to acknowledge the fact I'm working for the County and it's a great pleasure to work for the Chatham County and especially in the Tax Commissioner's Office. I think that Mr. Danny Powers and Robert Johnson are very great, I mean, very great bosses to work for. I couldn't ask for a better one and I want to say thank you and I really enjoy working for Chatham County.

Mr. Robert Johnson said, for the ones I've never met, my name is Robert Johnson. I'm Chief Deputy Tax Commissioner and also Delinquent Tax Administrator for the County. Sherry [Crawford] came to work for us about a year ago and you've got to remember she not only works for the Tax Commissioner's Office, she works for the Delinquent Office, which is a everyday situation that we have up there of problems or most of them are problems. She's front line, she's front window. She's there all the time and her and her fellow staff members what they go through every day, and I want to commend her for the professionalism that she conducts herself with every day and I appreciate the recognition that y'all have given her today. Thank you. Ms. Crawford said, thank you.

Commissioner Kicklighter said, Mr. Chairman. Chairman Hair said, yeah. Commissioner Kicklighter said, I just want to say that Sherry [Crawford], I'm proud she can even stand up there and smile today because I know nobody calls her that's actually happy when they have delinquent taxes. We appreciate what you're doing there.

Mr. Johnson said, our second recipient this morning is Shirley Mitchell, who is employed as a Cashier II in Juvenile Court. Judge Beam is also with her.

Ms. Shirley Mitchell said, I'd like to say good morning to everyone and I thank the committee for choosing me for this wonderful award and I'm at Juvenile Court. I've been there about seven years and I do enjoy working there and I enjoy working with the public and Judge Beam. Judge Beam and I —, I do enjoy working with him. I don't get to see him that often, but I enjoy the court, and thank you again.

Judge John Beam said, Shirley [Mitchell] collects the money that the people have to go out and pay after coming to the court, so nobody is in a good mood when they see her, but she does a wonderful job. And thank you so much for this program. Thank you. Chairman Hair said, thank you.

Mr. Johnson said, and our final recipient this morning is Yolanda Russell, who is a Deputy Sheriff in the Sheriff's Department, and Sheriff St. Lawrence and the entire Sheriff's Department is here this morning. Chairman Hair said, congratulations. Ms. Russell said, thank you. Chairman Hair asked, would you like to make any remarks?

Ms. Yolanda Russell said, good morning. I would like to thank the Sheriff, Under-Sheriff, the County Commissioners, Jail Administrator, and Administrator's staff, and I just want to say that I'm happy that a program like this was implemented for the workers and it really encourage us to work harder at what we do, and I just say thank you.

Chairman Hair recognized Sheriff St. Lawrence.

Sheriff St. Lawrence said, Mr. Chairman and members of the Commission, the other two recipients that they talk about tough jobs, I guess all of the jobs are tough when you're dealing with the public. Officer Russell is assigned to Lobby and Control and that's a very difficult job, listen to all the visitors who come into. They have to be thorough with the visitor, they have to be thorough what they're weighing in. Attorneys come there and it's a very [inaudible] and difficult and stressful job and Officer Russell's been with us about four years. She is an outstanding employee and I'm glad that she was recognized this morning and I hope the day will come to pass that you'll recognize the department head too with a check. Thank you.

Chairman Hair recognized Commissioner Odell.

Commissioner Odell said, Al [St. Lawrence], I simply have to thank you. I come to the jail at least one or two times a week and I've been doing it for 25 years and I have noticed that since you've been Sheriff that there is a can-do attitude and the people cooperate, they're pleasant. And that doesn't mean that you always say yes to requests, but it means that citizens

and people who come there are treated with dignity and respect, and I attribute that to you. Sheriff St. Lawrence said, thank you. We've done a lot of things to make it a little easier for the public. For instance, we put a television in that lobby. Before people would sit around and get agitated because they couldn't get in right away and now they've got CNN News or something up there and they can sit there and watch that and in a few minutes their name is called and they go on with their visitation, but coming into the jail, you have to be very thorough with the individual as well as what they bringing because it would amaze you on the kind of stuff that we intercept that people try to bring in there. But thank y'all very much for recognizing her.

Chairman Hair said, thank you, Mr. Sheriff. Thank y'all for being here. Chairman Hair recognized Youth Commissioner Bass.

Youth Commissioner Bass asked, I want to know who actually picked the winners and is there a specific job that you have to have to become an award winner? Chairman Hair said, Mr. Monahan can probably address this more than I, but basically it's a mystery shopper that nobody knows who it is. That's the person that does the picking and then they just give y'all the names. Is that correct? Mr. Monahan said, that's correct. We get the names and the funding comes from the Human Resources Department budget.

Chairman Hair said, okay. Thanks.

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## **VI. CHAIRMAN'S ITEMS**

### **1. PRESENTATION BY MICHAEL EDWARDS FROM THE PUBLIC DEFENDER'S OFFICE.**

The first item is a presentation by Michael Edwards, who is the Director of our new Public Defender's office, and also I think Mr. Danny DeLoach is going to be here. If y'all will come forward.

Mr. Danny DeLoach said, good morning. Y'all are aware in the past I have come before this body to give you a check to give to the State to offset our Indigent Defense Program. Well, I've got good news and bad news. I don't have anymore checks; however, the good news is we have a Public Defender now who will be taking office January 1<sup>st</sup>. As with the rest of the State, this is a revolutionary time for indigent defense. There will be a Public Defender in every office, and I think Chatham County's made a very, very excellent choice in Mr. Edwards. I do not have the check today, but Mr. Edwards does, and I will turn him over to you.

Chairman Hair said, thank you, Danny [DeLoach].

Mr. Edwards said, good morning. Mr. Chairman, Commissioners, I'm Michael Edwards. Thank you for letting me be here this morning and thank you especially, Mr. Chairman, for getting this on the agenda late. Chairman Hair said, no problem, glad to do it.. Mr. Edwards said, I appreciate that. Let it never be said that the Public Defender's office approached the County Commission requesting a check before one was offered. I am here this morning to deliver the Clerks and Sheriffs' Distribution Check for Fiscal Year 2004. As I'm sure you all know, Georgia Code § 15-16-27 provides for cash bonds to be placed into an interest-bearing trust account and on a regular basis, quarterly, every 30 days or what not, those monies have been —, historically have been remitted to the Georgia Indigent Defense Counsel, which is the predecessor body of what is now the Georgia Public Defenders Standards Counsel. The GIDC then distributes these checks to the County as their portion or allotment of the total amount of money earned in these interest-bearing accounts, and this morning I have the distinct pleasure of presenting to you what is not only the County's allotment for the Fiscal Year 2004 Clerks and Sheriffs' Distribution Check, but it's actually the sixth largest check distributed to the 159 counties in the State of Georgia. I have with me this morning and look forward to handing over to you a check from the Judicial Branch of the State of Georgia in the amount of \$17,193.16. Chairman Hair said, I'll come down and get it. I always come get checks. Thank you, Michael [Edwards]. Thank you very much. We appreciate y'all being here today.

Mr. Edwards said, if I could just very, very —, I promised Chairman Hair that I would be brief, and I will, but I can't be here this morning without just taking a very quick moment to offer some public gratitude to people that have helped us to this point in getting the Public Defender's office set up. As I'm sure you can all imagine, this is a daunting task. And I couldn't possibly thank everybody, I would be sure to miss somebody if I started listing off all the names of the people that have been helpful, but there are a few people that I just want to take a quick moment to thank publicly. First and foremost is Mr. DeLoach and the folks in the Court Administrator's office. They have just been a tremendous resource, could not possibly have been more helpful and accommodating. Of course, they have all the answers and they give them to me, and I'm very grateful for that. So thank you again for that. Mr. Abolt, who of course isn't here this morning, Mr. Monahan and everybody in the County Manager's office, the entire staff has just been extremely helpful and I want to take the opportunity to thank those people. Ms. Cramer and her staff in Finance, Mr. Kaigler in Human Resources, all his staff have been extremely helpful, as have many, many others, but those folks have really gone above and beyond the call to try to answer my questions and respond to my inquiries, and I want to thank everybody for that. We are working diligently to get this office up and fully operational on January 1<sup>st</sup>. That is our task, it is our statutory mandate and it is our intention. We still have quite a lot to do, but I feel like and I hope that Mr. DeLoach, Mr. Monahan and others will echo the sentiment that we have made a tremendous amount of progress. We have a very short period of time left and still quite a lot to do, but we're going to continue to work and I just will ask each and every one of you to continue your support and to assist us as we get to this final element of setting up this office. We will be tendering to the Commission within the next couple of weeks we hope, after Finance has had an opportunity to make some reviews and the County Manager's office has made some reviews, a funding request. As the Sheriff mentioned when he was getting ready to leave a few moments ago, those are not uncommon for the Commission and we recognize that and know that that's a process that we need to get through and work

through together so I'm going to welcome any questions or any comments now or at any point in time concerning the Public Defender's office, its setup, its operation or just any points of interest that you might want to discuss with me. In closing, it is my intention —, we had hoped that the next week we might have a big meeting at the Courthouse. I think that probably that meeting is going to be put off a week. I've been out of town so much I'm just not sure that we're quite ready to make a presentation next week, but we're going to have a presentation probably somewhere around November 4<sup>th</sup>. You will all be invited to that meeting. We're going to have sort of a town hall meeting, if you will, and just give everybody an opportunity to learn as much as they are interested in knowing about the Public Defender's office. So, once again, thank you. I appreciate all of your support to this point and ask for it to continue. Thank you.

Chairman Hair said, thank you, Michael [Edwards]. We appreciate it. Chairman Hair recognized Youth Commissioner Blackburn.

Youth Commissioner Blackburn said, I was just wondering on the latest —, Attorney Michael Edwards said that this is one of the largest checks offered, and what exactly determines the amount of the check and do you know what these checks will —, to the County Commission what the check will be going to? Chairman Hair asked, Mr. Edwards, how is that determined? Mr. Edwards said, Mr. DeLoach is probably better to answer that. Chairman Hair said, I suspect it has something to do with population or —. Mr. DeLoach said, it's based on the case load of Chatham County, the indigent case load, and the check will go back into the General Fund to help fund the Indigent Defense Program. Youth Commissioner Blackburn said, thank you.

Chairman Hair said, thank you. Good question. Thanks, Ms. Blackburn. Okay, thank y'all for being here.

#### **ACTION OF THE BOARD:**

Mr. Michael Edwards, Director of the Public Defender's office, presented to Chatham County a check from the Clerks and Sheriffs' Distribution Council in the amount of \$17,193.16 to offset the County's Indigent Defense Program.

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## **2. CREATION OF A THIRD RECORDER'S COURT JUDGE.**

Chairman Hair said, our next is the item that we added in the pre-meeting, is to create the third Recorder's Court judge. At our last meeting we asked staff to go back and ensure that there was monies in the budget to do that including all of the ancillary costs and the staff has done a good job of going back and making sure that the monies are there to create it and I think the wishes of the Commission last time was to create it but only if the monies obviously were there and on a recurring basis, and the staff's done that. So I think we're prepared to make a motion to create the third Recorder's Court judge.

Commissioner Rivers said, so moved. Chairman Hair asked, second? Commissioner McMasters said, second. Chairman Hair asked, any discussion? All those in favor —. Commissioner Odell said, just brief discussion. Chairman Hair said, sure.

Commissioner Odell said, I think we tied with that if we have a third judge then we also have the preliminary hearings, which not only saves money but is a necessary step, and now those have been suspended. We need to have preliminary hearings.

Chairman Hair said, thank you. Chairman Hair recognized Commissioner Kicklighter.

Commissioner Kicklighter said, this will eliminate the need, Harris [Odell], for so many judge pro tems rotating in and out of there and —. Chairman Hair said, right. Commissioner Kicklighter said, — we'll have a more stable system also.

Chairman Hair said, absolutely. All those in favor of the motion vote yes, opposed no. The motion carried unanimously. [NOTE: Commissioner Thomas was not present.] Chairman Hair said, the motion passes. Thank you.

#### **ACTION OF THE BOARD:**

Commissioner Rivers moved that a third judge in Recorder's Court be created, this to include the reinstatement of preliminary hearings and also to reduce the number of pro tems being used by the Recorder's Court. Commissioner McMasters seconded the motion and it carried unanimously. [NOTE: Commissioner Thomas was not present.]

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## **VII. COMMISSIONERS' ITEMS**

- 1. PLANTERS COMMON STREETLIGHT DISTRICT, MRS. JOANNE WILLIAMS (COMMISSIONER MCMASTERS). (Postponed from meeting of October 8, 2004.) See attached memo from County Attorney.**

Chairman Hair recognized Commissioner McMasters.

Commissioner McMasters said, thank you, Mr. Chairman. Ms. Williams, you're with us this morning. Would you please join us at the podium? Good morning. I'd like to for the benefit of the viewers on Chanel 16 make a clarification. I received a call from a gentleman in Isle of Hope who, after watching the retransmission of the last Commission meeting, called me and did not leave his number. I would have returned his call and not publicly mentioned this, but he was under the understanding after watching the meeting that in fact what Ms. Williams and her neighbors wanted to accomplish was going to be paid by taxpayers, and I'd like Mr. Hart or Mr. Monahan to clarify that so that all citizens will understand that this is a self-imposed service fee.

County Attorney Hart said, sure. At the last Commission meeting there was a request by the citizens to follow our —, in an attempt to follow our streetlighting ordinance, it requires 51% of the people who want streetlights to be put in their subdivision to vote positively for it. It's been difficult in this particular subdivision, given to the size, given to the mailing problems, to get 51% of the votes returns. However, of the votes that are returned, they're running 80-85% in favor of the district, and a question was asked at the last Commission meeting as to whether there is the ability of the Commission to form a special service district, and we felt that there was that opportunity, but we wanted to take some time to look at it to see how it would have to be done. Now what a special service district does is it allows this Commission to define that district and once it defines the district, then we can put the streetlights service in place, but the people within that special service district would be assessed for the cost of placing those street —, that streetlight system within that district because they are the ones asking for it and they're receiving the special benefit. That can be done, but it requires also 51% of the vote of the people within that district in order for the County even to go out and borrow money to do that, which brings you back to the 51% we couldn't get under the streetlight ordinance. So if we can work a situation out where SEPCO, the utility company, is willing to front-end advance the money to put the service in, then it's just a simple matter of taking the cost of that service, figuring out how long the district wants to finance that for and then they will receive an assessment to pay the cost of the installation of the streetlights and also the cost of service —, electricity, for example —, to run the streetlights and maintenance of the streetlight system. So there's really no cost to taxpayers, out of pocket money out of general funds. It will be a simple matter that the neighborhood itself will pitch in together and each person will pay their little bit of share.

Commissioner McMasters said, thank you for that clarification. What this matter —, I'll remind us that Ms. Williams and a large number of her neighbors are trying to create is a safer, better lit neighborhood wherein children's safety, citizen's safety, crime prevention can all be facilitated through a streetlighting district, and by the way we now do not build subdivisions without them, but unfortunately Ms. Williams and her neighbors' area predates it, and I greatly appreciate the County Attorney's clarification on the possible creation of a special service district. What I would like to do is this. We know from all the time that Ms. Williams and her neighbors have spent in trying to reach a 51% majority in a framework of 360 property owners, we know that 48, roughly 14%, were undeliverable and even after additional research we still have this high, high number of undeliverable. So what I would like to —, I'd like to make a motion relative to this. I'd like the County Attorney to draft an amendment to our existing streetlighting ordinance wherein all undeliverable property owner ballots and notifications will be promptly re-sent via certified mail. After an adequate amount of time for a response, which will be recommended by the County Attorney, those owners who have not responded will be excluded within the final vote tally.

Chairman Hair said, okay we have a motion. We probably need to put one caveat on it as to the legality of it. I'm sure you'll do that naturally, but I at least want to make sure —. Commissioner McMasters said, yeah. Chairman Hair said, — he'll research the legal ways to do that. You understand —? County Attorney Hart said, [inaudible]. Chairman Hair said, yeah, within the perimeters of state law and —. County Attorney Hart said, if I can, I'll try to figure it out —. Commissioner McMasters said, John and I had discussed whether or not notification by certified mail, return receipt, was enough due diligence, and his initial thinking was that it was. So I'd like to help these —, this community, these neighbors try to advance. They've dedicated an immeasurable amount of time and energy to create a better neighborhood and safer environment, and I think this is a real simple thing to do.

Chairman Hair said, okay, we have a motion. Do we have a second? Commissioner Rayno said, second. Commissioner Rivers said, second. Chairman Hair said, okay. Commissioner Kicklighter and then Commissioner Odell.

Commissioner Kicklighter said, one other legal question. I like the idea, but could a renter legally vote on something that would bind the future of a —. Chairman Hair said, no, no. Commissioner Kicklighter said, — homeowner. Chairman Hair said, it's got to be the owner, definitely has to be the owner. Commissioner Kicklighter said, okay. So that will have to be worked into that amendment somehow where the owner of the property has to get that rather than the renter. Chairman Hair said, well, I think that's already —, you're talking about in terms of the mail-in. Yeah, okay.

Chairman Hair recognized Commissioner Odell.

Commissioner Odell said, good morning, Ms. Williams. Jon [Hart], we have two options basically that boils down to be the same thing. County Attorney Hart said, right. Commissioner Odell said, we've got to get 51%, and this motion it's my understanding that a new —. Pardon me? County Attorney Hart said, 51% will be to incur the debt on the special service district. If we avoid incurring debt by having the utility [inaudible] create the situation, and I think that's what we're going to end up seeing. Commissioner Odell said, okay, and that is to get SEPCO to front load the cost. Mr. Monahan said, just as a point of explanation, Savannah Electric does up-front the cost on each of these streetlighting districts, whether it's a —, on a new district. Commissioner Odell said, okay. Mr. Monahan said, so there is no incurring of debt by the County. Commissioner Odell asked, have we —, what kind of volume are we talking about for these kinds of requests? Mr. Monahan said, the annual —. Commissioner Odell asked, is this the first one that we've seen? This is the first one I've seen in a good while. Mr. Monahan said, well, it's the first one I've seen in almost 20 years. The annual cost is somewhere between \$15 and \$16 per lot. Commissioner Odell said, over which the lighting, the benefits clearly outweigh the cost. I have no problems with that.

Chairman Hair said, okay, thank you. Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, yeah. We have had streetlighting districts we voted on —. Mr. Monahan said, not the creation of an existing subdivision. Now new subdivisions, yes. New subdivisions it's mandatory. Commissioner Murray said, no, I'm saying that we have had just like in several of the areas on Wilmington Island, we've had it done because I remember turning in the petitions. Mr. Monahan said, okay, I stand corrected. Commissioner Murray said, and we have it approved. One was —, oh, what is it off of Quarterman? Commissioner Odell asked, how long ago, Frank [Murray]? Commissioner Murray said, it's been since I've been on the Commission. Mr. Monahan said, Harbor Creek maybe. Commissioner Murray said, Harbor Creek was one we did because there was some discussion about the poles. We did the same thing at Dutch Island and there was some discussion about where the lighting would go, but we have done it and the ordinance has brought —, I mean, this is a unique situation they have, but we haven't run into the problems that they've run into in the past, but we have done several since I've been on the Commission that were actually in the Fourth District. Mr. Monahan said, okay.

Chairman Hair said, I think this not only solves this problem but I think it solves a few problems in the [inaudible] government. Chairman Hair recognized Commissioner Rivers.

Commissioner Rivers said, Mr. Chairman and fellow Commissioners, can we ask the County Attorney to proceed with going to Savannah Electric and see if they would up-front it. Chairman Hair said, but they already —, they do that now anyway. They do that for the existing ones so I'm sure they will. Commissioner Rivers said, then let's put a motion to the floor to go ahead and proceed to —. Chairman Hair asked, why don't we just add that to Commissioner McMasters's motion, could you do that, Commissioner McMasters? Commissioner Rivers said, okay, to install them. Commissioner McMasters said, yes, I would accept. Chairman Hair said, you accept. Who seconded it? Commissioner Rayno said, I thought I did. Commissioner Rivers said, I did. The Clerk said, you both did. County Attorney Hart asked, are you talking about proceeding under special service district? Commissioner Odell said, yes. Chairman Hair said, yes, yes.

County Attorney Hart said, we're going to have to have —. Chairman Hair said, well, you've got to first do the legality of it and make sure we can do it. County Attorney Hart said, I need to bring that back to you for a first and second —. Chairman Hair said, yes. County Attorney Hart said, — type situation if it's going to be by ordinance or resolution. Chairman Hair said, right. County Attorney Hart said, but you will have it in the next two weeks. Chairman Hair said, that's all this does.

Commissioner Rivers asked, Jon [Hart], is that the best direction that we may be going in or do you suggest us going in a different direction? I noticed some unreadiness that —, Pat [Monahan], did you want to —. Mr. Monahan said, I'm just —, I'm a little bit confused. I was listening to Commissioner McMasters make a motion to amend the streetlighting ordinance as a procedural way to count these non-returned ballots, but then I hear Commissioner Rivers —, are you saying as a special service district and proceed with creating it now? Commissioner Rivers said, right.

Chairman Hair asked, why don't we —? Commissioner Odell said, two different motions. Chairman Hair said, yeah, we have to —. [NOTE: Inaudible comments when several Commissioners began speaking at the same time.] Chairman Hair said, what I would suggest maybe is we could have the County Attorney research them both at the same time and come back with, you know, the pros and cons of each one. But let's go ahead and vote on Commissioner McMasters's motion first and then, Commissioner Rivers, I'll call on you. Commissioner Rivers said, okay. Chairman Hair said, the motion that Commissioner McMasters made, all those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Thomas was not present.] Chairman Hair said, the motion passes. Now, Commissioner Rivers.

Commissioner Rivers said, Mr. Chairman, I move that we proceed —, have staff and the staff attorney to proceed with creating a special service district to —. Chairman Hair asked, does the motion have a second? Commissioner Murray said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Thomas was not present.] Chairman Hair said, the motion passes.

Commissioner Kicklighter said, can I add onto —, just adding on there also, all new residential neighborhoods are required to have a streetlighting district. Several Commissioners said, right. Commissioner Kicklighter said, this basically is not us throwing extra expenses on people. This is bringing up to date all of our older neighborhoods where all of our newer neighborhood are with the safety of lighting. So people should have the lighting in their areas to protect all the homeowners.

Commissioner Murray said, the way they do that is they have to have 51% of the residents in that subdivision sign a petition. Commissioner Kicklighter said, well, the new subdivisions —. Commissioner Murray said, the new ones not, yeah, that's right. Commissioner Kicklighter said, it's doing in the —, yeah, from the beginning.

Chairman Hair recognized Commissioner Odell.

Commissioner Odell said, I would like to have —, Pat [Monahan], I'll address this to you. I think we make certain assumptions and that is I assume that the greater the light, that in comparable situations it reduces crime. Mr. Monahan said, yes sir, there's definitely a public safety element. Commissioner Odell asked, can we —, can we just get a memo confirming that from our Chief of Police? Mr. Monahan said, yes sir, I will get that. Commissioner Odell said, because we should have that information. Mr. Monahan said, yes sir.

Chairman Hair said, okay. Thank you. Thank you, Ms. Williams. We appreciate you —, you've been very dogmatic about this and we appreciate all the hard work you've done as well.

Ms. Joanne Williams said, good morning to everyone. Commissioners, the County Attorney and also to Mr. Pat Monahan, I really thank you for your interest in listening to us as property owners and also residents who actually live in that subdivision, especially Mr. Pat Monahan. When I first received a letter concerning the results of the ballots and when I was talking to him, I told him, I said, well, Mr. Monahan, this is not a good enough answer, and he listened. He said, Ms. Williams, give me two weeks, and he's a man of his word, and I thank all of you for being people of your word and also thinking about the interest of the citizens. Thank you very much.

Chairman Hair said, thank you, Ms. Williams. Thanks a lot.

**ACTION OF THE BOARD:**

Commissioner McMasters moved that, as may be allowable by law, the County Attorney draft an amendment to our existing streetlight ordinance wherein all undeliverable property owner ballots and notifications will be promptly re-sent via certified mail and after an adequate amount of time for a response, which will be recommended by the County Attorney, those owners who have not responded will be excluded from the final vote tally. Commissioners Rayno and Rivers seconded the motion and it carried unanimously. [NOTE: Commissioner Thomas was not present.]

Commissioner Rivers moved that staff and the County Attorney be directed to create a special service district for Planters Common. Commissioner Murray seconded the motion and it carried unanimously. [NOTE: Commissioner Thomas was not present.]

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**2. COMMISSIONERS' SALARIES FOR CHANNEL 16 AND WEBSITE (COMMISSIONER MCMASTERS).**

Chairman Hair recognized Commissioner McMasters.

Commissioner McMasters said, thank you, Mr. Chairman. I have spent a lot of time as of late talking and meeting constituents and the one thing that is a common misperception is that the general public believes that we Commissioners, excluding the Chairman, make somewhere between \$50,000 and \$80,000 a year. Commissioner Rayno asked, we do? Commissioner McMasters said, no, we — Commissioner Odell said, [inaudible]. Commissioner McMasters said, I wouldn't be voting for that, Harris [Odell]. The truth of the matter is and for the Youth Commission, we make approximately \$14,000 a year as Commissioners and because of this widespread misperception, I thought it would be very helpful to have our salaries posted on our website as well as on our government channel, Channel 16. I think more information is the best possible scenario to fix this misperception, so I would like to —, I don't know if it requires a motion, but if everyone's in concurrence, could we ask staff to —. Chairman Hair said, we don't need a motion. We can do it by consensus. Commissioner McMasters said, okay.

Chairman Hair said, thank you. Chairman Hair recognized Commissioner Odell.

Commissioner Odell asked, can we also add onto that like the Tax Assessors, what they receive also in that —. Commissioner McMasters said, sure. Commissioner Odell said, — that probably would be a concern, and I guess my point is that is there somewhere, Jon [Hart], Pat [Monahan], in that we are a public organization, if I wanted to know, say, what we pay Russ Abolt, there's somewhere that I can go for that. Is that true? Mr. Monahan said, yes sir. Commissioner Odell said, and if I wanted to know what we pay the Sheriff, for example, there's somewhere the general public can go to get that information. Is that true? Mr. Monahan said, yes sir. If I can give a plug, the League of Women Voters provides an annual survey of governments and lists the salaries for every public official, Commissioners, my salary, Tax Commissioner, anyone that's considered part of an executive staff, and the governing boards of every —, of every board within the government, the League of Women Voters provides that information annually. That's probably the best source. We provide that information, but also the City of Savannah, the State Legislators, the Governor. But anyone that needs that information can obtain it from us directly. Commissioner Odell asked, would it be a problem for us to put that on our website and update it? Commissioner Odell said, no sir, it would not be.

Chairman Hair said, some counties, I tell you, when I lived in Augusta what they would do is they had a threshold and they printed salaries of everybody, I think it was \$100,000 or above or \$50,000 or above, I can't remember, but they did a threshold and everybody's salaries above that threshold was printed publicly. They even printed it in the paper. I'm not suggesting we do that because there will be some costs associated with that, but I'm just saying it's not —, we're not breaking new ground here. Many counties have done this for years, so I think it's all the amendments have been good amendments. Chairman Hair recognized Commissioner Kicklighter.

Commissioner Kicklighter said, and I'll add on there, I drive like an old 1999 convertible. Some people driving the new Porsches and Mercedes and Lexuses, y'all might get that a little more than people in regular old cars, you know, so you might want to downscale. I don't get questioned for being rich here too often, you know.

Chairman Hair said, thank you.

**ACTION OF THE BOARD:**

The Board by consensus requested that staff place on the website and on the government channel, Channel 16, the salaries of the Commissioners, the Tax Assessors, and anyone considered part of Chatham County's executive staff.

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**VIII. TABLED/POSTPONED ITEMS**

Unless action is contemplated at today's meeting, staff report and file material has not been duplicated in your agenda packet. The files are available from the Clerk. Those on which staff is requesting action are indicated by asterisk (\*).

- 1. RECORDER'S COURT JUDGE APPOINTMENT (COMMISSIONER MCMASTERS). (Reconsideration requested by Commissioner McMasters at meeting of October 8, 2004.) See attached budget information from Finance Department.**

Chairman Hair said, we discussed this in the pre-meeting. I don't think there's any need to reconsider this now. This is a process issue. All those in favor —. The motion does not require a second. It's automatically reconsidered because it was entered into the minutes, so all those in favor of reconsideration vote yes, opposed vote no and the original action will stand. What's that?

Commissioner Rivers said, I thought he was going to withdraw that since we —. Chairman Hair said, well, we can't withdraw it because it was tabled. We have to first have to take it off the table and then —. It's not tabled, I'm sorry. It's recon—. Commissioner Rivers said, whomever moved to and the second can withdraw. I mean, that's not a problem.

Chairman Hair asked, do you want to withdraw? Commissioner McMasters said, if that's the case, then I'll withdraw it. Chairman Hair said, okay, very good. Withdrawn, that takes care of it. Thanks.

**ACTION OF THE BOARD:**

This item was withdrawn from reconsideration by Commissioner McMasters.

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**IX. ITEMS FOR INDIVIDUAL ACTION**

(Unless the Board directs otherwise, adoption of an Action Item will mean approval of the respective County staff report and its recommended action.)

None.

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**X. ACTION CALENDAR**

(The Board can entertain one motion to adopt the below-listed calendar. Such motion would mean adoption of staff's recommendation. Any Board Member may choose to pull an item from the calendar and it would be considered separately.)

Chairman Hair said, we're going to pull Items #5 for Commissioner Kicklighter, #6 for Commissioner McMasters and #11-B Commissioner Rayno. I'll entertain a motion to approve the balance of the Action Calendar. Commissioner McMasters said, so moved. Chairman Hair asked, second? Commissioner Odell said, second. Chairman Hair said, all those in favor vote yes, opposed vote no —. I'm sorry. The motion carried unanimously. [NOTE: Commissioner Thomas was not present.] Chairman Hair said, the motion carries. Chairman Hair recognized Youth Commissioner Bland.

[NOTE: See Item #3 for a question by Youth Commissioner Bland on that item and staff's response.]

**ACTION OF THE BOARD:**

Commissioner McMasters moved that the Action Calendar be approved in its entirety with the exception of Items 5, 6 and 11-B. Commissioner Odell seconded the motion and it carried unanimously.

[NOTE: ACTION OF THE BOARD IS SHOWN ON EACH ITEM AS THOUGH AN INDIVIDUAL MOTION WAS MADE THEREON.]

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- 1. APPROVAL OF THE MINUTES FOR THE PRE-MEETING AND REGULAR MEETING OF OCTOBER 8, 2004, AS MAILED.**

**ACTION OF THE BOARD:**

Commissioner McMasters moved to approve the minutes for the pre-meeting and regular meeting of October 8, 2004, as mailed. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioner Thomas was not present.]

=====

**2. CLAIMS VS. CHATHAM COUNTY FOR THE PERIOD SEPTEMBER 30 THROUGH OCTOBER 13, 2004.**

**ACTION OF THE BOARD:**

Commissioner McMasters moved that the Finance Director is authorized to pay claims for the period September 30, 2004, through October 13, 2004, in the amount of \$5,907,668. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioner Thomas was not present.]

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**3. REQUEST FROM ABERCORN COMMONS, L.L.L.P., FOR THE COUNTY TO QUITCLAIM A DRAINAGE AND UTILITY EASEMENT CROSSING THE PROPERTY KNOWN AS ABERCORN COMMONS IN THE CITY OF SAVANNAH.  
[DISTRICT 1.]**

Youth Commissioner Bland said, I had a question about what was the point about Abercorn Commons, why they didn't want the utility and drain crossing the property? Chairman Hair asked, which item is that, #3? Youth Commissioner Bland said, Item #3. Mr. Monahan said, I can explain it, Mr. Chairman. This is actually an easement that the County inherited or the County originally held and then that property was —, when the City of Savannah annexed it, that easement became the responsibility of the City of Savannah and the property owner has requested that the County adopt a quitclaim deed to remove its interest in the property, which is no longer a functioning easement regardless. So it's just mainly to remove a cloud on the property title so that the property can be developed. Youth Commissioner said, thank you. [NOTE: Commissioner Thomas was not present.]

Chairman Hair said, okay, thank you.

**ACTION OF THE BOARD:**

Commissioner McMasters moved to approve the request from Abercorn Commons, L.L.L.P., for the County to quitclaim a drainage and utility easement crossing the property known as Abercorn Commons in the City of Savannah. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioner Thomas was not present.]

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**4. REQUEST FROM KERN-COLEMAN, ENGINEER FOR COASTAL GEORGIA DEVELOPMENT GROUP, TO RECORD THE SUBDIVISION PLAT FOR MILLS RUN, PHASE 2, AND ACCEPT THE SUBDIVISION AGREEMENT AND FINANCIAL GUARANTEE AND RECOMBINE THIS PHASE INTO THE EXISTING BRANDLEWOOD STREETLIGHT ASSESSMENT DISTRICT.  
[DISTRICT 5.]**

**ACTION OF THE BOARD:**

Commissioner McMasters moved to approve the request from Kern-Coleman, engineer for Coastal Georgia Development Group, to record the subdivision plat for Mills Run, Phase 2, and accept the subdivision agreement and financial guarantee and recombine this phase into the existing Brandlewood Streetlight Assessment District. Commissioner Odell seconded the motion and it carried unanimously.

=====

**5. REQUEST BOARD APPROVAL TO ENTER INTO AN INTER-GOVERNMENTAL AGREEMENT WITH EACH PARTICIPATING MUNICIPALITY FOR THE COUNTYWIDE CANAL MAINTENANCE PROGRAM.  
[ALL DISTRICTS.]**

Chairman Hair recognized Commissioner Kicklighter.

Commissioner Kicklighter said, thank you, Mr. Chairman. I just want to state for the record that this is part of the old LOST negotiations and in this agreement it provides for a three part program that consists of, one, canal cleaning to remove the silt, vegetation and debris; two, spraying herbicide to reduce the aquatic growth; and, three, mowings of the canal right-of-ways. And I just want that in the record, but this is part of that old agreement.

Chairman Hair said, I'll entertain a motion. Commissioner Kicklighter said, motion to approve. Chairman Hair asked, second? Commissioner Rivers said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Thomas was not present.] Chairman Hair said, the motion passes.

**ACTION OF THE BOARD:**

Commissioner Kicklighter moved to approve the request to enter into an intergovernmental agreement with each participating municipality for the countywide Canal Maintenance Program. Commissioner Rivers seconded the motion and it carried unanimously. [NOTE: Commissioner Thomas was not present.]

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**6. REQUEST BOARD AUTHORIZE PAYMENT OF \$61,540 TO THE FRANK CALLEN BOYS & GIRLS CLUB AS THE BALANCE OF FUNDING DESIGNATED FOR THE ORGANIZATION'S CAPITAL OUTLAY PROJECT FROM THE 1993-1998 SPLOST.**

Chairman Hair recognized Commissioner McMasters.

Commissioner McMasters said, thank you, Mr. Chairman. I want to tell you how much this pleases me that this residual money can be dispensed to the Frank Callen Boys & Girls Club, and I want to commend Commissioner Rivers, who, I believe, originally in this '93 to '98 SPLOST ensured that the funding was in place there. There was a planning meeting earlier in the Spring, and with Commissioner Murray's —, Joe Murray Rivers' help and my help we were able to actually go back and see if there was some residual funding for their needs. Staff worked very well with us. We were able to identify that, and I'm gratified that we were able to disburse this today and I want to thank Joe Murray Rivers for his leadership role with Frank Callen Boys Club.

Chairman Hair said, I'll entertain a motion. Commissioner McMasters said, so moved. Chairman Hair asked, second? Commissioner Rivers said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Thomas was not present.] Chairman Hair said, the motion passes.

**ACTION OF THE BOARD:**

Commissioner McMasters moved to approve the request to authorize payment of \$61,540 to the Frank Callen Boys & Girls Club as the balance of funding designated for the organization's capital outlay project from the 1993-1998 SPLOST. Commissioner Rivers seconded the motion and it carried unanimously. [NOTE: Commissioner Thomas was not present.]

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**7. REQUEST BOARD APPROVE AN AGREEMENT WITH THE SAVANNAH-OGEECHEE CANAL SOCIETY THAT WOULD AUTHORIZE THE ORGANIZATION TO USE SPLOST 1998-2003 FUNDS TOWARD COMPLETION OF THE SAVANNAH-OGEECHEE CANAL PROJECT IN KEEPING WITH THE JANUARY 2001 MASTER PLAN.**

**ACTION OF THE BOARD:**

Commissioner McMasters moved to approve an agreement with the Savannah-Ogeechee Canal Society that would authorize the organization to use SPLOST 1998-2003 funds toward completion of the Savannah-Ogeechee Canal Project in keeping with the January 2001 Master Plan. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioner Thomas was not present.]

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**8. REQUEST BOARD APPROVAL TO EXECUTE AN AGREEMENT FOR DISBURSAL OF SPLOST FUNDS FOR AMERICA'S SECOND HARVEST OF COASTAL GEORGIA.**

**ACTION OF THE BOARD:**

Commissioner McMasters moved to authorize the execution of an agreement for disbursement of SPLOST funds for America's Second Harvest of Coastal Georgia. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioner Thomas was not present.]

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**9. REQUEST BOARD APPROVAL TO EXECUTE AN AGREEMENT FOR DISBURSAL OF SPLOST FUNDS FOR HOSPICE SAVANNAH.**

**ACTION OF THE BOARD:**

Commissioner McMasters moved to authorize the execution of an agreement for disbursement of SPLOST funds for Hospice Savannah. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioner Thomas was not present.]

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**10. REQUEST BOARD APPROVAL TO EXECUTE QUITCLAIM DEED ON BEHALF OF WILLIAM REISER FOR PROPERTY LOCATED AT 906 WILMA STREET, KNOWN AS LOT 34, GRAYS SUBDIVISION.  
[DISTRICT 1.]**

**ACTION OF THE BOARD:**

Commissioner McMasters moved to approve the execution of a quitclaim deed on behalf of William Reiser for property located at 906 Wilma Street, known as Lot 34, Grays Subdivision. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioner Thomas was not present.]

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**11. REQUEST BOARD APPROVAL TO AWARD BIDS AS FOLLOWS: (Please note that new purchase thresholds of \$10,000 or more have been enacted; however, contracts and change orders of a lesser amount still will appear.)**

<b>ITEM</b>	<b>DEPT.</b>	<b>SOURCE</b>	<b>AMOUNT</b>	<b>FUNDING</b>
A. Two (2) Mini Excavators	•SPLOST •Water & Sewer	L. B. Smith	\$106,542	•SPLOST (2003-2008) - General Drainage (\$59,966) •Water & Sewer (\$46,576)
B. Purchase and installation of emergency equipment on 19 new police vehicles	SPLOST	West Chatham Warning Devices	\$38,386.21	SPLOST (2003-2008) - Police Merger
C. Labor cost associated with upgrading E-911 Telephone System	Savannah-Chatham Metropolitan Police Department	BellSouth (Sole source)	\$27,000	E-911 Budget
D. Renewal of annual maintenance agreement for preventive maintenance and inspection of the HVAC equipment located at the Aquatic Center	Aquatic Center	Boaen Mechanical Service	\$11,750	General Fund/M&O - Aquatic Center
E. Purchase of six (6) open top containers for Drop-Off Centers	Solid Waste Management	Waste Equipment/LM Inc.	\$28,008	Solid Waste Management
F. Award of an annual contract with automatic renewal options for four (4) additional one year terms for Legislative Liaison Services	Commission	Lee Hughes	\$30,000	General Fund/M&O - Commissioners

**As to Item 11-A through Item 11-5, except Item 11-B:**

Commissioner McMasters moved to approve Items 11-A through 11-F, except Item 11-B. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioner Thomas was not present.]

**As to Item 11-B:**

**Purchase and installation of emergency equipment on 19 new police vehicles; SPLOST; West Chatham Warning Devices; \$38,386.21; SPLOST (2003-2008) - Police Merger.**

Chairman Hair recognized Commissioner Rayno.

Commissioner Rayno said, there was a statement in the *Savannah Morning News* on a Sunday by one of the candidates running against one of the people on this Commission saying that this Board did not replace emergency vehicles and we did not provide the police with the equipment they needed, when in fact I pointed out numerous times we bought numerous vehicles, and today we're approving safety equipment for 19 of the new police vehicles. So, the statements were made in the *Savannah Morning News* by this candidate that the County does not replace emergency vehicles or give them the equipment they need was totally erroneous and false, and you'll see we continue to support the police when they need equipment.

Chairman Hair said, I'll entertain a motion. Commissioner Rayno said, so moved. Chairman Hair asked, second? Commissioner McMasters said, second. Chairman Hair recognized Commissioner Kicklighter.

Commissioner Kicklighter said, I just want to ask the source of funding comes from the West Chatham Warning Devices, that's because the devices have already been installed and this is left over revenues. Right? Chairman Hair said, no, that's just the vendor. That's the vendor, the company that we're buying them from. Commissioner Kicklighter said, okay, source. Okay, the amount's SPLOST. Okay, good.

Chairman Hair said, okay. All those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Thomas was not present.] Chairman Hair said, the motion passes.

**ACTION OF THE BOARD:**

1. Commissioner McMasters moved to approve Items 11-A through 11-F, except Item 11-B. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioner Thomas was not present.]
2. Commissioner Rayno moved to approve Item 11-B. Commissioner McMasters seconded the motion and it carried unanimously. [NOTE: Commissioner Thomas was not present.]

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**XI. FIRST READINGS**

Proposed changes to ordinances must be read or presented in written form at two meetings held not less than one week apart. A vote on the following listed matters will occur at the next regularly scheduled meeting. Comments, discussion and debate from members of the public will be received only at the meeting at which a vote is to be taken on one of the following listed items.

1. **THE PETITIONER, HAL EVANS, EM COMMERCIAL, LLC, AGENT (FOR KERN-COLEMAN AND COMPANY, OWNER), IS REQUESTING REZONING 5616 OGEECHEE ROAD FROM R-A (RESIDENTIAL-AGRICULTURE) AND P-B (PLANNED BUSINESS) ZONING CLASSIFICATIONS TO A P-B (PLANNED BUSINESS) ZONING CLASSIFICATION. THE MPC RECOMMENDED DENIAL OF A P-B CLASSIFICATION BUT FURTHER RECOMMENDED APPROVAL OF AN ALTERNATE P-B-N (PLANNED NEIGHBORHOOD-BUSINESS) CLASSIFICATION.  
MPC FILE NO. Z-040818-34882-1-1  
[DISTRICT 7.]**

Chairman Hair read this item into the record as the first reading. Commissioner Rayno asked, could I make a simple statement? Chairman Hair said, certainly. Sure.

Commissioner Rayno said, the public should know that this is an example of the MPC doing derogative [inaudible] to be a bait and switch, which you're going to see in the future when they come to the public and they ignore the Land Use Plan that they approved earlier and they say, well, it could have been worse, but we made it less damaging to the character of the neighborhood, and I just see it as a bait and switch and I see that historically down the road you're going to see more of this as they ignore the Land Use Plan, and people need to be aware if it's your neighborhood and your character that you're worried about, you'd better stand up now because these people will pave your neighborhoods over for their own personal profit.

Chairman Hair said, thank you, Commissioner Rayno. The second reading will be at the next meeting and everybody can speak on that item that would like to speak on it.

**ACTION OF THE BOARD:**

Chairman Hair read this item into the record as the first reading.

**AGENDA ITEM: XI-1**  
**DATE: October 22, 2004**

**TO: BOARD OF COMMISSIONERS**  
**THRU: R. E. ABOLT, COUNTY MANAGER**  
**FROM: THOMAS L. THOMSON, EXECUTIVE DIRECTOR**

**LEGAL NOTICE/AGENDA HEADING:**

The petitioner, Hal Evans, EM Commercial, LLC, Agent, (for Kern-Coleman and Company, Owner), is requesting rezoning 5616 Ogeechee Road from an R-A (Residential-Agriculture) and P-B (Planned Business) zoning classifications to a P-B (Planned Business) zoning classification. The MPC recommended DENIAL of a P-B

classification but further recommended APPROVAL of an alternate P-B-N (Planned Neighborhood-Business) classification. MPC File No. Z-040818-34882-1-1.

**ISSUE:**

The rezoning of a 5.43 acre portion of a 9.0 acre tract of land from an R-A (Residential-Agriculture) zoning classification to a P-B (Planned Business) zoning classification.

**BACKGROUND:**

The subject property is located in southwest Chatham County, on the north side of Ogeechee Road approximately 400 feet west of its intersection with Silk Hope Road. The petitioned area was rezoned from an A-T (Agriculture-Tourist) classification to its present R-A classification in conjunction with the Chatham County Comprehensive Zoning Study on September 13, 1985. The eastern portion of the 9.0 acre tract fronting on Ogeechee Road was rezoned from A-T and R-A classifications to its present P-B classification on October 11, 1985. With the exception of a telecommunications tower that is located in the middle of the tract, the site is undeveloped.

The most recent rezoning of properties in the general area are: 1) a 6.5 acre tract of land approximately 500 feet south of the petitioned site from an R-A classification to a P-A-T (Planned Agriculture-Tourist) classification on June 13, 1997; and, 2) a 10 acre tract of land approximately 2,000 feet north of the petitioned site from an R-A classification to a P-B-C (Planned Community Business) classification on September 25, 1998. With the exception of these areas, the zoning within the general vicinity has remained unchanged the past 15 years.

**FACTS AND FINDINGS:**

1. **General Vicinity:** The development within the immediate vicinity includes motels, manufactured home and shed sales, light industrial uses, a shopping center, and single family residential. There has been minimal change in the development pattern of this area in the past few decades. However, growth in the southwest portion of Chatham County (including the development of Berwick Plantation, which is approximately .25 miles to the south) and improvements to Highway 17 have spurred new development in the area.

The land uses and zoning districts surrounding the subject property include:

<u>Location</u>	<u>Land Use</u>	<u>Zoning</u>
North	Vacant Land Single Family Residential	R-A
South	Vacant Land Mobile Homes	R-A
East	Vacant Land	P-B
West	Vacant Land	R-A

2. **Proposed Development:** The petitioner seeks to rezone the site for the purpose of constructing a self-storage mini-warehouse complex. The petitioner has submitted a concept plan that shows the layout of the warehouse complex. The majority of the development is located within the portion of the site that is presently zoned P-B. The development extends approximately 160 feet into the portion of the site that is zoned R-A. The petitioner seeks to rezone a 5.43 acre portion of the site to accommodate the western portion of the warehouse complex as well as to create a 3.6 acre commercial site to accommodate undefined future development.

3. **Existing R-A Zoning District:**

- a. **Intent of the R-A District:** According to the Zoning Ordinance, the purpose of the R-A district is to “protect those rural areas within the urban expansion areas of the county for future urban development, and to protect certain rural highway roadside areas against strip development which can lead to traffic congestion, traffic hazards, and roadside blight.”
- b. **Allowed Uses:** The uses allowed within the R-A district appear in the attached chart.

- c. **Development Standards:** The development standards for the R-A district appear in the attached table (Table 1).
4. **Proposed P-B Zoning District:**
- a. **Intent of the P-B District:** According to the Zoning Ordinance, the purpose of the P-B district is to “create and protect areas in which heavy commercial and certain industrial-like activities are permitted.”
- b. **Allowed Uses:** The uses allowed within the P-B district appear in the attached chart.
- c. **Development Standards:** The development standards for the P-B district appear in the attached table (Table 1).
5. **Land Use Element:** The Chatham County Comprehensive Plan Future Land Use Map designates the subject property as Single Family Residential. However, because a portion of the property is zoned for commercial use, this classification should be changed to Retail / Office / Commercial.
6. **Transportation Network:** The eastern 3.57 acre portion of the site that is presently zoned P-B is accessed by Ogeechee Road, an existing paved public street with a varied right-of-way. There is an existing 60 foot private vehicular access and utility easement extending from Ogeechee Road through an adjacent panhandle lot. The 100 foot wide panhandle portion of the adjacent lot extends to the western lot line of the subject site. The existing access easement provides ingress/egress to the telecommunications tower site.
- According to Street Classification Map Number 1 of the Chatham County Zoning Ordinance, Ogeechee Road is classified as a major arterial street. The 2002 Average Daily Traffic count for Ogeechee Road between Dean Forest Road and Quacco Road was 15,900 vehicles. The section of Ogeechee Road from Dean Forest Road to Abercorn Street is presently under construction to improve the road to a four lane facility. The project is nearly complete.
7. **Public Services and Facilities:** The property is served by the Southside Fire Department and the Savannah - Chatham County Metropolitan Police Department. The site will be developed with a private well and individual on-lot septic tank system. The City of Savannah and Consolidated Utilities water and sewer and sanitary sewer systems are in close proximity to the site. However, neither entity has existing lines that can serve the site.
8. The parent tract has dual zoning classifications that vary in intent and the uses allowed. The R-A district allows residential uses (single family detached dwellings, duplexes, and manufactured homes) as well as a limited number of non-residential uses including cemeteries, agricultural activities, religious institutions, and child care centers. In comparison, the P-B district is a commercial district that allows a broad range of uses that range from greenhouses, offices, religious institutions, motels, grocery stores, cocktail lounges, vehicle and boat sales, prefabricated structure sales, warehousing, and truck terminals. A single zoning classification for the parent tract would promote consistency with regard to the type of development and the development standards.
9. Because the immediate vicinity consists of residential and commercial uses, a less intensive commercial classification than the P-B district would be appropriate. The B-N (Neighborhood Business) district is an alternative that would allow the petitioner to develop the proposed uses and to have the option to develop the property for other types of commercial uses such as offices, department stores, and restaurants. However, it would preclude the more intensive uses allowed by the P-B district.
10. Any development of the property would require site plan review by the MPC because of its location on an arterial roadway. However, if the property is rezoned, “P” designation would make the site plan requirement more apparent to the public. A “P” district is intended to “provide areas within which comprehensive development plans shall be prepared for review by the MPC or MPC staff in order to secure an orderly development pattern. Such districts are considered overlay districts and the uses permitted in such districts are those uses permitted in the zoning district which they overlay.”

#### **SUMMARY OF FINDINGS**

1. Will the proposed zoning district permit uses that would create traffic volumes, noise level, odor, airborne particulate matter, visual blight, reduce light or increased density

of development that would adversely impact the livability or quality of life in the surrounding neighborhood?

Yes\_\_\_ No X

2. Will the proposed zoning district permit uses that would adversely impact adjacent and nearby properties by rendering such properties less desirable and therefore less marketable for the type of development permitted under the current zoning?

Yes\_\_\_ No X

3. Will the proposed zoning district permit uses that would generate a type or mix of vehicular traffic on a street or highway that is incompatible with the type of land use development along such street or highway?

Yes\_\_\_ No X

4. Will the proposed zoning district permit uses that would generate greater traffic volumes at vehicular access points and cross streets than is generated by uses permitted under the current zoning district to the detriment of maintaining acceptable or current volume capacity (V/C) ratio for the streets that provide vehicular access to the proposed zoning district and adjacent and nearby properties?

Yes\_\_\_ No X

5. Will the proposed zoning district permit uses or scale of development that would require a greater level of public services such as drainage facilities, utilities, or safety services above that required for uses permitted under the current zoning district such that the provision of these services will create financial burden to the public?

Yes\_\_\_ No X

6. Will the proposed zoning district permit uses or scale of development that would adversely impact the improvement or development of adjacent and nearby properties in accordance with existing zoning regulations and development controls deemed necessary to maintain the stability and livability of the surrounding neighborhood?

Yes\_\_\_ No X

7. Will the proposed zoning district permit development that is inconsistent with the comprehensive land use plan?

Yes X No\_\_\_

**ALTERNATIVES:**

1. Approve the petitioner's request to rezone the property from an R-A classification to a P-B classification.
2. Approve an alternate P-B-N zoning district.
3. Deny the petitioner's request.

**POLICY ANALYSIS:**

The proposed P-B classification would allow an intensive commercial zoning district to be located adjacent to residential uses. An alternate P-B-N classification would be more compatible for the area.

**RECOMMENDATION:** The MPC and Director of Building Safety and Regulatory Services recommend **DENIAL** of the request to rezone a portion of the parent tract from an R-A (Residential Agriculture) classification to a P-B (Planned Business) classification but further recommend **APPROVAL** of an alternate zoning classification to rezone the parent tract from R-A and P-B classifications to a P-B-N (Planned Neighborhood Business) classification. **APPROVAL** of a change of the Future Land Use Map designation from Single Family Residential to Retail / Office / Commercial.

PREPARED BY: Charlotte Moore, AICP, Director  
Development Services

September 24, 2004

Gregori Anderson, Director  
**BUILDING SAFETY AND REGULATORY SERVICES**

**DATE:** SEPTEMBER 21, 2004  
**TO:** CHATHAM COUNTY COMMISSION  
**FROM:** METROPOLITAN PLANNING COMMISSION  
**SUBJECT:** MPC ZONING RECOMMENDATION

**PETITION REFERENCED:**

Hal Evans, EM Commercial, LLC, Agent  
(for Kern-Coleman and Company, Owners)  
MPC File No. Z-040818-34882-1

**MPC ACTION:** Approval of a P-B-N Designation  
Denial of a P-B Designation

**MPC STAFF RECOMMENDATION:** Approval of a P-B-N Designation  
Denial of a P-B Designation

**MEMBERS PRESENT:** 10 + Chairman

Timothy Mackey, Chairman  
Robert L. Ray, Treasurer  
Michael Brown  
John P. Jones  
Walker McCumber  
Freddie B. Patrick  
Lacy A. Manigault, Secretary  
Russell Abolt  
Melissa Jest  
Stephen R. Lufburrow  
Lee Meyer

<b><u>VOTING FOR MOTION</u></b>	<b><u>VOTING AGAINST MOTION</u></b>	<b><u>*ABSENT OR **FAILING TO VOTE</u></b>
Michael Brown	John P. Jones	None
Russ Abolt	Melissa Jest	
Lacy A. Manigault		
Stephen R. Lufburrow		
Walker McCumber		
Lee Meyers		
Freddie B. Patrick		
Robert Ray		

**FOR APPROVAL:**  8       **FOR DENIAL:**  2       **ABSTAINING:**  0

Respectfully submitted,  
  
/s/ Thomas L. Thomson  
  
Thomas L. Thomson  
Executive Director

/bhs  
Enclosure

**Petition of Hal Evans, EM Commercial, LLC, Agent  
(for Kern-Coleman and Company, Owners)  
MPC File No. Z-040818-34882-1**

MPC recommends that the following described property be rezoned from its present R-A (Residential-Agriculture) and P-B (Planned Business) zoning classifications to a P-B-N (Planned Neighborhood-Business) classification.

**LEGAL DESCRIPTION**

Beginning at a point located on the centerline of U S Hwy 17 approximately 600 feet south of its intersection with the centerline of Derrick Inn Road, thence proceeding in a southerly direction along the centerline of U S Hwy 17 a distance of approximately 190 feet to a point, thence proceeding in a northwesterly direction along a line North 39 degrees 55 minutes West for a distance of approximately 1290 feet to a point, thence northeasterly along a line parallel to the centerline of U S Hwy 17 a distance of approximately 370 feet to a point; thence

proceeding in a southerly direction along a line South 39 degrees 55 minutes East for a distance of approximately 950 feet to a point, thence southwesterly along a line parallel to the centerline of U S Hwy17 a distance of approximately 200 feet to a point, thence southerly along a line South 39 degrees 55 minutes East back to the point of beginning.

The property is further identified by Property Identification Number as follows:

P.I.N.: 1-0991 -01-008A

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**XII. SECOND READINGS**

None.

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**XIII. INFORMATION CALENDAR**

**1. PROGRESS REPORT ON GENERAL FUND CONTINGENCY ACCOUNT - M&O AND THE SPECIAL SERVICE DISTRICT (SEE ATTACHED).**

**ACTION OF THE BOARD:**

A written report was received as information.

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**2. LIST OF PURCHASING ITEMS BETWEEN \$2,500 AND \$9,999 (SEE ATTACHED).**

**ACTION OF THE BOARD:**

A written report was received as information.

**AGENDA ITEM: XIII-2**

**DATE: October 22, 2004**

List of Purchasing Items between \$2,500 and \$9,999  
That Do Not Require Board Approval

<u>ITEM</u>	<u>DEPT.</u>	<u>SOURCE</u>	<u>AMOUNT</u>	<u>FUNDING</u>
Annual Maintenance on HVAC at the Administrative Annex	Police Department	McDevitt Air	\$3,480	SSD - Police Department
Annual Ductline Rental	I.C.S.	Savannah Electric & Power Co.	\$2,500	General Fund/M&O - Communications
Application of silt fence at Thomas Ave Landfill	Solid Waste Management	Coastal Grass & Landscaping, Inc.	\$5,400	Solid Waste Management
Miscellaneous grinder parts (The Beast Grinder)	Solid Waste Management	All American Grinding Equipment (Sole source)	\$7,238	Solid Waste Management
One (1) laptop computer	I.C.S.	Dell Marketing, L.P.	\$3,455	General Fund/M&O - Mosquito Control
Eight (8) file cabinets	Superior Court Clerk	VIP (WBE)	\$4,398	Bond Fund - Record Storage Facility
120 gallons of Aqua Neat Herbicides	Public Works and Park Services	Red River Specialties Inc.	\$2,550	SSD - Public Works
Miscellaneous office furniture	Juvenile Court	Miller's of Savannah	\$9,095	General Fund/M&O - Juvenile Court

<u>ITEM</u>	<u>DEPT.</u>	<u>SOURCE</u>	<u>AMOUNT</u>	<u>FUNDING</u>
1200 - 8" Deputy Sheriff bear in traditional Chatham County Sheriff's Uniform (DARE Program)	Sheriff Department	Art's Toys Manufacturing Co., Inc.	\$3,480	General Fund/M&O - 50% Drug Surcharge
Sheetmetal Tool	Mosquito Control	Aircraft Tool Supply Co., Inc.	\$2,925	General Fund/M&O - Mosquito Control
800 gallons of field marking paint	Public Works and Park Services	Regal Color Center, Inc.	\$3,758	General Fund/M&O - Recreation Department
Fire alarm and smoke detector cleaning and maintenance	Facilities Maintenance & Operations	Southeastern System Technologies	\$4,918	General Fund/M&O - Facilities Maintenance & Operations
Consulting Services to implement Mapping and Novalis upgrades	Assessor	ESRI	\$4,810	General Fund/M&O - Assessor
Vibration and crack monitoring on Stephenson Avenue Widening Project	SPLOST	W.P.C.	\$7,000	SPLOST (1985-1993) - Stephenson Avenue Widening Project
Proposal for Geotechnical exploration and evaluation on the Hutchinson Island West Ramp	SPLOST	W.P.C.	\$9,900	SPLOST (1985-1993) - Talmadge/Hutchinson Island
Removal of tree hazards	SPLOST	R.B. Baker Construction, Inc.	\$5,000	SPLOST (1985-1993) - Truman Parkway Phase III
Cutting and clearing at SR307	SPLOST	T Clearing	\$4,420	SPLOST (1998-2003) - Hardin Canal
Geotechnical exploration at Highway 80 and Conaway Road	SPLOST	B.P. Barber & Associates, Inc.	\$3,850	SPLOST (1998-2003) - Conway Branch Canal
Right of entry and temporary license for Maintenance Agreement for Sugarland Properties	SPLOST	W.J. Pope/Sugarland Properties LLC	\$2,635	SPLOST (1998-2003) - Halycon Bluff - Row
Two (2) power edge 2850 Intel Xeon servers	SPLOST	Dell Marketing, L.P.	\$4,913	SPLOST (1998-2003) - Library Technology Equipment
Provide reinforced concrete wingwalls to existing box culvert at Grove Point Road, tailgate structure to control road and maintain stability	SPLOST	Shaw Environmental, Inc.	\$6,500	SPLOST (1998-2003) - Fawcett Canal

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### 3. ROADS AND DRAINAGE REPORTS.

#### ACTION OF THE BOARD:

Written reports were received as information.

AGENDA ITEM: XIII-3

DATE: October 22, 2004

**TO:** Board of Commissioners

**THRU:** R. E. Abolt, County Manager

**FROM:** A. G. Bungard, P.E., County Engineer

**ISSUE:** To provide information on the status of Chatham County road projects.

**BACKGROUND:** The schedules for construction are dictated by the GDOT allocations of funds among the Congressional districts and balancing of the Chatham Urban Transportation Study (CUTS) Transportation Improvement Program (TIP). The current TIP was approved by the CUTS Policy Committee on September 22. Key milestone events are summarized in the attached table.

#### **FACTS AND FINDING:**

1. Truman Parkway.
  - a. Phase 3. The main line from DeRenne Avenue to Eisenhower was opened to traffic March 19. The remaining section to Montgomery Cross Road should be complete in November 2004.
  - b. Phase 4. Construction continues on the bridge at Montgomery Cross Road and on the roadway to Whitfield Avenue. Phase 4 should be complete by November 2005.
  - c. Phase 5. The Local Government Project Agreement (LGPA) was approved by the GDOT on September 11, 2001. Design is underway. Based on an analysis of alternatives for terminating Phase 5 at Abercorn, the Concept Report was revised to tie into Abercorn with an at-grade intersection instead of a bridge over Abercorn. The concept team meeting was held on September 24, 2003, in Atlanta. In the meantime, the FHWA required that GDOT conduct a Value Engineering Study (VE) because the project cost will be over \$25M. GDOT staff is preparing a report to FHWA. In accordance with the Plan Development Process, an approved Concept Report is a prerequisite to finalizing the Preliminary Design and Right of Way plans.
2. Jimmy DeLoach Parkway, Phase 2 (I-16 to US 80). Another revised Final EA with a Finding of No Significant Impact (EA/FONSI) was forwarded to the GDOT on September 15, 2004, and is still pending FHWA approval. This project was re-programmed to 2007 in the TIP update.
3. US 17, Ogeechee River to SR 204: Under construction. The projected completion is May 2005.
4. Middleground Road/Montgomery Cross Road Widening. Despite the past performance in Chatham County, the GDOT awarded the contract to APAC in May 2004. Clearing of the right of way continues. Placement of plastic storm drain piping has begun along the Montgomery Cross Road section of the project. Scheduled completion is May 2006.
5. Stephenson Avenue. Storm drain work is 90% complete and water line work is 95% complete. The sanitary sewer work is behind schedule and was supposed to be completed by June 30, 2004. To sanitary sewer lateral lines between Hodgson and Abercorn remain to be installed and a short section of the main sewer line remains to be tied in near Abercorn. The asphalt leveling that was part of the revised staging plan has been completed. The long awaited traffic shift between Hodgson Memorial and Waters Avenue to the north side of the roadway was accomplished on October 12. The contractor has now started the grading work on the south side of the roadway. The contractor agreed to install individual temporary ramps into each business between the raised north side roadway and the driveways on the south side. These ramps will have to be taken out and rebuilt as they stage the work raising the south side up to the elevation of the north side. Once this is completed and the curbing is installed, permanent driveways will be constructed at each business location.

On April 30, 2004, the Board approved a change order to finish the project using a different staging plan and reconciling all known disputes to date with the contractor. The contract completion date is November 30, 2004. It is very doubtful that the contract work will be completed by that date. A \$450 per day liquidated damage fee will be imposed if APAC does not meet that date.

As a result of their failure to stay on schedule, the County Engineer continues to refuse to grant a retainage reduction request from 10% to 5% (\$123,536 reduction not granted) of the completed work. Until such time as they can catch up to the schedule, the retainage will remain at 10%.
6. Skidaway Widening: The FHWA approved the Draft EA on March 5, 2003, for advancement to public hearing. The public hearing was held May 13. The Final EA with a FONSI was forwarded to the GDOT on November 26, 2003. The Final EA is pending FHWA approval.
7. Whitfield Avenue Widening. The FHWA approved the EA/FONSI on February 13, 2004. The County is now authorized to proceed with preliminary design. When the preliminary design is approved, right of way plans can be prepared. The consultant completed preliminary design in June. By letter dated June 30, 2004, the GDOT is now requiring that the preliminary design include the landscaping before scheduling the Preliminary Field Plan Review (PFPR).

8. Diamond Causeway Widening. Consultant submitted a revised Draft EA to GDOT on October 24, 2002. The GDOT endorsed the EA to the FHWA for review on November 19, requesting comments by December 31, 2002. Received minor review comments from FHWA dated March 7, 2003, part of which required an amendment to CUTS TIP to comply with the justification for logical termini. The amendment to the TIP was approved at the CUTS Policy Committee meeting on July 23, 2003. Staff is awaiting approval by the FHWA to advance to public hearing. Staff was advised on November 13, 2003, that the FHWA sent the Draft EA to the U.S. Coast Guard for coordination. Apparently the Draft EA was misplaced by the Coast Guard. In September the County sent another copy to the Coast Guard. FHWA recently advised that approval of the draft EA by FHWA will be forthcoming shortly.

9. US 80/SR26

a. Lynes Parkway to Victory Drive. The GDOT is preparing the EA and working with the City of Savannah on the impacts of the project in the vicinity of the Springfield Canal. In the meantime, the County has completed all early acquisitions and removed improvements on the properties.

b. Bull River to Lazaretto Creek. GDOT is working on the EA. Programmed in 2010.

10. White Bluff/Coffee Bluff Road. After many reviews and revisions to the Draft Environmental Assessment over the last seven years, the FHWA questioned the Need and Purpose for the project, suggesting it does not warrant the extent of the improvements originally proposed. In the opinion of County staff, the traffic analysis indicated that safety improvements are warranted due to the narrowness of the existing pavement and some intersection improvements are needed. No four lanes are warranted anywhere. A Public Information Open House (PIOH) was held on August 12, at the Windsor Forest Baptist Church to solicit public input on the project. The turn out was good ... approximately 200 attended. The consultant is reviewing, summarizing and preparing responses for the comments.

11. Eisenhower Widening from Abercorn to Truman Parkway. The original concept report was prepared based on project termini in the CUTS TIP. On December 21, 2001, Board approved extending the scope of the project from Waters Avenue to Truman Parkway. The concept meeting with GDOT and City of Savannah was held September 16, 2002. A revised concept report was submitted for review to the GDOT on July 25, 2003. The field surveys and property research are complete. A revised Concept Report was sent to GDOT on January 15, 2004.

12. Abercorn Widening from Largo Drive to Rio Road. The concept meeting with GDOT and City of Savannah held September 16, 2002. When the concept report is approved, preliminary design can start. The Concept Report has been revised to reflect the changed terminus from Deerfield Road to Largo Drive and was sent to GDOT on June 28, 2004. This project is affected by two other projects currently under design. This project is being coordinated with the projects to improve the intersections at Largo Drive and at the terminus of Truman, Phase 5, at Abercorn.

13. Bay Street Widening from I-516 to Bay Street Viaduct. Consultant and County staff hosted coordination meetings on December 10 and 11 with City of Savannah staff and sub-consultants. Letters were sent to potentially affected property owners. Follow-up meetings were held on January 7, 2004, with City of Savannah staff to coordinate the public involvement process and begin the concept development process. On February 24 the County's consultant and City and County staffs met with residents of Hudson Hill, the West Savannah Community and representatives of local businesses. Collection of field survey, property and utility location data continues. A Public Information Open House was held on for August 24 at the Moses Jackson Community Center. The consultant is preparing the recommendation for a Preferred Alternative for review by the GDOT. A Concept Team meeting is scheduled in Atlanta for 19 October.

14. Local Roads

a. Benton Boulevard, Phase 2 Extension (Spur 21). Under construction. This project is being funded by a County Contract with GDOT. The local matching funds were provided by the Branigar Organization. The County is providing administrative services only. The asphalt finish topping is complete and most of the striping is complete. Some sidewalk, signing, clean up and a stand of grass remains to be done.

b. Central Avenue (West), Leghorn, Billings, Ridgewood and Fallowfield Drive. Fallowfield Drive is complete. Ridgewood Avenue and Central Avenue (West) are substantially complete. Curbing on Leghorn and Billing is complete. Relocation of Bell South and Comcast lines to the new power poles is now complete and the graded aggregate base has been placed. The paving was completed October 12, 2004. A stand of grass and clean up remain. Estimated completion is October 2004.

c. Southwest Middle School Entrance Road from U.S. 17. Construction started on May 18, 2004. Being built by County Contract with the GDOT. By Intergovernmental Agreement, the construction costs are being paid by the School Board and the GDOT. The County is managing the contract. Due to power pole relocation delays, grading on the roadway has stopped. Power poles that were expected to be relocated by now have been delayed due to response by their line crews for hurricane damage in Florida. Contractor is working on paving sidewalks. Due to the utility conflict delays the estimated completion date is now January 2005.

RECOMMENDATION: For information.

Districts: All

## SUMMARY OF ROAD PROJECT STATUS

October 2004

PROJECT	ELEMENT	MILESTONE FOR COMPLETION	AGENCY RESPONSIBLE	NOTES
Truman Parkway, Ph 3-A	Construction	Nov 2004	GDOT	
Truman Parkway, Ph 4	Construction	Nov 2005	GDOT	
Truman Parkway, Ph 5	Environmental Design ROW Construction	Complete Sep 2004 June 2007	County County/GDOT GDOT	EIS approved 8/12/99 VE Study at GDOT FY 2005 CST LR
US 17 Widening - Ogeechee River to SR204	Construction	May 2005	GDOT	
Stephenson Avenue Widening	Construction	Nov 2004	County/GDOT	
Middleground/Montgomery Cross Road Widening	Construction	May 2006	GDOT	
Jimmy DeLoach Pkwy, Ph 2	Environmental ROW Construction	Unknown	County County GDOT	Final EA at GDOT/FHWA CST FY 2007
Whitfield Avenue Widening	Environmental Design ROW Construction	Feb 2004 Sept 2004	County County County/GDOT GDOT	EA/FONSI signed Feb 13 Preliminary plans. ROW funded FY2005/06 CST FY 2007
Diamond Causeway Widening	Environmental ROW Construction	Unknown	County GDOT GDOT	Draft EA at FHWA FY 2008 CST LR
Skidaway Road Widening	Environmental ROW Construction	Unknown	County County GDOT	Final EA at GDOT/FHWA CST LR
US 80 Widening - Bull River to Lazaretto Creek - I-516 to Victory Drive	Environmental Environmental	Unknown Unknown	GDOT GDOT	CST FY 2010 CST FY 2007
White Bluff/Coffee Bluff	Environmental	Unknown	County	CST FY 2008
Eisenhower (Abercorn to Truman Parkway)	Environmental		County	Concept Report pending approval.
Abercorn (Largo Drive to Rio Road)	Environmental		County	Concept Report pending approval.
Bay Street from I-516 to Viaduct	Environmental	Mar 2005	County	

NOTES: CST = FY in which the projects are programmed for construction in the Proposed CUTS 2005-2007 TIP.

AGENDA ITEM XIII-3

DATE: October 22, 2004

**TO:** Board of Commissioners**THRU:** R. E. Abolt, County Manager**FROM:** A. G. Bungard, P.E., County Engineer**ISSUE:** To provide information on the status of Chatham County drainage projects.

**BACKGROUND:** For construction contracts that have been awarded, this report provides the latest scheduled completion dates. For projects pending environmental permits, start dates are best estimates. All project scopes include varying degrees of canal widening, bank stabilization, larger bridges and culverts.

**FACTS AND FINDING:**

1. Pipemakers Canal
  - a. Phase 1 (From the outfall at Savannah River to SR 21). Double channel size, replace bridges, replace tidegate, and provide maintenance access.
    - i. The County awarded the contract for construction to Phoenix Construction on July 25, 2003 and Change Order No. 1 was approved by the Board in February 2004.

- ii. Replacement of the trash racks as a Change Order No. 2 has been designed by the consultant and is being priced by the contractor.
    - iii. Construction progress has been slowed by recent adverse wet weather conditions. Staff will continue to monitor the project schedule. The completion date is January 2005.
  - b. Phase 2 (From SR 21 to I-95).
    - i. Staff continues to pursue additional rights-of-way for permanent access to the area west of SR 25.
    - ii. Design of the canal relocation on airport property under the terms of an Intergovernmental Agreement with the Airport Authority continues.
  - c. Golf Course (section of Phase 2 on Airport property). Widening of this section of canal completed in 2000.
  - d. Kahn Mitigation Site. The final mitigation package for Phase 2, which includes the Kahn Site. Design work completed includes the wetlands determination and the hydrologic report.
- 2. Hardin Canal
  - a. Phase 1 (From SR 307 to I-16). Widen channel and replace bridge crossings.
    - i. ROW and construction plans for the channel are complete. Revisions might be necessary as a result of negotiations for the permit from USACE. The permit from USACE is still pending.
    - ii. Staff anticipated permit approval summer of 2004 and has directed the County right of way consultant to begin work on acquiring the necessary ROW for the project.
  - b. Phase 2 (Crossings at SR307). Enlargement of crossing under Dean Forest Road (SR307) is included with the concept plan for widening SR307. Concept plan review with GDOT held on December 2, 2003. Pending approval by the GDOT. On August 19, the City of Savannah conveyed required access rights to the County for the channel and crossings at SR307. Staff is pursuing a professional services contract for design of the crossings.
  - c. Phase 3 (From I-16 to Pine Barren Road). Widen channel and construct a detention pond. No target construction date.
- 3. Westlake/Springfield Canal
  - a. Phase 1. Crossing and channel improvements from Perimeter Road on Hunter Army Airfield downstream toward the Forest River. Completed January 2002.
  - b. Phase 2. Acquire flood-prone properties and convert the acquired land into a stormwater retention facility to provide greater protection to remaining properties in the area.
    - i. All appraisals are complete. The County has title to twelve parcels, with an additional seven parcels pending closing. Offers are pending on 8 parcels. Eight properties have been vacated and are being scheduled for demolition.
    - ii. The CSX railroad undercrossing Final Design Report has been approved by Staff and has issued notice to the consultant to begin final design. Design is scheduled to be complete by February 2005.
- 4. Placentia Canal
  - a. Phase 1. Tidegate at Bonaventure Road. Completed February 1999.
  - b. Phase 2. Crossing and channel widening from Bonaventure Road to Shell Road in Thunderbolt. Completed October, 2002.
  - c. Additional work to correct a drainage problem along Tennessee Ave. and to improve the appearance of the canal near the Bonaventure Bridge is underway. Survey work has been completed. Staff has prepared a preliminary site layout of improvements for presentation to property owners where project rights of way are needed for the project.
- 5. Atlantic Creosote/Phillips Canal Widen/realign the canal, replace culvert, and replace tidegate. Project completed September 2002.
- 6. Conaway Branch Canal (tributary of Pipemakers Canal) Primarily widen channel with some road crossing improvements and a maintenance road. Project to be constructed in two phases.
  - a. Phase 1 includes channel improvements and crossing upgrades north of Main Street to Pipemakers Canal.
    - i. Revised construction drawings with new upstream canal alignment have been received and are under review. Hydraulic analysis of additional area as requested by City of Bloomingdale is in progress.
    - ii. Preliminary title searches are complete. The consultant is proceeding with wetlands permitting, coordination with GDOT for the crossing at Highway 80, and preparation of final right of way plans.

- b. Phase 2 includes improvements to system south of Main Street to Hardin Canal. The plan to improve drainage south of Main Street will require an Intergovernmental Agreement with Bloomingdale.
- 7. Little Hurst Canal Improve undercrossings at SR 21 and railroad, and widen channel downstream of SR21. Hydraulic analysis and recommendations were completed in 1998. A revised analysis prepared in 2004 indicated that substantial improvement to the drainage system's capacity can be achieved by improving the underdrain capacity at a railroad. Preliminary design recommendations have been prepared and are under review by Staff.
- 8. Wilmington Park Canal
  - a. Phase 1. (Construction of tide gate) Completed September 2002.
  - b. Phase 2. Widen channel and improve culvert crossings under Clarendon, Winchester and Wilmington Island Road.
    - i. Received permit from USACE on July 5, 2002. Title searches of affected properties are complete. Design of City's force main has been sent to the City for review. Staff review of preliminary construction drawings is underway.
    - ii. Revised right of way plans to accommodate additional easements for City's force main are complete.
    - iii. Staff has requested a fee proposal from the Consultant for design of improvements at Wilmington Road where existing rights of way are sufficient to complete the work.
  - c. Phase 3. Project limits have been identified.
- 9. Louisville Branch Canal (tributary of Pipemakers Canal) Provide maintenance road downstream of US80. Some preliminary work for design and permitting has been done, but this project is not accessible until the right-of-way is acquired for the Pipemakers Canal.
- 10. Kings Way Canal Widen channel and enlarge culverts east of Whitfield Avenue to Vernon River.
  - a. Improvements to crossing of the canal under Whitfield are being constructed as part of GDOT's Truman Parkway, Phase 4 project.
  - b. The Design Study Report has been approved by Staff. The consultant has been directed to pursue final design. Preliminary rights of way drawings are expected to be complete by December 2004.
- 11. Grange Road Canal Coordination of the concept plan with GPA and Port Wentworth is on hold pending alignment and right-of-way issues on GPA property. Dedication of Savannah Electric power line easement along Grange Road has detrimental impact on the preferred route.
- 12. Talmadge Avenue Canal Small project that will involve acquiring right-of-way to construct a maintenance road and to make minor improvements to the channel. Improvements included upgrades to undercrossings, removal of obstructions, repair of erosion, and canal access for maintenance. Obstructions along the canal recently installed by the City of Garden City prevent the County Department of Public Works from maintaining these parts of the canal. No target date has been set to address this issue.
- 13. Romney Place Drainage
  - a. Phase 1. Improve drainage along Central Avenue. Completed October 2001.
  - b. Phase 2. Improve storm drains and road crossings. Staff has visited the site with DPW and has worked out a temporary improvement to mitigate flooding from lessor events on Romney Place. Staff has also requested a consultant to submit a fee proposal for review of existing conditions and recommend drainage improvements on Romney Place and along Parkersburg Road necessary to provide a solution. No target date for construction.
- 14. Village Green Canal
  - a. Phase 1. Upgrade culvert under Cambridge Drive. Completed October 1999.
  - b. Phase 2. Staff has accepted the consultant's recommendations for improvements. Staff has enlisted the help of Mosquito Control to establish project need and purpose to facilitate wetland permitting. Mosquito Control is monitoring the site. Wetland delineation has been approved by the USACE. Compilation of citizen drainage survey to help establish project need and purpose for permitting is complete.
- 15. Port Industrial Park Increase the capacity of the crossing under State Route 307 and improve the channel downstream to Pipemakers Canal.
  - a. The crossing under SR 307 is being coordinated with the GDOT proposed SR 307 widening project from R. B. Miller Road to SR21. Design of the project to

- improve the canal downstream from SR307 to Pipemakers Canal is complete. The wetlands permit has been signed by the County Engineer and was approved by USACE District Engineer on September 24, 2002.
- b. GDOT has concurred with the County's proposal to include construction of the crossing under SR 307 as a County Contract. County is waiting on Letter of Agreement from GDOT to define County's project responsibilities and shall then proceed with obtaining a cost proposal for consulting services. Coordination with GDOT regarding alignment of the crossing is underway. Consultant has been directed to finalize design of remainder of project, to be possibly bid as separate project.
  - c. GDOT has approved curb cuts at SR 307. Staff has directed Consultant to proceed with final ROW plans.
16. Louis Mills Canal Widen channel from Veterans Parkway downstream to outfall at Westlake Canal and improve crossing under Marshall Avenue.
- a. Staff has accepted recommendations to return a portion of the Redgate Canal drainage system back into the Rahn Dairy Canal. This recommendation allows for reduced drainage capacity needs in the Louis Mills Canal system.
  - b. Preliminary design and rights of way drawings have been reviewed by Staff and returned to the consultant for continuation of the design. The project will require acquisition of drainage easements and rights of way.
17. Redgate/Rahn Dairy (part of Louis Mills) This drainage improvement project will intercept approximately 400 acres of drainage area from the Louis Mills Canal system, and divert the flow directly into the Salt Creek. Improvements are to include larger underdrains at several road crossings, canal widening and provisions for maintenance access. Staff has approved the design analysis and directed the consultant to begin preparation of construction documents and easement plats.
18. Diggs Avenue Drainage (part of Louis Mills) This drainage improvement project involves improving drainage at the east end of Diggs Avenue. Staff has concluded a preliminary analysis and determined that right of way is not available to perform needed improvements. Title exam work on the affected property has been completed and the results returned to the consultant in order to revise the right of way acquisition plats.
19. Ogeechee Farms
- a. Phase 1. Improve internal collector system south of Vidalia Road. Construction contract was awarded in March 2004. Project is Substantially Complete. Contractor is working on punch list items.
  - b. Phase 2.
    - i. The County has received the Section 404 wetlands permit from USACE. Final paperwork utilizing the County's new banking instrument for mitigation is complete.
    - ii. The design is being revised to incorporate changes including an additional road undercrossing in the project and installation of box culvert sections instead of multiple pipes.
20. Fawcett Canal
- a. Phase 1. Widen channel and improve crossings from Georgetown downstream to crossing under Grove Point Road, and replace tide gate.
    - i. Drainage improvements completed August 2002.
    - ii. Project to improve the appearance and drainage function of the lagoons is about 90 percent complete.
  - b. Phase 2. Provide increased storm water drainage capacity in areas including portions of Red Fox Drive and White Hawthorne Drive. Agreements are being made to secure needed easements from the City of Savannah, and surveys are being conducted to identify the extent of needed improvements.
21. Quacco Canal Ecosystem Restoration Project Improve Quacco Canal and associated road undercrossing capacities from US 17 to marsh, including removal of a private tidegate structure. The work is expected to reduce the 50-year flood level by about 2 feet at US17 and at the same time restore a salt marsh ecosystem to its original condition.
- a. The project was originally conceived as a partnering effort between the County and Corps of Engineers. Preliminary planning and an environmental assessment report were completed by the USACE. The USACE is no longer able to participate in the project due to the lack of Federal funding.
  - b. The County will complete the project work including acquisition of easements, final design, obtaining permits, and construction of the improvements.
22. Quacco/Regency Park Storm collector improvements to relieve severity and frequency of flooding within community. The draft Design Study Report has been reviewed by Staff.

Staff is evaluating potential wetland permitting issues prior to making a final decision on the needed improvements.

23. Halcyon Bluff Subdivision Storm collector improvements to relieve severity and frequency of flooding within community. The final design documents and rights of way plans have been provided to the County by the consultant. Permanent rights of way are needed from two properties. Temporary easements for construction access will be acquired from adjacent property owners in order to facilitate construction. Advertising for construction bids is underway.
24. Golden Isles Subdivision Storm collector improvements to relieve severity and frequency of flooding within community.
  - a. Phase 1. Outfall improvements completed 1997.
  - b. Phase 2. Improvements to collector system. Staff has completed review of preliminary construction drawings and ROW plans. Drawings have been returned to the Consultant for minor changes. Approval by Health Department to proceed with acquisition has been obtained.
25. Henderson Channel and crossing improvements to alleviate flooding in the subdivision.
  - a. Canal 1 (henceforth referred to as Brown Thrush Canal): Crossing and channel improvements on the canal parallel to Brown Thrush Road, from Al Henderson Blvd. to Little Neck Road. Survey and analysis are complete. Staff's review of consultant's final report is complete. Staff is reviewing Consultant's fee proposal for design of recommendations.
  - b. Canal 2 (henceforth referred to as Henderson Canal): Provide maintenance road for canal from Gateway Blvd. to Little Neck Road, through wetlands. Wetland delineation has been approved by the USACE.
26. North Rice Mill Right of way acquisition services to provide for drainage improvements to a local drainage system tributary to the Georgetown Canal. Staff is pursuing property acquisitions required for construction and maintenance of the recommended improvements.
27. Georgetown Canal Upgrading roadway undercrossings to improve drainage capacity. Design for the replacement of the St. Ives undercrossing is completed. Acquisition of permanent and temporary construction easements is underway. Advertising for construction bids is underway.
28. Walthour Canal at Off Shore A small project to improve the undersized culverts under the entrance road to the Off Shore Subdivision. A consultant has been hired to design the new culvert. Staff expects the design to be completed by January 2005.

**RECOMMENDATION:** For information.

Districts: All

Prepared by W.C. Uhl, P.E.

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## **EXECUTIVE SESSION**

Upon motion being made by Commissioner Rivers, seconded by Commissioner Odell and unanimously approved, the Board recessed at 9:55 a.m., to go into Executive Session for the purpose of discussing litigation, land acquisition, and personnel. [NOTE: Commissioner Thomas was not present.]

Following adjournment of the Executive Session, the meeting of the Board of Commissioners was reconvened at 10:25 a.m.

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## **ITEMS FROM EXECUTIVE SESSION**

1. **REQUEST BOARD AUTHORIZE SETTLEMENT OF CHATHAM COUNTY, GEORGIA v. 0.078 ACRES OF LAND; COASTAL PROPERTIES, INC., c/o SCOTT BACKUS AND JULIE SMITH, CIVIL ACTION NO. CV03-0854-FR (JON HART).**

### **ACTION OF THE BOARD:**

Commissioner Rivers moved to authorize settlement of *Chatham County, Georgia v. 0.078 Acres of Land; Coastal Properties, Inc., c/o Scott Backus and Julie Smith*, Civil Action NO. CV03-0854-FR, in the amount of \$39,000. Commissioner Murray seconded the motion and it carried unanimously. [NOTE: Commissioner Thomas was not present.]

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**2. REQUEST BOARD AUTHORIZE ACQUISITION OF LAND FOR THE WESTLAKE/SPRINGFIELD DRAINAGE IMPROVEMENT PROJECT (JON HART).**

**ACTION OF THE BOARD:**

Commissioner Rivers moved to authorize the acquisition of land from Edwin J. Feiler, Jr., in the vicinity of the Westlake/Springfield Drainage Improvement Project (PIN 1-0702-08-008) in the amount of \$138,000. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Commissioner Thomas was not present.]

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**3. REQUEST BOARD APPROVE A MOTION TO AUTHORIZE THE CHAIRMAN TO EXECUTE AN AFFIDAVIT THAT THE EXECUTIVE SESSION WAS HELD IN COMPLIANCE WITH THE OPEN MEETINGS ACT.**

**ACTION OF THE BOARD:**

Commissioner McMasters moved to authorize the Chairman to execute an affidavit that the Executive Session was held in compliance with the Open Meetings Law. Commissioner Rivers seconded the motion and it carried unanimously. [NOTE: Commissioner Thomas was not present.]

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**ADJOURNMENT**

There being no further business to be brought before the Board, Chairman Hair declared the meeting adjourned at 10:27 a.m.

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APPROVED: THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2004

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DR. BILLY B. HAIR, CHAIRMAN, BOARD OF  
COMMISSIONERS OF CHATHAM COUNTY, GEORGIA

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SYBIL E. TILLMAN, COUNTY CLERK