

**MINUTES OF THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF CHATHAM COUNTY, GEORGIA, HELD ON FRIDAY, MARCH 11, 2005, 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 Pete Liakakis called the meeting to order at 9:30 a.m., Friday, March 11, 2005.

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**II. INVOCATION**

Commissioner Helen Stone 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:                   Pete Liakakis, Chairman  
                              Dr. Priscilla D. Thomas, Vice Chairman, District Eight  
                              B. Dean Kicklighter, Chairman Pro Tem, District Seven  
                              Helen L. Stone, District One  
                              James J. Holmes, District Two  
                              Patrick Shay, District Three  
                              Patrick K. Farrell, District Four  
                              Harris Odell, Jr., District Five  
                              David M. Gellatly, District Six

IN ATTENDANCE:         R. E. Abolt, County Manager  
                              R. Jonathan Hart, County Attorney  
                              Sybil E. Tillman, County Clerk

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**ORDER OF BUSINESS**

Because some of the individuals involved needed to get back to school, Item V-4 was taken out of order and was heard at this point on the agenda.

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**V. PROCLAMATIONS AND SPECIAL PRESENTATIONS**

- 1. **PROCLAMATION TO DECLARE MARCH AS SOCIAL WORK MONTH. PRESENT TO ACCEPT THE PROCLAMATION: PAT MOONEY, PRESIDENT, CLINICAL SOCIAL WORK ASSOCIATION OF SAVANNAH; LARRY DANE-KELLOGG, LCSW, PAST PRESIDENT, CLINICAL SOCIAL WORK ASSOCIATION OF SAVANNAH; LAURA MARTIN, MSW STUDENT, SAVANNAH STATE UNIVERSITY; AND MARY HILL, ACSW, RETIRED DFACS EMPLOYEE.**

Chairman Liakakis said, I'd like to call on Commissioner Priscilla Thomas with that proclamation.

Commissioner Thomas said, thank you, Mr. Chairman. Good morning. It is my pleasure to have the opportunity of presenting this proclamation on behalf of an excellent group of people who are so dedicated and have done so much for so many people. The proclamation reads as follows:

**WHEREAS**, social workers have the right education and experience to guide individuals, families, and communities through complex issues and choices; and

**WHEREAS**, social workers connect individuals, families, and communities to available resources; and

**WHEREAS** social workers are dedicated to improving the society in which we live; and are positive and compassionate professionals; and

**WHEREAS** social workers stand up for others to make sure everyone has access to the same basic rights, protections, and opportunities; and

**WHEREAS** social workers help people help themselves, whenever and wherever they need it most.

**NOW, THEREFORE**, I, Pete Liakakis, Chairman, on behalf of the Chatham County Board of Commissioners, do here proclaim the month of March 2005 as:

**PROFESSIONAL SOCIAL WORK MONTH**

in recognition of professional social workers and their commitment and dedication to individuals, families, and communities everywhere through legislative advocacy, service delivery, research, and education and call upon all citizens to join with the National Association of Social Workers Southeast Georgia Unit and the Clinical Social Work Association - Savannah in celebration and support of social workers and the social work profession.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of Chatham County, Georgia to be affixed this the 11<sup>th</sup> day of March 2005.

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Pete Liakakis, Chairman  
Chatham County Commission

**ATTEST:**

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Sybil E. Tillman, Clerk

Mr. Pat Mooney said, on behalf of the social workers, may I take —. Chairman Liakakis said, identify yourself. Mr. Mooney said, I'm Pat Mooney and I'm a social worker obviously. This is Larry Dane-Kellogg. On behalf of the social workers in the community and the people whom we serve, I want to thank you for this recognition and this honor.

Chairman Liakakis said, thank you very much. We appreciate all the good work and how you've changed many lives in our County and cities. Thank you.

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**SPECIAL RECOGNITION OF COMMISSIONER FARRELL'S NEWEST FAMILY MEMBER**

Commissioner Odell said, I just want to make a comment. Before we move to the next item, if we could, we have forgotten that we have a Commissioner and since the last Commission, he's had an addition to his family. I believe a baby boy, and I'd like for him to tell us a little bit more about it, and I'd like to call on Pat Farrell. Pat [Farrell], how much did he weigh?

Commissioner Farrell said, 7 pounds , 4.6 ounces. Commissioner Odell asked, and what did you name him? Commissioner Farrell said, Timothy Chase Farrell. Commissioner Odell asked, and how's the family? Commissioner Farrell said, they are perfectly wonderful, everything went marvelously and we're just very ecstatic and very happy with the results, and he was born on February 21<sup>st</sup> at 11:39 p.m., and everything is going very well. I appreciate you asking.

Commissioner Odell said, I tell you what, let's give —, we need to give your wife a hand. Commissioner Farrell said, yeah. Commissioner Odell said, congratulations to you and your family.

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**2. PROCLAMATION TO RECOGNIZE MARCH AS NATIONAL PURCHASING MONTH.  
PRESENT TO ACCEPT THE PROCLAMATION: MARGARET S. DISHER, CPPB, VICE  
PRESIDENT OF THE COASTAL GEORGIA CHAPTER OF THE NIGP.**

Chairman Liakakis said, I'll call on Commissioner Shay for that and ask Margaret Disher if she will come forward.

Commissioner Shay said, I know you really wanted my wife to read this. Commissioner Odell said, that's true, we did, Pat [Shay]. Commissioner Shay then read the following proclamation into the record:

**WHEREAS**, the purchasing, contracts and materials management profession plays a significant role in the efficiency and effectiveness of both government and business; and

**WHEREAS**, public purchasing and materials management professionals, through their combined purchasing power, account for 23% of the United States Gross National Product or \$1.4 trillion in goods and services every year and so have a significant influence upon economic conditions throughout the world; and

**WHEREAS**, in addition to the purchase of goods and services, the purchasing, contracts and materials management profession engages in or has direct responsibility for functions such as executing, implementing, and administering contracts; developing forecasts and procurement strategies; supervising and/or monitoring the flow and storage of materials; and developing working relationships with suppliers as well as other departments within the organization; and

**WHEREAS**, the Chatham County Purchasing Division has contributed significantly to meeting the needs of the County, by providing professional, reliable and economical services while working together in trust and with open, honest communication to provide efficient and effective customer service procuring goods and services at the best value for the taxpayers.

**WHEREAS**, the National Institute of Governmental Purchasing and its Coastal Georgia Chapter, Savannah and other purchasing associations in the United States and around the world are holding activities and special events to promote the awareness of the general public on the vital role of purchasing within business, industry, and government.

**NOW, THEREFORE**, I, Pete Liakakis, Chairman, on behalf of the Chatham County Board of Commissioners, do hereby proclaim March 2005 as :

**PURCHASING MONTH**

in Chatham County and encourage the appropriate recognition thereof.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of Chatham County, Georgia to be affixed this the 11<sup>th</sup> day of March 2005.

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Pete Liakakis, Chairman  
Chatham County Commission

**ATTEST:**

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Sybil E. Tillman, Clerk

Ms. Margaret Disher said, I would like to approach the Board this morning and say what an honor it is to represent Chatham County on the Board of Directors of the Coastal Georgia NIGP Chapter as Vice President. On behalf of the Coastal Georgia NIGP I would like to thank Chairman Liakakis and the Board for recognizing us with this prestigious document. I realize that you have a heavy agenda this morning, but I would like to take a moment, with your permission of course, to tell you a little bit about our organization and to introduce you to your County purchasing and contracting staff. Okay? Thank you. The Coastal Georgia Chapter of NIGP was chartered in 1991 for the purpose

of supporting local public procurement options in the Southeast District of Georgia. The Coastal Georgia Chapter currently conducts quarterly meetings which promote professional development, certification and network opportunities. Our meetings are attended by approximately 75% of our membership. The Coastal Georgia Chapter is currently comprised of purchasing professionals from such organizations as Chatham County, Chatham Area Transit, the City of Savannah, the Savannah Airport Commission, the Housing Authority of Savannah, the Georgia Ports Authority, Atlantic Armstrong State University, Effingham county, Tybee Island, the City of Statesboro, First District RESA and Beaufort County. Now to introduce you to your County purchasing and contracting staff, who work diligently on a day to day basis guaranteeing that the taxpayers of Chatham County receive the best value for their tax dollars. Again, I am Margaret Disher, I have served the County for 17 years. I am a Senior Contract Administrator and I am responsible for the procurement of professional service contracts, annual supply contracts and repair and maintenance contracts. I'd also like to introduce you, which I'm sure you will know, Mr. Michael Kaigler —. Is it okay if I have everybody come up? Mr. Kaigler has been with the County for 15 years. He is your Director of Human Resources and Services. Next we have Mr. William Parson. He has served the County for six years and he is your Purchasing Agent. Behind Mr. Parson is Ms. Kathleen Scott. She has served the County for seven years and is a Buyer II and is responsible for the procurement of general services and supplies. Behind Ms. Scott is Mr. Robert Marshall. Mr. Marshall has served the County for 10 years. He's a Contract Administrator and is responsible for any procurements associated with One Percent Sales Tax, architect and engineering projects, facility renovations and new construction. Next to Mr. Marshall is Ms. Leslie Prouty. Ms. Prouty has served the County for 24 years and she is the one who is responsible for the preparation of the purchasing portion of the agenda that you see in each of your meetings. Ms. Prouty also is responsible for employee and computer training and for the acquisition of computer and vehicle acquisition. Oh, Alton Peterson. Mr. Peterson is the newest member added to our department and has been with the County for less than a year, but he has been a huge asset to our department. Mr. Peterson holds the position of Buyer II and is responsible for the disposal of surplus property and for the procurement of general services and supplies. And, again, I'd like to thank you for your time and consideration.

Chairman Liakakis said, thank you very much, Margaret [Disher]. We appreciate the service that you and your staff do for the citizens of all of the County and you have helped us on numerous occasions saving money and we really appreciate that because that's most important.

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**3. PROCLAMATION IN CELEBRATION OF THE 150<sup>TH</sup> BIRTHDAY OF THE YMCA. PRESENT TO ACCEPT THE PROCLAMATION: RANDY BUGOS, PRESIDENT/CEO; AND G.M. "BUCKY" JOHNSON, VP OF MARKETING, COMMUNICATIONS & DEVELOPMENT.**

Chairman Liakakis said, we have one more proclamation and I'm going to ask Commissioner James Holmes, we have the 150<sup>th</sup> birthday of the YMCA, and I'd like to call the YMCA representatives to come forth.

Commissioner Holmes said, good morning. You know, at one time I thought the Frank Callen Boys and Girls Club was the oldest agency in Savannah until I met the YMCA. It's a privilege and honor to have been working with Frank Callen Boys and Girls Club all these years, and I really applaud you all and give you my utmost respect because the work that I've did and the work that you all are still doing and will continue to do, it's a pleasure for me to present you with this proclamation. And it reads as follows:

**WHEREAS**, it is befitting to recognize organizations that go the distance and beyond to assist citizens of our community and in that we respect we salute the YMCA of Coastal Georgia; and

**WHEREAS**, having begun as a Bible study class for boys and young men looking for a safe refuge in the heart of the city, the YMCA of Coastal Georgia has evolved into a thriving organization that serves tens of thousands of families and individuals throughout the community; and

**WHEREAS**, the YMCA, chartered in 1855, is the 13<sup>th</sup> oldest YMCA in the United States and its mission of giving continues today with the awarding of more than \$1.8 million in scholarships to deserving children and families in 2004;

**WHEREAS**, the YMCA is fulfilling their motto "To put Christian principles into practice through programs that build healthy spirit, mind and body for all"; and

**WHEREAS**, in 2004 alone 80,000 individuals took part in YMCA of Coastal Georgia programs and services with the assistance of the over 700 volunteers and 800 full and part time staff members who make the YMCA a success.

**NOW, THEREFORE**, I, Pete Liakakis, Chairman, on behalf of the Chatham County Board of Commissioners, do hereby salute:

**THE YMCA OF COASTAL GEORGIA**

in its celebration of 150 years of continuous service to Chatham County and the Coastal Georgia area.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of Chatham County, Georgia to be affixed this the 11<sup>th</sup> day of March 2005.

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Pete Liakakis, Chairman  
Chatham County Commission

**ATTEST:**

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Sybil E. Tillman, Clerk

Mr. Randy Bugos said, thank you, Commissioner Holmes. My name is Randy Bugos. I'm President and CEO of the YMCA of Coastal Georgia. I have with me today Bucky Johnson, who's our Vice President for Communications, and Jenny Gentry, who, it's worth noting, as our Board Chairman, is the first female Board Chairman in our 150 year history. So we thought it was probably time. Chairman Liakakis and Commissioners, we thank you very much for this proclamation. As individuals and as a collective body, over the years you've been very supportive of YMCA efforts, along with the staff: Mr. Abolt, Attorney Mr. Hart and all of the County have been very supportive of the efforts of the YMCA. Our celebration is March 22<sup>nd</sup> and we hope you all have gotten invitations and we hope you come join us. We've got a great video that WTOC has put together for us, we've got a history book that Pauley Stramm [phonetic] has written. It's going to be a gala event that night celebrating 150 years of service to this community. We thank you for your support. The best to you.

Chairman Liakakis said, thank you very much, Randy [Bugos]. We appreciate what all the "Y" has done over the years because not only the recreation programs for the adults and the children, you've made a big difference in many people's lives and we thank you for that. Mr. Bugos said, thank you, appreciate it.

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#### **4. ST. PATRICK'S DAY PARADE MARSHAL.**

Chairman Liakakis said, many of you may not know, but we have some top dancers in our community and they have won some national contests and we are really proud of our Irish dancers here in Chatham County.

Ms. Katie Henzel and Ms. Maureen Porzic performed a couple of Irish dances for the enjoyment of the Commissioners and the audience.

Chairman Liakakis said, I'd like to call on the St. Patrick's Day Parade Committee to come forth please with their Grand Marshal, Dan Sheehan. What I'd like for you to do, Grand Marshal, is introduce your aides to our community and to the Commissioners.

Grand Marshal Dan Sheehan said, well, I'd better start off, but he's no stranger to y'all, but I'd better introduce him first, Father Patrick O'Brien, who's the Chaplain, and his work's cut out with this group, believe me. The man that actually puts the parade on the street is David Roberts, and he's the General Chairman. I have a no-brainer, I smile and wave. I won't accuse any of y'all of that, but David [Roberts] is the one that's responsible and his committee of young men. They did an excellent job. Do you want to introduce any of your committee, David [Roberts]? Okay, let me introduce the aides then. First, we have Odillo Blanco. This proves that we are a very bilingual group. Odillo [Blanco] is married to Ann Sheehan, my first cousin. Thomas Joseph Sheehan, my first cousin. My son-in-law, Mike Farrahar, who's very important because he's married to my daughter, Mary Katherine [phonetic]. The next is Leo Sheehan. Leo [Sheehan] is number seven of eight. Six of eight is Brandon [Sheehan], five of eight is Kevin [Sheehan], and the other ones couldn't be here this morning for one reason or another. I've got some that are coming in town.

Chairman Liakakis said, what I'd like to do is make a special presentation now, and so I'll come forward.

Mr. Sheehan said, well, while you're doing that, I just want to say one thing. We're very, very happy that we're of Irish descent, but the most important thing is we're Americans and this parade is about America and Americans and of Irish descent, but like there are people that I went to school with named Aliffi and Russo and many more, DiBennetto. They better be included or I'm going to get in trouble.

Chairman Liakakis said, thank you very much. We have a proclamation here that I'd like to read, but before I read this I want everybody to know that an outstanding person was chosen as the Grand Marshal for the St. Patrick's Day Parade. If you know anything about Dan Sheehan's history about the things he has done in this community, not only in the Irish Catholic community, but all over, he's a community activist and he's a person that doesn't like to take credit. It's always, you know, giving credit to other people that have helped him, but in charitable areas and other civic areas in the community, he has been an outstanding individual and the Parade Committee could not have made a choice better than Dan Sheehan as the Grand Marshal.

Chairman Liakakis read the following proclamation into the record:

**WHEREAS**, one of the highest honors to be bestowed upon an Irish Catholic in Chatham County is to be elected Grand Marshal of the St. Patrick's Day Parade; today we salute with great pride the 2005 Grand Marshal, Daniel "Dan" Joseph Sheehan, Jr.; and

**WHEREAS**, Dan Sheehan, a native Savannahian, is a man of few words; however, he is well known for his commitment to his God, his Country, his American-Irish heritage, and the Saint Patrick's Day Parade Committee; and

**WHEREAS**, Dan ran unopposed last year for the honor, but dropped out at the last minute to let the ailing Rev. Joseph A. Ware lead the parade - a gesture that speaks volumes about him; and

**WHEREAS**, he is a communicant of St. Peter the Apostle Catholic Church, a long time member of the St. Patrick's Day Parade Committee and Past President of the Hibernian Society; and

**WHEREAS**, as visitors along with Chatham Countians join in remembering St. Patrick, the patron saint of Ireland, we look forward to this renowned parade with its colorful floats and the comradeship of its participants.

**NOW, THEREFORE**, I, Pete Liakakis, Chairman, on behalf of the Chatham County Board of Commissioners, do hereby proclaim, Friday, March 11, 2005 as:

**GRAND MARSHAL DANIEL JOSEPH SHEEHAN, JR. DAY**

in Chatham County and salute him for having this prestigious title bestowed upon him and feel assured that Irish eyes will be smiling as he leads the 181<sup>st</sup> St. Patrick's Day Parade.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of Chatham County, Georgia to be affixed this the 11<sup>th</sup> day of March 2005.

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Pete Liakakis, Chairman  
Chatham County Commission

**ATTEST:**

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Sybil E. Tillman, Clerk

Commissioner Farrell asked, David [Roberts], will you introduce your staff please?

Chairman Liakakis said, before he starts —, hold on for just a minute, Patrick [Farrell]. I want to make a remark. You know, I'm a proud member of the St. Patrick's Day Parade Committee and have been for some 29 years and on the Adjutant's Staff and, Dave [Roberts], would you come to the microphone for just a minute? And on the Sunday when we had the Investiture, the Sashing of the Grand Marshal, our illustrious Parade Chairman called me up to bring greetings for the County Commission and as he did, his remarks were, "Pete [Liakakis], please make it short." And, Dave [Roberts], we thank you very much for coming up today, and that's it for you.

Commissioner Farrell said, I would gladly give you some time, but [inaudible].

Chairman Liakakis said, and I want everybody to know that Dave [Roberts] has been one of the hardest General Chairmen that the St. Patrick's Day Parade and his staff and they've done a great job, and a lot of people don't know this, but sometimes —, or right after the parade they start putting in preparations for the next parade and it takes a lot of hard work and they've got a lot of great people helping them. Chairman Liakakis recognized Mr. David Roberts.

Mr. Roberts said, thank you, Pete [Liakakis]. I have my secretary, John Forbes, here today. I have our past Adjutant, last year and a great help this year, he's still with us on the Executive Committee, Fred Elgin[phonetic]. We have our legal counsel, Tom Mahoney, III; Tom Edenfield, who also works hard on our Executive Committee; Frank Baker, who will handle the Jasper Greene Ceremony next Wednesday, and he said he's really working hard. That will be nice if y'all can —, like to come watch that. It starts at four o'clock, and we have Michael Brady handles all the bands that work for us, and that's a hard job. He really works hard doing that all the year long. He starts this year for next year already. He's already started getting bands for next year that's how far away he goes. And we appreciate y'all having us. Thank you very much.

Chairman Liakakis said, thank you.

Commissioner Farrell said, I have on question for you. Has anybody taken you up on your offer for the dowery for Kevin [Sheehan]? Mr. Dan Sheehan said, we had to hire, now you wouldn't think this, but the Parade Committee told me we've hire —, they've had to hire an extra secretary there were so many requests.

Chairman Liakakis said, all right. Thank you very much for coming out today. Mr. Sheehan said, thank you. Thank you very much.

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

None.

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## **VII. COMMISSIONERS' ITEMS**

### **1. ELECTRONIC MONITORING FOR CHILD SUPPORT. *See attached memorandum from Commissioner Stone.***

Chairman Liakakis said, I'd like to call on Commissioner Stone on that particular item.

Commissioner Stone said, Mr. Chairman, I'm going to defer this to Mr. Abolt, who kind of brought these meetings together, to give an update and then I'll give my personal input, and I know that our District Attorney, Mr. Lawton, is present too to answer any questions.

County Manager Abolt said, thank you and very briefly because the credit does go to Commissioner Stone, this is a program in which she's provided leadership now and with those individuals she indicated it's now a possibility to look at a very legitimate option to incarceration. And it's through again Commissioner Stone's concern for not only over-population at the Detention Center, but also doing the right thing and allowing those folks that made the wrong choices who haven't met their current responsibility to now become employed and do so in a dignified way. I would like to defer to the Sheriff and District Attorney Spencer Lawton who are going to make this all happen, and also I want to recognize Pat Monahan, who was the glue behind the entire proposal.

Sheriff Al St. Lawrence said, this has come about because the Georgia Sheriffs Association obtained a \$300,000 grant from the Federal Government, and they decided to have four pilot programs in four different counties. We are the recipients of one of those four, 70-something thousand, no match required by the County, and we've been talking with the District Attorney and David Lowe from Child Support. The Colonel (MacArthur Holmes) has the instruments here. We've done a lot in this area about either electronic monitoring or diversion centers. Diversion centers are okay, but they're very costly because you have to pay the medical, you have to pay the food service, everything else that goes along with it. With the electronic monitoring using global positioning satellite, we can put them within 30 feet of a robbery or any place they shouldn't be going and so forth and so on. What we want to do is we want to give it a try. It ain't costing Chatham County nothing, and rather than put some of these deadbeat dads, if you want to call them that, in jail where they lose their job, put them on electronic monitoring and let them —, let Mr. Lowe be responsible for taking the child support out of their check and giving them the rest of the money. I just think it's a good deal for Chatham County. We're not asking for any money. It's a 100% grant, 70-something thousand dollars and there's no match on the part of the County. It's going to cause Col. Holmes very few problems. It will be run by classification. We thought we'd have to have a person to for those people that don't have a job to find them one. Mr. Lowe has solved that problem for us. He has somebody in his office that's a State employee that can handle that for us. So that's about it in a nutshell. Colonel [Holmes], Spencer [Lawton], you want to —?

Col. Holmes said, just for clarification purposes. This is the most newly renovated or piece of technology on the market in monitoring. This is a GPS system. It's the ankle bracelet. The individuals will have this around their ankle and they'll have to carry this. It's something like a beeper, kind of a big beeper, but they have to have it. This particular device will track this individual twenty-four hours a day, seven days a week. If there's an issue concerning where this person may or may not have been, we can go back on the computer and it will track every step that person has made. So if there was a crime committed and maybe this person was a suspect or whatever, we don't think we going to have that problem, but we have that capability of doing that. We've got 30 of these monitors, 30 of these monitors as part of this grant; 20 are the passive, and when I say passive those individuals that are the lesser risk and we have 10 that are of the critical nature where we can monitor them on a step by step, day by day, minute by minute purpose —, purposes. So I think it's a good system, it's been tried and tested in the Florida area. We'll have four counties in Georgia now, Chatham County being one of those test counties. Chatham County, Houston County, Gwinnett County and Cobb County, and we're having great success with them and we want to start this program here. I think it's a great —, a better alternative than the pre-release centers or the diversion centers or whatever you might have because this basically minimizes the cost to the County itself. It costs us about \$10 for an individual on the passive system and about \$15 for a person on the closed system. That is far less than what it's costing us to house a person within the Chatham County Jail, and the good thing about it is we've got it free, so we don't have to pay that

until we exhaust the monies that were on the grant. So we think that will be a while off, so I think it's a good program and I think we couldn't go wrong with going with this particular system.

Chairman Liakakis said, Commissioner Odell wants to ask you a question. Col. Holmes said, yes sir.

Commissioner Odell said, just one or two. When you indicate that you can monitor from a central location, that is by street? Col. Holmes said, it's —, if you're familiar with the GPS system in a car, if you want to go to a certain address —. Commissioner Odell said, right. Col. Holmes said, — it will do the same thing. It will go back and I can get the history, but I think it's a 48-hour period I can go back and it will track every place that that individual went. Commissioner Odell asked, so if you have a restraining order that says do not come within a thousand yards of "X" address where your ex-wife lives, then this would —. Col. Holmes said, this will automatically alert us if this person is in an area that he or she should not be in.

Chairman Liakakis said, it's an outstanding system. One of the representatives for the company a few months back I spoke to them and it's been very successful cutting down costs for the particular county and the person that is being placed on this unit fully understand once they tell them that if you go into a place that you're not supposed to go, that it will let them know immediately, and if you have it in that mode and then they can get it the next day through, as the Colonel was talking about, the next morning or they can look at it whenever they want to. But I feel that this is going to be outstanding. It will save, as was said by the Sheriff, a lot of money instead of placing people that can get out and work and we have to pay all those cost factors in that.

Commissioner Thomas said, Mr. Chairman, I do think it is an excellent means of providing these type of services that you need in order to keep track of these individuals without having gone through the traditional way of doing it. The other thing I wanted to know is once this has been placed, if they were to —, can they remove this themselves or you have to remove it? Col. Holmes said, if they remove it, and this is the band this goes in like this and it adjusts around the person's ankle —. Commissioner Thomas said, okay. Col. Holmes said, if they try to remove it, it would automatically send out an alert to us —. Commissioner Thomas said, a signal to —. Col. Holmes said, — that something is wrong. Commissioner Thomas said, oh, okay.

Chairman Liakakis recognized Commissioner Gellatly.

Commissioner Gellatly said, you've already answered half the questions that I had. I already know the answers to them, but I think the public needs to know. What happens if they get wet like in a shower or a bath? Commissioner Thomas said, yeah, that's —. Col. Holmes said, well, with this system —, as a matter of fact this is —, they can even go deep-sea diving with this system. So it's waterproof.

Chairman Liakakis said, thank you, Colonel.

Sheriff St. Lawrence said, let me just finish with what I was thinking. You know, it requires the cooperation of the District Attorney and Child Support. That's where we want to start but what Commissioner Odell brought up, it certainly down the road could be a condition of bond. If you didn't want a person in a certain area, the judge could deliberate whether they ought to have bond or not. There's a lot of possibilities. What we're trying to do is get this pilot program going using Child Support, which is cooperating, and see how successful we are. And, again, we don't have nothing to lose.

Mr. Spencer Lawton said, I just want to say there may be some of you, in fact I'm sure there are, who have not had the pleasure of meeting David Lowe, who is the Director of the Child Support Enforcement Office, which is in turn a part of my office. I think I have mentioned to some of you before that this is an undertaking —, Child Support Enforcement, that is —, that is not part of the charter of the District Attorney. DA's in the State are not required to do this. I have elected to do it by contract with the State simply because I think that a program like this that's run by somebody who is answerable to the public locally rather than somebody who is appointed by the government in Atlanta to run it, is going to be more effective, and indeed it is, and the reason for that is that I've had the good fortune to obtain the services as Director of Dave Lowe, who I can say without equivocation is —, and certainly to the best of my knowledge and we do look at this sort of thing —, is the most innovative director of any child support program anywhere in the country. The guy is full of ideas. He never stops, and this is a good illustration of it, and he's been pushing this idea of a diversionary program of some sort in Chatham County for Child Support Enforcement since, guess when, 1997. Every year he has mentioned it again. Off and on through the course of the years we have had occasion to mention this same idea in these precincts. We had the good fortune last year, Commissioner Stone learned of this innovation and took it up pretty much as her own and has been a strong champion for us in the effort. If it were not for Commissioner Stone, we wouldn't have come under the arm of the County Manager, who would in turn not have organized the meeting which got us all together to do this. So I just wanted you to know that. I think this commends itself on several grounds. One is, as has already been mentioned, it is a much more humane alternative than previously existed. Previously, if Dave Lowe couldn't get these folks to pay through his enforcement efforts and the person not paying was in contempt of court, the judge only had two alternatives. One is chew the guy out and start all over, just put him back on the street to put himself in contempt again by not paying, or put him in jail. And, of course, we have any number of circumstances where a guy will come in and to the judge, "Well, I just got a job yesterday. I mean, I can start paying now because I've got a job." Well, if he's telling the truth, fine. The judge can, if he thinks appropriate, put the bracelet on this guy and we'll find out. And if he does have a job, we'll know every day whether he has reported to that work, to that job or not. And we'll take some of his money that he earns and put it into the pocket of his child. So this is a much better alternative, I think, than incarceration. In fairness it should be noted that

the Sheriff has said that we've got \$70,000 to spend on this through a grant that he obtained. But if this works, you can expect to see us back here again because it won't be free anymore. Thank you very much.

Commissioner Stone said, I just want to thank Mr. Lawton, Mr. Lowe, Sheriff, Col. Holmes, Mr. Abolt and Mr. Monahan for making it happen. I really can't take all the credit here. I did have a meeting with the District Attorney and we discussed some problems that we saw, and this was the outcome. And to me this was a win/win situation to get the fathers to be able to pay their child support and to get back into the work world. So I thank you all for your cooperation and I'm looking forward to hearing the results of this.

Commissioner Odell said, just publicly we have one of the best Child Support Services, not just in the State of Georgia, I'm familiar with Tennessee and Alabama, and for those citizens out there who do not know it, we have an excellent service. We have excellent attorneys who take this personal, who are aggressive and do the best effort possible to ensure that children receive money, and I can but say compliments to the Child Support. You all do an outstanding job under Spencer's [Lawton] leadership.

Chairman Liakakis said, well, Spencer [Lawton], we do appreciate, you know, what you have done in that Child Support because, as you know, a number of years ago the wayward parent would not be paying their child support, but since you've taken over that responsibility and you have Dave [Lowe] there you can see that the money has gone from thousands of dollars to in the millions of dollars of collecting and has really helped the families and the children that really needed that money, and it's been great that you've been involved in it.

Mr. Lawton said, I appreciate it. May I say one other thing and I'm sorry for taking so long, but this is important. I didn't invent the idea of DA's undertaking this effort. As I say, we're not required to do it, but we do it. There are seven of us in the State who do, but I inherited this. My predecessor, Bubsy Ryan, is the first DA, as far as I know, in the State, maybe not, but anyhow he was one of the first who got involved in this and did sort of hold the DA's office out as a place for the child to operate its enforcement efforts. I inherited that from him. I thought it was a good idea then, I think it's a good idea now, but I think some credit should be given to him for taking that originally in Chatham County. Thank you very much though for your comments.

Chairman Liakakis said, thank you also, Dave [Lowe], for the outstanding job that you are doing there also and to the Sheriff and Col. Holmes. We thank you very much because this is going to help once this program, this initial program is successful, then getting, you know, more monies in here, we can save the County like other counties have a lot of money and we appreciate this. Thank you.

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

Received information on a pilot program financed by a \$300,000 grant from the Federal Government shared with Houston County, Gwinnett County and Cobb County for the use of electronic monitoring for Child Support Enforcement.

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## **2. DOG ORDINANCE CHANGES (COMMISSIONER GELLATLY).**

Chairman Liakakis said, I'd like to call on Commissioner Gellatly for this item.

Commissioner Gellatly said, thank you, Mr. Chairman. To give you a little history, as you all read in the paper, and unfortunately right in the middle of my district on Chevis Road, there was a very serious incident that involved 128 pit bulldogs being kept in some very unsanitary and unhealthy conditions. You know, I'm never amazed —, more amazed about politics, I've been in it now for four years, and whenever an issue comes up you get a lot of phone calls before you come in, and I've got phone calls that said you need to rip the judge apart on this and I've got phone call to be nice to the judge. And actually this is not about the judge at all, okay. As far as I'm concerned, the judge made the best decision he could with what he had to work with as far as the law was concerned, and he gets to be heard in the court of public opinion, and that sometimes can be the toughest court in the world. I've been in that court many times myself and it's a tough place to be. But I would like to point out before I go any further, I think that the media's been a little sluggish or maybe they didn't know that this is a case —, it didn't happen last month. This is a case that occurred three and a half years ago. Actually, about three years and eight months ago, and it's just now coming to —, before a judge that had been a judge for 60 days. So he's certainly not responsible for the delay, and he had to work with what information that he had. I personally know Judge Coolidge and I supported him when he ran for election and I still support him. He worked with what he had to work with and, like I say, his decision is something that the public will evaluate. As a result of this, the owner of these pit bulldogs was given a fine of \$2,500 and I think five years probation and some rather stiff regulations that he had to maintain and follow to include that our Animal Control people can come on the property whenever they want to unannounced and make sure that all of the laws, all the instructions that he put down were followed, and I think this will occur. The conditions out there —, and any hungry attorneys listening to what I say. I'm not accusing Mr. Hunt of raising fighting dogs, but that's what pit bulldogs are known for and the conditions that they were being raised in out there with food sometimes and sometimes not, and sometimes water and sometimes not, being raised in close conditions, unsanitary conditions with log chains around their necks and if you notice those thick collars, those collars are used when you're raising fighting dogs because they tend to get flees and worms underneath those collars and that makes them mean and nasty. You don't

raise a pit bull in a well-fed and a comfortable environment with a lot of love and care and expect them to fight. They just won't. So I'm not accusing him of doing that, but if he were, that's exactly you raise fighting dogs, just like that.

Commissioner Gellatly said, obviously there were other problems with them out there. There were problems for the neighbors. You know, a lot of people that when they heard on the news that this is a location on Chevis Road near 17 Highway, I think that one of the media referred to that. A lot of people in this County still consider that as a very rural area. I want to tell you that the 300 block of Chevis Road is not a rural area. If you go out there, the population density is much more than it is in Ardsley Park. If you take a look at it, you'll see small cottages or homes, and if you look behind that, there's a trailer and then there's a house trailer behind that and one behind that, and it's an area where code enforcement for decades didn't occur and we're just now coming to grips with that. So at any rate —, and also in that area there are a lot of children and there are a lot of elderly people, and they're good people there. There are people that go to work all the time and they're fine, decent people.

Commissioner Gellatly said, when this came out in the paper, unfortunately I learned about it when I read it in the paper just like everybody else did, I went out and walked that —, the 300 block of Chevis Road, knocked on doors and talked to people, and it became very evident to me that there's a large number of people out there that are intimidated by all these animals, and while I was out there I could smell the smell of these animals and just a continuous barking, and this is something that the neighbors are very concerned about and keep in mind that this case was filed three years eight months ago and it was just now being heard. I think that the media's going to do some checking into it. You might want to find out why it took so long to get through the system to begin with.

Commissioner Gellatly said, what I'm asking now is —, and I don't think I need it in the form of a motion because I think the County Manager's already started to take some positive action in that area —, I'm asking, number one, for a report in short order and, if possible, I'd like to have it by the next Commission meeting. I'd like to know what our enforcement groups, both Police and Animal Control, exactly what they're doing. The judge gave them a golden opportunity with some strict rules and regulations that had to be followed out there, and I would hope that we would make no warnings out there. We need to give a citation whenever the opportunity presents itself. The judge made it clear that all these dogs were to have rabies shots. That —, the court case was, I think, the first of March. Please don't tell me that those dogs don't have rabies shots yet. That should occur right now and it's not something we need to study or evaluate, and if they haven't occurred I want to know about it and I'm going to have a press conference right in front of his house. Second, I would like us to take a look at the ordinance, animal ordinances that we have, Animal Control ordinances. We have a merged Police Department now. I would think that it's very confusing for the Animal Control people, and I think they do a good job, but they've got two sets of ordinances to look like —, to look at. I would hope that wherever we could that we can merge that ordinance. The City ordinance is a very tough ordinance right now. I think it's tougher than the County's, but about 10 or 12 years ago, if you recall, we had a child that was killed by a —, I believe it was a large German Shepherd in the City and we found that we had some real difficult times making cases on it because —, the lawyers would know about this than I do —, but apparently a dog in Georgia enjoys the first bite before you can take any real legal action against them, and that was a real problem in Savannah, so we created a new ordinance where if a dog had the propensity of being a vicious animal, and the criterial was spelled out, why, law enforcement could take some action and not wait until after the fact. So I would hope that we would go ahead and do that. If it's possible, to merge that ordinance and, like I say, the City has a good ordinance now. It's a tough ordinance. I used to work for them when they put the ordinance together. I would also ask that we take a look throughout the country as to what other communities have some innovative animal control ordinances that are both fair to the people and animals, and that we're not put in the position of reinventing the wheel and hopefully find ordinances that have been in place for several years and have withstood court challenges so that if we bring them back here we can say if it's challenged that this is an ordinance that's been in court seven times and it's never been overturned. So I would hope that we'd do that. It occurs to me that Chief Flynn in his past life was a member of the Dade County Police Department, which is well known as being a very innovative department or region, and maybe he can bring forth some ordinances that we can use here also.

Commissioner Gellatly said, I'm also concerned, and maybe not rightfully so, but I would want us to take a look at another portion, another dangerous animal ordinance or laws to begin with. In other words, if I decided I want to raise king cobras in my garage, would I be in violation of any type of a law and, if not, it should occur because we're not a rural county any more. We have a dense population throughout the county. If people ever bought or raised exotic animals and vicious animals, if they're allowed to do it at all, let them do it in some rural county. It shouldn't occur in Chatham County at all. I would also like to say that as I started out with, I think that the judge in this matter he —, this was a judge that had been a judge for six days. This was a case that had been the court system for three and a half years. He wasn't responsible for that, and a judge can only —, cannot create law. He can only issue fines and penalties based on what the law says. So what I want to do is to make sure that we have the toughest laws possible on the books right now. Also, I want to make sure too that as this progresses, especially in my district because as far as I can see not a heck of a lot's changed in three and a half years. He's still got all those dogs out there, it still stinks out there and there is a lot of noise out there and you've got people that are in fear of their life 24 hours a day, and that's just not acceptable anywhere and it's damned sure not acceptable in my district, I want to tell you that. For any new cases made, if you need an outstanding witness, I happen to —, would made a very outstanding witness. I have 40 years experience in Animal Control issues and I would be happy to absorb and I would be thrilled and delighted to appear in court on this —, on —, hopefully this individual will take proper action and correct this. These animals do not belong in a residential area and there are many places in this County that if someone moved in and raised a —, brought in 128 pit bulls, it would last about three or four hours. It's just unconscionable to me that we can have a neighborhood that is among the thickest, densest populations in our county and have dozens and dozens of pit bulldogs right in their own back yard. There's something terrible wrong with that. I don't want us to study this, I

want us to get on with it. I would hope that we can come back with some kind of an ordinance, if we need to change, within 60 days. I would like to know by the end of the day, I would like some assurances that those animals have all had their rabies shots out there, and we should not hesitate to try to make cases wherever we can. Thank you, Mr. Chairman.

Chairman Liakakis said, Mr. County Attorney, what I'd like for you to look at, of course you're going to be working with the County Manager on this, but it's important because I looked into some of these problems and there's some distance problems about somebody can have, you know, a certain amount of freedom for what they're going —, and that distance is really important because if we'd have had that distance in there, they would not have been able to because they would have been violating state laws and local laws in that situation because we've got to be fair to our citizens but also to those dogs that, you know, have been mistreated in that area. Chairman Liakakis recognized Commissioner Odell.

Commissioner Odell said, while you're talking to, Jon [Hart], just to follow, it's difficult to me to understand why you would need 128 pets. I mean, that to me just seems excessive, but in checking our ordinance I don't think we have set a limit and —. County Attorney Hart said we do not. Commissioner Gellatly said, the City has four. Commissioner Odell said, the City has —, I'd like to see us do what the City has done because the neighbors who live around 128 staked out, chained up dogs are in hell. They need government and, you know, I think when you come back to us, Jon [Hart], you come back with a proposed ordinance if it can run parallel to the City because the City has a good ordinance. County Attorney Hart said, we looked at the City and we're also looking at Cobb County. Cobb County's recently addressed a lot of these issues. Commissioner Odell said, one of the spinoffs of this is that I've got a similar situation over in Tatumville. This happened in David's [Gellatly] district and then I get a call after it hits the paper that I've got a similar situation in Tatumville, but that's within the City and we're dealing with that through the City. I don't want to wait 60 days on this, Jon [Hart]. Is it reasonable that we can get a draft —. County Attorney Hart said, sure. Commissioner Odell asked, — of something —? County Attorney Hart said, you'll have it by the next meeting. Commissioner Odell said, within the next meeting. County Attorney Hart said, I'm going to give you some options at that point anyway. Commissioner Odell said, I think that would be good, and just to amplify again what David [Gellatly] said is that we so often kill the messenger. Judges interpret the law. Judges by law cannot make law, and this case arose in 2001, and for people to think that Judge Coolidge did something wrong doesn't correlate with the facts. He's been a judge since January 1<sup>st</sup> and he did what could be done within the law. I liked David's [Gellatly] proposition that while we're looking at that ordinance, what would happen if someone wanted to raise a small African lion? You know, just the cuddly kind. You know, it grows up to a big untameable, hungry, will-eat-human-flesh kind of beast, and if we have not checked that dangerous animal ordinance I think this would be a good time to do it. You know, just so that we can get that problem behind us, and I think we're all in agreement that this is as about a good time. We've got the public support and sentiment so that we can do something. No one should have 128 dogs in a community. No one.

Chairman Liakakis recognized Commissioner Farrell.

Commissioner Farrell said, when you look into this ordinance bear in mind that there are a few legitimate hunters that may have more than four beagles or some legitimate amount of dogs for legally hunting deer or rabbits or what have you, and keep that in mind that we have some outlet that we don't hurt the legitimate hunters in this County. If they have more than four dogs, if there's some way we can keep that in mind.

Chairman Liakakis recognized Commissioner Stone.

Commissioner Stone said, thank you, Mr. Chairman. I think it's a shame that it takes an incident like this to bring this all to the forefront, but oftentimes it does. The only redeeming fact is that a child or a person was not critically hurt. I believe the City does have a dangerous dog ordinance. I'm sure that could be reviewed, but two other things to keep in mind, and I've had some experience with this with the Humane Society and with a personal incident in which a pit bull attacked a pet of ours and ultimately the dog died, but the enforcement of this is critical and it's a problem, especially when you get something that's —, an area as large as Chatham County, and also to have the judicial support behind us because our problems with the Humane Society in the past were when these were cited and they did go to court, we do need to make sure that we have the judicial support to carry this through. So those would be the —, the enforcement and the judicial support are key, as well as something —, and I don't really know how to address this but I know it's a problem, and that is the licensing for the way these —, to make sure that that is in fact done, and in Chatham County I know that we've had problems making that each dog each year has been vaccinated for rabies, and it is a problem. I'm very glad that we're going to be addressing this. I would be happy to offer my support for my background from the Humane Society and I commend Commissioner Gellatly for the work that he's done on this and I know the staff will follow up. But those are my comments because I don't want this the next time to come around for it to be a person that's been injured or hurt. I know from personal experience it was bad enough losing a pet when the pit bull snapped his leg in half. So, I would like to see this carried forward and thank you.

Chairman Liakakis said, all right, yes ma'am, come up to the mike please.

Ms. Carol Williamson said, thank you. Oh, Commissioner Gellatly, you have won —. The Clerk said, identify yourself please. Ms. Williamson said, I'm Carol Williamson, a Chatham County resident all my life, and I'm just an individual that's very much concerned about animal welfare and rights. Not a member of any organization, but have helped many animals over my lifetime. And, Commissioner Gellatly, you have won a lot of points —, more than you will know right away today —, by addressing this issue in the manner you have and thank you very, very much. And I hope this is not going to go to deaf ears. It sounds like it's not to the Commission and of the urgency of this matter. I have

already heard through the grapevine that Mr. Hunt has already gotten rid of over half of these dogs. I have not been able to verify with Lt. Bulware at Animal Control because she's been out sick since Wednesday of this week. This means that I'm afraid Judge Coolidge in his sentencing and probation order, which I have a copy of, has allowed a convicted animal abuser to not only profit from the sale of some animals that he's been abusing and neglecting, but to sell and/or give them away to persons of his choosing. So I beg to differ that Judge Coolidge did not make a huge mistake in this matter. This case has been brought to my attention, what, only a week now. I am a lay person that too many things are evident to me and too many things that Judge Coolidge had the power to do in this case. I'm not here today to go any further about that, but I am here today to plead with you, plead with you the urgency of not only the dogs of this particular case, but of the animals that are suffering every day due to our ridiculous lenient laws. What's going on that we live where a person, an individual, can have possession of 128 animals, the type animals like Chief Gellatly stated are used for illegal dog fighting, which of course a lot of crime is connected to that, and I have quickly learned in this week's time through persons with the Police Department and Animal Control how prevalent illegal dog fighting is in our area.

Chairman Liakakis said, well, thank you very much. We appreciate that. I think you've heard all the comments from our Commissioners, especially Commissioner Gellatly — Ms. Williamson said, thank you. Chairman Liakakis said, — because our County Manager, our County Attorney understands what we want to be done. Ms. Williamson said, yes. Chairman Liakakis said, but one of the things we have to realize too, when you have a particular court case, we need to know what the evidence was — Ms. Williamson said, yes. Chairman Liakakis said, — the evidence that was presented to the court because if the court did not have all of the evidence necessary to come even stronger, then, you know, what a verdict is by the court, then, you see, things get muddled up, but we —, I'm an animal lover myself. They're part of my family. I have three dogs and three cats, so I don't want to see any animal abused in any way, shape or form, but we need to see what the circumstances, because what's reported to the citizens sometimes they don't have the full information. We've got a good reporter that, you know, that works with us and has put the news out to the community, but that's one of the things we can condemn people, but that's the circumstances we need to know about, and I assure you that, you know, we've got to able-bodied professionals that will work on this immediately to get it taken care of, and thank you for coming up.

Ms. Williamson asked, may I say one more thing, Chairman Liakakis? I have spoke with Mary Greene [phonetic], who is the Director of the Animal Protection Division with the Department of Agriculture, and she has told me —, and this may very easily be verified —, that this case against Mr. Hunt started in their department as far back as 1991. How much tax dollars has been put into this case against this particular individual to now let our judicial system do nothing, which is really what's been done? And, so, it's outrageous, but I do hope, I do hope and I'm here to plead, let's let some good come out at the expense of Mr. Hunt's animals. Thank you.

Chairman Liakakis said, well, we'll take care of that. We are going to pursue that. Ms. Williamson said, thank you. Chairman Liakakis said, thank you very much. Chairman Liakakis recognized Mr. Pierce.

Mr. John Saxon "Piccolo" Pierce said, you know, I [inaudible] get this job. Some ain't got no job and it's a crying shame, an old lady sits down hungry. She ain't have no job or nothing. It's a crying shame because I said Pete [Liakakis] can do something about it. I depend on you to do something about it. I know you [inaudible] do something about it. I said Pete's going to help me. You sit down there and think. It's a job. People [inaudible] burglarize and all that because they ain't got no job. If they had a job you could do —, do something about it, Pete [Liakakis].

Chairman Liakakis said, I assure you, Mr. Pierce, that we're working on a number of the things. We have brought all the seven cities together along with the County. We'll be working on issues to help people and we certainly are going to work for the people that are in the poverty areas so that we can bring them up to a higher level, and thank you very much. Mr. Pierce said, thank you very much.

Ms. Judy Nichols said, I'm Judy Nichols. I also live in Chatham County and I have thought about coming to the Board to talk about these animal rights issues prior to today, and since they did come up I'm just taking the opportunity to reenforce especially what I heard this earlier woman discussing that this incident does need to be used to take a look at overall the treatment of animals in the County. And I, too, had an incident where my dog was attacked and bitten and had to have stitches, and I am sorry that Commissioner Stone's dog passed away, mine did not. But it isn't just the issue of the, you know, we heard about the horrific crimes that —, and how difficult it is and to penalize or bring them to justice even in those situations where the treatment of animals has been horrific. But I know even in my neighborhood I have been accosted by many, many large dog, like Rottweilers and the so-called hunting dogs that are like five to a fence and just stay out there, and they break lose of their fence when one walking along innocently with a lease, a little foo-foo dog, and I'm telling you it isn't just these people that, you know, are committing these horrific acts, but it's in your neighborhoods as well, and if you can do anything to even educate people who do own large dogs for protection to even check their fences to make sure that, you know, their dogs haven't dug holes, they don't get out, and that the latches are safe, things like that, you know, because you are going to be preventing incidents in the future. We've have incidents in our neighborhood where dogs have just barked, just barked and barked and barked and barked, and I don't know what their problem is, but clearly they're not being taken care of. And I'll be honest with you, the police, bless their hearts, don't really want to deal with these issues. They view them as domestic disputes and, you know, they don't want to go knocking on a place that's had several complaints because they view these, I guess, dogs as a neighborhood issue. Well, it's really a community issue and, you know, again I agree with this woman. If you can use this incident to educate or even change rules, whatever you need to do, I'm just talking in support of that. So, thank you.

Chairman Liakakis said, thank you very much. To the credit of Chief Dan Flynn, there was a particular occurrence that had occurred a few months ago and what he did was he has put a plan into place so that all of the Animal Control officers would go through some additional training so that they know how to approach what you're talking about and how the —, in other words, when they shoot an animal, what is the proper process in that way and how to take care of the animals and also other things that are necessary for animal control in our County. And, so, he's done a good job in that.

**ACTION OF THE BOARD:**

Staff was directed to review the animal control ordinances of the City of Savannah and other counties of a comparable size to Chatham County and present a report to the Commissioners at the next meeting regarding this issue.

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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. **REQUEST BOARD DECLARE AS SURPLUS THE PROPERTY AT 5000 JASMINE AVENUE AND OFFER IT FOR SALE AT PUBLIC BID. NOTE: Commissioner Shay requests a neighborhood meeting on this matter to discuss use options. Neighborhood meeting was held on Tuesday, the 15<sup>th</sup> of February. [District 3].**  
**At meeting of February 18, 2005, item was tabled to meeting of March 11, 2005.**

Chairman Liakakis said, I'd like to have a motion on the floor to take this item that has been tabled off and have Commissioner Shay discuss this.

Commissioner Shay said, motion to take it off the table. Commissioner Odell said, second. Commissioner Thomas said, second. Chairman Liakakis said, it's been motioned to do so and seconded. Come on the board. The motion carried unanimously. [NOTE: Commissioner Kicklighter was not present when this vote was taken.] Chairman Liakakis said, the motion passes.

Commissioner Shay said, Mr. Chairman, I requested that this matter be tabled approximately a month ago so that the neighborhood association, the Mulberry Hill Neighborhood Association would have a chance to discuss some options that are available as far as finding an occupant for the property at 5000 Jasmine Avenue. They did meet. I met with them one time in a meeting that was facilitated by Assistant County Manager Pat Monahan. They met again last night and we again heard the options that were available to them and they were going to deliberate after we left last night. I don't know what the outcome is, but I would like to request again, if the Commission would forebear, that we table this matter for another four weeks until the meeting in April so that we can make sure that we have a resolution that might be acceptable to the folks there in the neighborhood.

Chairman Liakakis asked, do we have a second on his motion? Commissioner Odell said, second. Chairman Liakakis said, second. All in favor, go on the board. The motion carried unanimously. [NOTE: Commissioner Kicklighter was not present when this vote was taken.] Chairman Liakakis said, the motion passes.

Commissioner Shay said, thank you.

**ACTION OF THE BOARD:**

1. Commissioner Shay moved to untable the request to declare as surplus the property at 5000 Jasmine Avenue and offer it for sale at public bid. Commissioners Odell and Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Kicklighter was not present when this vote was taken.]
2. Commissioner Shay moved to table this item until the next meeting. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioner Kicklighter was not present when this vote was taken.]

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- \* 2. **PROPOSAL TO MERGE BOARD OF ELECTIONS WITH BOARD OF REGISTRARS (THOMAS COLE, CHAIRMAN, BOARD OF ELECTIONS).**

**At meeting of February 18, 2005, item was delayed to meeting of March 11, 2005.**

Chairman Liakakis said, I need a motion on the floor to go over the Board of Elections and Board of Registrars. County Manager said, take it off the table. Commissioner Stone said, so moved to take it off the table. Chairman Liakakis said, to take it off the table. Commissioner Thomas said, second. Chairman Liakakis said, all in favor, go on the board. The motion carried unanimously. [NOTE: Commissioner Kicklighter was not present when this vote was taken.]

Chairman Liakakis said, we have on Item 2, Proposal to Merge Board of Elections with Board of Registrars. Do we have any County Commissioners —, I'll make a statement on that, but do we have any particular conversation on this right now? Commissioner Odell said, I'd like to see it tabled. Chairman Liakakis said, okay. Commissioner Shay said, if that's a motion, I'll second it.

Chairman Liakakis said, all right. One of the things, let me explain to the people that are in attendance today, we did receive some correspondence from the Board of Registrars. They have met lately with the Board of Elections and there were still some items and they were still concerned about the merger. So we will meet in the very near future so that we can have the Board of Elections and the Board of Registrars, along with the County Commission, so that we can talk about this particular item. And what we mainly want is to make sure that we have this in place that is to benefit our voters in our community. The reason why the Board of Registrars was set up and the Board of Elections, a separate unit, it was a check and balance thing in the past, in years in the past. So we need to make sure if there is a merger that we will have those checks and balances in the future. Many years ago there were some problems just with having just one organization, but we have a motion on the floor now to table and a second to do this. Go on the board. The motion carried unanimously. [NOTE: Commissioner Kicklighter was not present when this vote was taken.] Chairman Liakakis said, the motion passes.

The Clerk said, you tabled that motion, was it tabled to a specific date? Chairman Liakakis said, let's go to the —. Commissioner Odell said, it automatically comes to the next meeting. County Attorney Hart said, correct. The Clerk said, correct. County Attorney Hart said, if it's not taken off after a number of meetings, it will drop off the agenda. Chairman Liakakis said, okay. The Clerk said, thank you.

**ACTION OF THE BOARD:**

1. Commissioner Stone moved to untable the proposal to merge the Board of Elections with the Board of Registrars. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Kicklighter was not present when this vote was taken.]
2. Commissioner Odell moved to table the proposal to merge the Board of Elections with the Board of Registrars. Commissioner Shay seconded the motion and it carried unanimously. [NOTE: Commissioner Kicklighter was not present when this vote was taken.]

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**\* 3. FROM PURCHASING AGENDA ON FEBRUARY 18, 2005:**

E. Contract for Group Health and Employee Benefit Plan consultant services	•Finance •Human Resources and Services	Mellon Human Resources and Investor Solutions	\$282/hour - Not to exceed \$154,500	Health Insurance Fund
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**At meeting of February 18, 2005, item was delayed to meeting of March 11, 2005.**

Chairman Liakakis said, the next item from Purchasing Agenda on February 18<sup>th</sup>, I'd like a motion on the floor to bring it back up.

Commissioner Odell said, move to untable. Commissioner Holmes said, second. Chairman Liakakis said, all in favor go on the board. The motion carried unanimously. [NOTE: Commissioner Kicklighter was not present when this vote was taken.] Chairman Liakakis said, the motion passes.

Chairman Liakakis recognized County Manager Abolt.

County Manager Abolt said, yes sir. This was our —, as you know, it was tabled and it's unfortunate that Commissioner Kicklighter is not here because I believe he was the one that asked the question, but staff has taken the time and followed your direction, I believe, to evaluate what's before you and, in effect, to come back with an analysis for your perusal, which we've included in your packet. As you know, in receiving a memo that I had been the recipient of from Ms. Cramer a few days ago, this is critical now. We have notification from the representative of ACCG Blue Cross that we should budget for our next fiscal year beginning the first of July what amounts to a substantial increase, 13% increase or \$1.7 million, and I would implore you to make a decision today. I know there was some issue as to whether or not an additional about \$35,000 should be spent between the RFP proposers, one being the one recommended by staff and then the second low. Staff feels very strongly still the first one recommended is the best

one to do the job, particularly when it comes to working with the employee groups. But regardless, please make a decision today because this problem is not getting any better.

Commissioner Odell said, at the last meeting our problem was that we got hung up on the \$35,000 between the two as comparing a \$1.7 million proposed increase by Blue Cross/Blue Shield. I would move to select staff Alternative No. 1, and Alternative No. 1 is the company that staff, both Finance and Human Resources, is recommending, and before I opt for a second, the reason I'm doing that is as follows: One is that we really need to move quickly. Two is that I don't think any of us have the time to become experts in benefits administration, and three is that's what we've got staff for. So I'll move that we accept the recommendation of staff. Commissioner Holmes said, if that's a motion, I'll second it. Commissioner Odell said, that's a motion.

Chairman Liakakis asked, any discussion? Any discussion on the motion?

Commissioner Farrell asked, are there any representatives of the three companies here today? Mr. Michael Kaigler said, yes sir. I think we have representatives from Palmer & Cay here today in the audience, Mr. Steve Eagle. Commissioner Farrell asked, could we hear from him for two or three minutes to tell us about your proposal? I assume you're a local corporation with expertise in this.

Mr. Steve Eagle said, yes. My name is Steve Eagle. I'm Manager Partner of Palmer & Cay. My area of expertise is health and welfare and we responded to the proposal presented by the County, and I appreciate the opportunity to speak. I'll be brief. First of all, I want to commend the work of Michael Kaigler and his committee. I'm quite confident that they did a thorough job of review of the contenders. The other two groups represented, being AON and Mellon Consulting Group, I'm sure that they are well staffed in the areas that we are. Broad categories of the proposal involved measuring, monitoring and managing the plan, evaluation of the plan, negotiation, budgeting and forecasting and compliance. And I'm confident that —, I feel like we've probably got equal footing along those lines in terms of representing the County. We have —, we're broad in scope in that we have over a thousand employees throughout the country, actuarial staff, clinical staff, but I think the differentiator for Palmer & Cay where we're uniquely qualified is our presence locally. In my opinion, health care is a local dynamic. We are in this community. We were at the table of contract negotiations, be it provider or on the carrier side. We know what goes on when as it relates to health care. We also represent the major municipalities and government groups in the area, and I think our clients can speak to our capability in this regard in representing the County. So that is where our strength lies from a local standpoint, knowing this area and how to represent the County. So with that I will close my comments, but we do appreciate the consideration of the County and also the committee. Thank you.

Commissioner Odell asked, can I ask a question? You have a thousand employees, is that true? Mr. Eagle said, yes sir. Commissioner Odell asked, all of them here in Savannah? Mr. Eagle said, no sir. We have approximately 32 offices in 17 states. We have about 120 employees local here in Savannah. We have 17 employees dedicated to the work of the County to perform the work presented in the proposal. Commissioner Odell said, I'm just looking at your argument about local sensitivity. Is that an argument that you use, say, if you're in Alabama? Mr. Eagle said, we would have an office, sir —, we have an office, sir, in Alabama to represent that area. I'm speaking to our knowledge of the business here in Savannah, being on the ground here in Savannah, being at the table in many negotiations in this area. As you know, there are coalitions, there are also, you know, hospital groups that we are engaged with daily and know what go on.

Commissioner Farrell asked, do you feel like —, you know, to me the reason we're hiring this contractor is to help shepherd and direct the County to get good coverage at a better price. Mr. Eagle said, yes. Commissioner Farrell said, and I think that's the bottom line here —. Mr. Eagle said, right. Commissioner Farrell said, — and we're going to pay a certain amount to get it done, and as I recall from our last meeting your proposal was \$40,000 or \$50,000 less expensive than the one that staff is recommending. Mr. Eagle said, that's my understanding. I don't have the total details on the financing. Commissioner Farrell said, I didn't crunch the numbers on this meeting, but I'm certain that Mr. Kaigler could give us those numbers. County Manager Abolt said, if you look page six under this tab and that has the reprinting of the spreadsheet on the RFP analysis. Again on this, and I realize that dollars are of concern, but I want y'all to keep in mind that this is an RFP. You have maximum choice. This is not a bid as such and you're looking at the quality of work. As in the past instances where this firm has bid, they're an extremely reputable firm. You'll recall that not too long ago you did award a contract in their favor because they are reputable. In this particular case though the rating was very close. You'll notice on page six that Palmer & Cay was the third ranking of the three proposers for reasons given beyond just the dollars and it has to do with not a spread of great amount, but there is a spread between the number one recommended firm and Palmer & Cay in the areas of qualification, experience, and understanding of the project. Mr. Eagle said, the questions, sir, that I would have along those lines is in the measuring process and what you read in proposal is the measurement of local intellectual capital. I think it would be most difficult to surmise the value of that in reading a proposal or listening to a given presentation. Commissioner Farrell asked, would that be why you need less hours because you think you might be already up to speed with the local —? Mr. Eagle said, I would agree with that and also to Mr. Odell's point about other offices, it's because we do have other offices that we have more capability. We would be using our St. Louis office for actuarial or we'd be using our Milwaukee for clinical work. It relates to wellness and indeed management.

Chairman Liakakis recognized Commissioner Shay.

Commissioner Shay said, I'm very sensitive to the argument that I'm hearing here from Palmer & Cay if for no other reason that I'm also a consultant in a different area, and I find myself routinely competing against firms from Atlanta who have real good power point presentations and nice traveling portfolios, but at the end of the day as a consultant,

when this contract is over, the Atlanta consulting firm goes back to Atlanta, and the local firm resides in the community and says here and quite often has a lot more at stake. I like the intellectual capital argument. That's an interesting one too, but we don't have at this point, as I understand it, any policy or procedure that says that a local provider, a local service provider is given any additional weight in the process. Do we? County Manager Abolt said, no sir, you do not, and again here's a situation where in a bid now —, this is an RFP —, the answer is no. In a bid, yes, there is a policy in place so they save millions of dollars and invested that money within the County where if you're bidding on an automobile —. Commissioner Shay said, right. County Manager Abolt said, — and one of the bidders might be from out-of-County and the other bidders or one of the bidders remaining are from in-County, then the in-County person has the option to match that bid. In professional services contract, of course, you could not do that. Commissioner Shay said, now don't misunderstand me, at the end of the day I may end up voting for the staff recommendation, but, you know, I think that when we talk about service providers, there's been a lot of talk lately, and I think it's a very good notion, about knowledge-based businesses and how we need to try and attract knowledge-based businesses to thrive and locate here in Chatham County, and I would argue that Palmer & Cay is certain a knowledge-based business. If we have something in our Purchasing Ordinance that says that when somebody wants to sell a policy car, let it be our local provider that gets some additional consideration, then I think it's worth us at least considering whether or not service providers might also be given some additional consideration for the fact that they're large employers in our community and, therefore, also by extension large taxpayers and large contributors to the intellectual capital of the community.

Chairman Liakakis recognized Commissioner Stone.

Commissioner Stone said, Mr. Chairman, thank you. A question for the staff. Is this the first time we've ever had to hire a consultant to aid us with our health insurance? County Manager Abolt said, this has been the first time which has been so difficult. In years gone by there have been reliance on Savannah business groups, area hospitals. With the introduction in such a quick way of replacing what we had with Blue Cross/Blue Shield, some harm was done and we're trying to deal with recouping and recovering from where we were and put us in the best stead while over all of this has been this unbelievable increase in health costs, health care costs. So it's a dynamic. As you know from your travels, I guess if misery enjoys company, we have plenty of companies nationwide, but in this particular case it is so critical to the budget, staff, as you might expect, have come to you with the very best that we can find even though we realize that the three competitors are very good at what they do. But it's your choice. I'd ask you please make a choice today.

Chairman Liakakis recognized Commissioner Odell.

Commissioner Odell said, I'd like — excuse me. I'm sorry.

Commissioner Stone said, this really is not germane to this discussion, but this leads me to wonder if this is the right health insurance for us if we need to hire outside consultants to help us get through it, so to speak, so I just wanted the next time we vote on health insurance, I just want to be very keen to this. County Manager Abolt said, well, I'm —, not meant to be I'm sorry, but I've prided myself on being very stingy in ever having to resort to consultants, and those of you who've been with me, and Commissioner Shay is nodding his head, we just don't use them. So much of what we do has been done based on intellectual capital of the employees of Chatham County. In this particular, because the problem is so convoluted and so expensive, we'd like to get the very best we can. Commissioner Stone said, I understand that. I just —, it's just a thought that came to my mind that possibly in the future that maybe another health insurance so that it's not so complicated. County Manager Abolt said, that may very well be. Commissioner Stone said, that we have to go through a consultant. Thank you.

Mr. Kaigler said, to justify what you —, Commissioner Stone's question, our former TPA, they provided consultation services to us and now that we don't have them and we also have some discussion about whether staff is actively projecting numbers going forward, we thought it best to get a consultant, a third-party independent person to come in and review the data and then make a recommendation to the Board of Commissioners.

Commissioner Stone said, and I'm not faulting you for that. I'm just bringing out something that was very logical to me is that it's a shame that we have a health insurance that we can't get through ourselves. That was my only point and maybe that needs to be taken into consideration the next time we review our health insurance. Mr. Kaigler said, and also just for clarification, if the Board, just like we indicated in our staff report, the firm that the committee recommended, they felt that the proposal they submitted best suited all the needs that the County has. In reviewing that a second time after the Board told us to go back and look at it again, we are still of that opinion, but if the Board chooses one of the other two firms, we want to make you aware that we're going to have to go back and we really don't feel that enough hours are devoted to particular components that staff feels needs to be addressed. For example, the employees focus groups, we want to put a lot of work on the front end in order to, you know, involve the employees into this decision-making process. So, whoever you choose, if it's not the firm that the committee recommended, we're still going to have to go back and negotiate more hours because we feel that in order to do an adequate —, an adequate job, we're going to need more hours devoted to the project.

Chairman Liakakis recognized Commissioner Odell.

Commissioner Odell said, one of my concerns is that I think that we make a determination what we need. The last time the Association of County Commissioners put Blue Cross on our back with a five/four vote and the end result is that none of their numbers were true. I mean, it was so bizarre to be inaccurate. I like Palmer & Cay and I'd like to give credit to them being here, but I want Palmer & Cay to believe that they make a determination as to what I —,

what we do as to our insurance. You all would be the service providers, not the service directors. Mr. Eagle said, we would be providing an objective opinion as to what direction to take. Commissioner Odell said, I understand that, but my point is that one of the problems with constantly looking solely to local is that the political clout that some of these organizations have is overwhelming. So —. Mr. Eagle said, we —. Commissioner Odell said, I understand. If I could finish. Mr. Eagle said, yes sir, I'm sorry. Commissioner Odell said, my concern is and what I want is we were duped and treated like boobs on this Blue Cross. The numbers didn't bear up. We lost money. We left a relatively good program to go to a confusing program. It was an uproar with the employees being upset because even some of the judges, like a judge who's a diabetic who had been a judge for many years under the new plan could no longer get his diabetic medicine because it didn't fit the new plan that we went to. I don't have the time or expertise to know. I have to rely upon Abolt, I have to rely upon Kaigler and our Finance Director and the other people. I don't have a dog in this hunt one way or the other. If they say this is the one and they have the reasons, I'm willing to give them the benefit of the doubt if there are not overwhelming compelling reasons not to. An overwhelming compelling reason not to is I heard from our Director of Human Resources that the proposal submitted by Palmer & Cay they felt were a little bit short of the hours, so that would mean that we would have to go back and recompute what you have submitted to comply with what we think we need, and for those who don't like change orders, that could be a change order. You know, if it's just apples to apples, but it's not apples to apples. You've got people who are going to professionally approach it one way, you have their hours, you've got the various groups, and you've got Palmer & Cay, who was the third. I'd like to give the local company the business, but this is not a \$35,000 difference. This is a ten million dollar or more expense. That \$35,000 in the ultimate scheme is insignificant and —, I don't know.

Commissioner Odell said, you're our Finance Director, you participated on this. Is that true? Ms. Linda Cramer said, that's right. I was one of seven people that participated on the committee. Commissioner Odell asked, and the group that's recommended has your stamp of approval as our Finance Director? Ms. Cramer said, I think the entire committee agreed that the firm we're recommending was the best firm, and I do have a lot of respect for Palmer & Cay. I mean, they're our brokerage —, insurance broker here —. Commissioner Odell said, but it's not like we have cut them out on business. They're making some money off of us. Ms. Cramer said, well, and we did consider their local strength in the entire evaluation process as well as the strengths of the other parties and, of course, we always would like to do something locally. I think it works better for our community if we would do that, but in this situation where we're looking at a fifteen million dollar budget next year, you know, we've got to take this whole process, look at it and make sure we're doing everything we can to come up with the best plan and the most affordable plan for our employees and have a plan that everybody thinks is a good plan and good input from employees and so it was the whole process that we had envisioned before we got the RFP's back about what we wanted the consultants to do and Mellon, whom we are recommending, has done this type of work for several counties in Georgia. They've worked with Athens-Clarke, they've worked with Augusta-Richmond County, the City of Macon, so they've done this same process and I think, you know, given the strength of what they've done for those other counties, that was key in our recommendation. Commissioner Odell said, so their intellectual profit is that what we need doing they've done it for other people that are like us —. Ms. Cramer said, right. Commissioner Odell said, — similarly situated. Ms. Cramer said, right. Now I'm not saying they're going to come in with a cookie cutter look at it. I didn't get that impression at all, but they have that experience coming in. They've worked with Blue Cross/Blue Shield on a number of occasions in other situations, and I think that's going to be important to us as well. Commissioner Odell asked, and someone contacted the reference from the other counties? Ms. Cramer said, oh, right. After our last discussion with you on this issue, we went back to all the references we had. I think we had five from each provider, and just went back over them again, got additional information and, you know, again we had very compelling references on Mellon.

Chairman Liakakis recognized Commissioner Thomas.

Commissioner Thomas said, thank you. I just want to say that I'm hoping that we can now make the best decision that we can make given the scenario that we have had with the Blue Cross/Blue Shield situation. I, for one, had a lot of problems, particularly with medication and some other things, and personally I do have some insurances with Palmer & Cay; however, I do respect the decisions that are being made by staff. We are paying them the monies to do that and look into areas that I certainly do not have the expertise in and so therefore I have to rely upon them, who are supposed to be the professionals in the area, to help us to make the best decision that we can make. So, therefore, inasmuch as I would love to go with Palmer & Cay, which is the local, you know, insurance company, I certainly would want to try to get the best mileage out of what's being recommended.

Chairman Liakakis said, thank you. Chairman Liakakis recognized Commissioner Shay.

Commissioner Shay said, I'll grind the axe just a little bit longer and then I'll probably vote for the staff recommendation. The firm from Atlanta that's making \$282 an hour according to their proposal, what is the —, what about travel? I mean, do they charge us from portal to portal, do they —, when they leave Atlanta, do they charge us while they're driving down here? Do they stay in a local hotel and —. Ms. Cramer said, well, they have a —. Commissioner Shay said, — ask our taxpayers to fund their —, because I know a lot of consultants in Atlanta and they call me and they tell me they love to visit Savannah, they love to come down here because, you know, they can have an extended stay and bring their families and —. Ms. Cramer said, sure, and that's why we're so attractive. That's included in their hours and in their cost, their per hour rate and their total hours. Commissioner Shay asked, so in other words, there will not be any additional compensation for travel or lodging or anything like that? Ms. Cramer said, correct. Commissioner Shay said, okay. Thank you.

Mr. Eagle asked, may I make one additional comment, Mr. Chairman? Chairman Liakakis said, okay. Mr. Eagle said, first I just want to say that, you know, at the end of the day whatever decision is made here, I have the utmost respect the committee and the County and the evaluation process that has been gone through. I would like to say that

mention has been made about Blue Cross and Blue Shield and the political landscape here locally. I can tell you that we are very knowledgeable in dealing with Blue Cross and Blue Shield from an underwriting standpoint and negotiating arrangements and transitioning arrangements from Blue Cross and Blue Shield to other programs. From the political standpoint, we deal with every entity here locally on a professional level and objective level. So I'll close with that and I do appreciate your consideration and that of Michael Kaigler and his team. Thank you.

Chairman Liakakis said, all right. One of our biggest concerns because we want to make sure that our health benefits, you know, we have that for the employees. We have had a problem and what —, correspondence that we just received stated that our insurance premiums for our employees are going to go up well over a million dollars increase right now, and so we have to make sure that we save our citizens money, but also to have the best health benefits for our employees at a reasonable cost. And, you know, that's why we have to get onto this right away and make a decision concerning this because if we listened to what was said just now about, you know, some particular benefits were not provided to employees and we want to make sure that we do the best we can for the amount of money that we're putting in there, but this problem, you know, we have a situation, a shortfall to some degree on our budget, and we cannot continue to put monies out that we can save in operating this County.

Chairman Liakakis said, we have —, we're on the board now. Do we have a motion to —, any of the items at this point? The Clerk said, yes, there's a motion and second to accept —. Commissioner Odell said, I think I made a motion to —. The Clerk said, Alternate 1. Commissioner Odell said, — to accept the staff recommendation, which was Alternate 1. But if there is major concern by any Commissioner up here about that, I will withdraw the motion because we're going to be in this together and if we don't come up with the numbers, it's going to be all of us together, so I want to make certain. This is uncertain for me. I'm relying upon staff and I'm willing to be painted as the hated evil person by the Savannah News-Press in that they have no people like me on the Executive Board. I'm not concerned about them doing that, so I'll take the heat. I will take the heat, but I want to make certain that everyone is clear and, if you're not, I'll withdraw the motion.

Chairman Liakakis said, well, I know this that Palmer & Cay did win a bid that we had here recently. It's an excellent company. They, you know, they've been giving great services all over. Not only here, but expanded all over the country and all, so it's nothing —, no dispersion against Palmer & Cay however they —, you know, the board works because they're one of the best companies around. But what we need to look at how is the best way that we're going to provide the best health benefits and save money.

Chairman Liakakis recognized Commissioner Stone.

Commissioner Stone said, I just have one question, one more question, and maybe the staff will answer this. If there was any advantage to Palmer & Cay being local and being very accessible over the company in Atlanta. County Manager Abolt said, unless either Ms. Cramer or Mr. Kaigler feels that way, I would have to assume the answer is no in that there is nothing either in the specifications or the evaluation that required that. Proximity is important and it certainly is one that over time could be an issue in other contracts, but in this particular case the prime drive is to get the very best with the very best experience that can do the job quickly and, as you all said and Commissioner Odell said it superly, the firm that is picked will be working with staff. When the dust settles and the fur flies, that consultant will work with y'all and it'll be in this room discussing critical issues, and in this particular case I think proximity, though it's something you may be concerned about in the future, is not one you want to have weigh your final decision. You want the very best you can get. Not saying that any of the other proposals aren't the best, but you want in your own mind to say it isn't just staff working with these firms, it's y'all.

Chairman Liakakis said, we have a motion on the floor to accept the staff's recommendation for this contract for the consultant on our health and employee benefits. Commissioner Gellatly said, I second it. Chairman Liakakis said, all in favor, go on the board. Commissioner Thomas asked, you're talking staff, right? Chairman Liakakis said, right. The motion carried unanimously. [NOTE: Commissioner Kicklighter was not present when this vote was taken.] Chairman Liakakis said, the motion passes.

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

1. Commissioner Odell moved to untable the request for approval to award a contract to provide Group Health and Employee Benefit Plan Consulting Services. Commissioner Holmes seconded the motion and it carried unanimously. [NOTE: Commissioner Kicklighter was not present when this vote was taken.]
2. Commissioner Odell moved to award a contract to the highest ranked firm, Mellon Human Resources and Investor Solutions, Inc., of Atlanta, to provide Group Health and Employee Benefit Plan Consulting Services, at a cost of \$282 per hour, not to exceed a total contract of \$154,500, based on the methodology for consultant award as stated in the RFP. Commissioner Holmes seconded the motion and it carried the motion carried unanimously. [NOTE: Commissioner Kicklighter was not present when this vote was taken.]

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**CHATHAM AREA TRANSIT AUTHORITY**

Following a motion made by Commissioner Thomas, seconded by Commissioner Gellatly, and unanimous approved, the meeting of the County Commission recessed at 11:27 a.m., to reconvene as the Chatham Area Transit Authority. [NOTE: Commissioner Kicklighter was not present when this vote was taken.]

The Board adjourned as the Chatham Area Transit Authority and reconvened as the County Commission at 12:35 a.m.

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**EXECUTIVE SESSION**

Upon motion being made by Commissioner Thomas, seconded by Commissioner Odell and unanimously approved, the Board recessed at 12:36 p.m., to go into Executive Session for the purpose of discussing litigation, land acquisition, and personnel. [NOTE: Commissioners Stone, Gellatly and Kicklighter were not present when this vote was taken.]

Following adjournment of the Executive Session, the meeting of the Board of Commissioners was reconvened at 2:08 p.m.

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**ORDER OF BUSINESS**

Chairman Liakakis said that because one of our Commissioners has to leave, he was moving Item IX-5 up on the agenda.

NOTE: Item IX-5 was taken out of order and was heard at this point on the agenda.

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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.)

1. **REQUEST BOARD APPROVE THE FOLLOWING: AN AMENDMENT TO THE CAPITAL IMPROVEMENT PROGRAM (CIP) FUND TO RECOGNIZE A TRANSFER OF \$220,000 FROM THE RECREATION AUTHORITY FOR BOAT RAMP REPAIRS; A GENERAL FUND M&O CONTINGENCY TRANSFER OF \$5,000 TO SPECIAL APPROPRIATIONS FOR PARTICIPATION IN AERIAL SURVEYING; A TRANSFER OF \$30,000 FROM THE BOARD OF ASSESSORS BUDGET TO THE COUNTY ATTORNEY’S BUDGET FOR PROFESSIONAL FEES; A TRANSFER OF \$185,000 FROM THE ELECTIONS BOARD BUDGET TO THE GENERAL FUND M&O RESTRICTED CONTINGENCY; AN AMENDMENT TO THE GENERAL FUND M&O TO RECOGNIZE \$121,000 IN REIMBURSEMENTS FROM OUTSIDE AGENCIES FOR FUEL, AND ESTABLISH CORRESPONDING EXPENDITURE BUDGETS; AN AMENDMENT TO THE GENERAL FUND M&O TO RECOGNIZE \$3,000 IN REVENUE FROM SURCHARGES ON COURT FINES AND ESTABLISH AN EXPENDITURE BUDGET FOR TRANSFERS OF \$3,000 TO THE BRAIN AND SPINAL TRUST FUND; AND AN AMENDMENT TO THE SPECIAL SERVICE DISTRICT BUDGET TO RECOGNIZE ADDITIONAL RESTRICTED REVENUES FROM SURCHARGES ON FINES TOTALING \$331,500 AND APPROPRIATE AN EQUAL AMOUNT TO OPERATING TRANSFERS OUT TO THE GENERAL FUND M&O.**

Chairman Liakakis asked, do we have a motion.

Commissioner Thomas said, move for approval. Commissioner Gellatly said, second. Chairman Liakakis said, we have a motion —.

County Manager Abolt said, Mr. Chairman, we discussed this yesterday with Attorney Hart. We just wish to stipulate that the \$30,000, which is rounded up, transfer from the Board of Assessors probably will not be enough to allow Mr. Hart on that budget to be able to cover all the expenditures. So we fully expect that before the end of the year there might have to be an additional transfer into the County Attorney's office.

Chairman Liakakis said, okay, because we understand there are a number of cases going on in the Board of Assessors. County Manager Abolt said, that is correct, sir. Chairman Liakakis said, okay. All right, all in favor go on the board. The motion carried unanimously. [NOTE: Commissioners Stone and Odell were not present when this vote was taken.] Chairman Liakakis said, the motion passes.

**ACTION OF THE BOARD:**

Commissioner Thomas moved to approve the following: An amendment to the Capital Improvement Program (CIP) fund to recognize a transfer of \$220,000 from the Recreation Authority for boat ramp repairs; a General Fund M&O contingency transfer of \$5,000 to Special Appropriations for participation in aerial surveying; a transfer of \$30,000 from the Board of Assessors budget to the County Attorney's budget for professional fees; a transfer of \$185,000 from the Elections Board budget to the General Fund M&O restricted contingency; an amendment to the General Fund M&O to recognize \$121,000 in reimbursements from outside agencies for fuel, and establish corresponding expenditure budgets; an amendment to the General Fund M&O to recognize \$3,000 in revenue from surcharges on court fines and establish an expenditure budget for transfers of \$3,000 to the Brain and Spinal Trust Fund; and an amendment to the Special Service District budget to recognize additional restricted revenues from surcharges on fines totaling \$331,500 and appropriate an equal amount to operating transfers out to the General Fund M&O. Commissioner Gellatly seconded the motion and it carried unanimously. [NOTE: Commissioners Stone and Odell were not present when this vote was taken.]

**AGENDA ITEM:** IX-I  
**AGENDA DATE:** March 11, 2005

**DATE:** March 3, 2005  
**TO:** Board of Commissioners  
**THRU:** R.E. Abolt, County Manager  
**FROM:** Linda Cramer, Finance Director

**ISSUE:**

To request approval of an amendment to the Capital Improvement Program(CIP) fund to recognize a transfer of \$220,000 from the Recreation Authority for boat ramp repairs; a General Fund M&O contingency transfer of \$5,000 to Special Appropriations for participation in aerial surveying; a transfer of \$30,000 from the Board of Assessors budget to the County Attorney's budget for professional fees; a transfer of \$185,000 from the Elections Board budget to the General Fund M&O restricted contingency; an amendment to the General Fund M&O to recognize \$121,000 in reimbursements from outside agencies for fuel, and establish corresponding expenditure budgets; an amendment to the General Fund M&O to recognize \$3,000 in revenue from surcharges on court fines and establish an expenditure budget for transfers of \$3,000 to the Brain and Spinal Trust Fund; and an amendment to the Special Service District budget to recognize additional restricted revenues from surcharges on fines totaling \$331,500 and appropriate an equal amount to operating transfers out to the General Fund M&O.

**BACKGROUND:**

Board approval is required for budget amendments and transfers between organizational units.

**FACTS AND FINDINGS:**

- (1) The Recreation Authority board has approved a transfer of \$220,000 to Chatham County to be used for boat ramp repairs. An amendment to the Capital Improvement Program(CIP) fund budget to recognize the revenue and appropriate the funds has been prepared. Copies of correspondence are attached.
- (2) Chatham County, the Town of Vernonburg and the City of Savannah are jointly funding an aerial survey of the Vernon River Basin. The county share is \$5,000. A transfer from the General Fund M&O contingency to Special Appropriations is requested. Copies of correspondence are attached.
- (3) The Board of Commissioners approved the transfer of funds between the Tax Assessor's budget and the County attorney's budget at the February 4, 2005 meeting. It has been determined that additional funds in the amount of \$30,000 are available. Copies of correspondence are attached.
- (4) The adopted FY2005 budget included an appropriation of funds for an ESPLOST election. This election will not occur during FY2005. The funds are available to restore the General Fund M&O restricted contingency. The amount to be moved is \$185,000.

- (5) Chatham County provides fuel to state and local agencies. The agencies are billed for the materials and services. The agencies that benefit from this arrangement include Gateway Mental Health, the Health Department, Live Oaks Library, and the GBI. In order to properly account for the transactions, a budget amendment to record the expenditures and recognize the reimbursements is needed. The amount of the activity is currently estimated to be \$121,000. A budget resolution is attached.
- (6) There is a Brain and Spinal Trust Fund on the state level that receives funds from an add-on fee to some fines. These monies are collected by the courts and forwarded to the state. In order to properly account for the transactions, a budget amendment to show the revenue and disbursements is necessary. The annual activity is estimated to be \$3,000. A budget resolution is attached.
- (7) The Recorder’s Court collects add-on fees to fines that are restricted for certain purposes. These include the 10% Jail Construction Act (JCA) fee and the 50% Drug Surcharge fee. The amounts collected are expected to exceed original projections. A budget amendment to adjust the SSD fund to current projections has been prepared. The amount is estimated to total \$331,500. A budget resolution is attached.

**FUNDING:**

The budget amendments will establish funding in the Capital Improvement Program Fund, the General Fund M&O, and Special Service District Fund. Funds are available in the General Fund M&O Contingency , Elections Board, and the Board of Assessor’s budgets for the transfers.

**ALTERNATIVES:**

- 1) That the Board approve the following:

**CAPITAL IMPROVEMENT PROGRAM FUND**

an amendment to recognize \$220,000 in revenue from the Recreation Authority and appropriate \$220,000 for boat ramp repairs.

**GENERAL FUND M&O**

- a) a contingency transfer of \$5,000 to Special Appropriations for participation in aerial surveying
- b) a transfer of \$30,000 from the Board of Assessors budget to the County Attorney’s budget for professional fees
- c) a transfer of \$185,000 from the Elections Board budget to the General Fund M&O restricted contingency
- d) an amendment to recognize \$121,000 in reimbursements from outside agencies for fuel, and establish corresponding expenditure budgets
- e) an amendment to recognize \$3,000 in revenue from fine surcharges and appropriate \$3,000 for payments to the Brain and Spinal Trust Fund.

**SPECIAL SERVICE DISTRICT SPECIAL REVENUE FUND**

- a) an amendment to recognize additional restricted revenues from surcharges on fines totaling \$331,500 and appropriating an equal amount to operating transfers out to the General Fund M&O

- 2) Amend or deny the request.

**POLICY ANALYSIS:**

State law grants the Board authority to transfer funds within the budget during the year as it deems necessary.

**RECOMMENDATION:**

That the Board approve Alternative 1.

Prepared by: Read DeHaven

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**2. ADOPTION OF A REVISED INVESTMENT POLICY FOR CHATHAM COUNTY.**

Chairman Liakakis recognized County Manager Abolt.

County Manager Abolt said, Mr. Chairman, Dr. Thomas, gentlemen, it's unfortunate that former Commissioner Rivers left the room because much of this and the leadership that he exerted makes it possible today to give you some options when it comes to potential local considerations for the investment by the County. We received some publicity just prior to the end of the last of the calendar year. Ms. Cramer in working with our financial advisor, auditor, and what have you, have come up with a proposal that will allow some discretion, very closely controlled discretion as far as where the money might be invested and particularly the mandate for collateralized —, collateralization requirements. I would defer to Ms. Cramer going forward, but I also would like to recognize that so much of this is here because of the insistence and leadership of former Commissioner Joe Rivers. Chairman Liakakis said, okay.

Ms. Linda Cramer said, I did just want to let you know we are updating the current policy which has been in place since 1990 and, as you can imagine, there have been some changes, of course, in the investment market since that time. Over the past several years since the return interest rates have been so low, we've been very liquid in our investments. We haven't tied a lot of things up in securities and agencies, U. S. Treasury, that kind of thing, because the interest rates have been really low and we didn't want to get locked into those rates. What we're seeing now is there are some changes in the market where the rates are starting to move up and do want to update this policy to take advantage of that; however, our main concern is always going to be the safety of the County's money, making sure that money is invested safely in good investments. Also, that we're liquidating [sic] out to meet our cash and operational needs. And most of our policy is really based on State law. We have —, the State of Georgia has very rigorous guidelines about what we can invest and what we can put our money in, so we've considered all that in our policy. Do you have any questions about it?

Chairman Liakakis said, okay. No, I had a conversation, maybe some other Commissioners did. I had it with the staff also because my concern is I didn't want to happen to the County what has happened in other cities and counties around the country where, you know, investments were made and they weren't protected and we —, I was assured and they explained it all, and this is a good plan that they are talking about so that we can get a high investment because when you put money, you know, in a local area and you're only getting three-quarters of one percent, you know, that's not that good, especially for our monies that we're putting in there that we need more return on it. Thank you very much. Do I hear a motion for adoption of this investment policy?

Commissioner Holmes said, Mr. Chairman, I so move that we adopt Item #2. Chairman Liakakis asked, do we have a second? Commissioner Gellatly said, second. Chairman Liakakis said, it's been seconded. Go on the board please. The motion carried unanimously. [NOTE: Commissioners Stone and Odell were not present when this vote was taken.] Chairman Liakakis said, the motion passes.

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

Commissioner Holmes moved to adopt a revised investment policy for Chatham County. Commissioner Gellatly seconded the motion and it carried unanimously. [NOTE: Commissioners Stone and Odell were not present when this vote was taken.]

**AGENDA ITEM: IX-2**  
**AGENDA DATE: March 11, 2005**

**TO:** Board of Commissioners  
**THROUGH:** R. E. Abolt, County Manager  
**FROM:** Linda Cramer, Finance Director

**Issue:** Adoption of a revised Investment Policy for Chatham County.

**Background:** Chatham County's current investment policy was adopted in October, 1990 (see attachments, page 10). No updates have been made to this policy since its adoption.

#### **Facts and Findings:**

- 1) State law guides many of the investment decisions available to local governments in Georgia. Provisions of relevant state codes sections have been included in the revised investment policy.
- 2) The proposed investment policy ranks the investment objectives of Chatham County as safety of principal, liquidity of the portfolio, and yield. These priorities are set to ensure that Chatham County can adequately address its operational cash needs while earning sufficient rates of interest on its investments.
- 3) The proposed policy delineates staff responsibility and provides an evaluation process for identifying authorized financial institutions and broker/dealers that County staff may contact when requesting competitive bids for investment transactions.
- 4) Section VI of the policy encourages local investment consideration by allowing the purchase of certificates of deposit with local financial institutions.

- 5) The County's financial advisor, Dianne McNabb with A.G. Edwards & Sons, has reviewed the policy and is in concurrence with it.
- 6) Investments of the County's defined benefit retirement plan are excluded from this policy since the Pension Board holds investment authority for those transactions.

**Funding:** N/A

**Policy Statement:** The Board has the authority to set policies for the internal operations of the County.

**Alternatives:**

- 1) That the Board approve the revised Chatham County Investment Policy as presented; or
- 2) That the Board deny approval and provide staff with other direction.

**Recommendations:** Staff recommends alternative 1.

## CHATHAM COUNTY, GEORGIA INVESTMENT POLICY

### **I. General**

Chatham County (hereinafter the "County") maintains investment and liquidity portfolios funds to provide for the efficient operation of the County. This policy applies to the investments of all County funds, including the following:

- Tax Supported Funds (General, Sales Tax Funds, etc.)
- Special Assessment Funds (Street Paving, etc.)
- Special Revenue Funds
- Debt Service and Bond Proceeds
- Enterprise Funds
- Capital Project Funds
- Internal Service Funds
- Other Operating or Capital Funds that may be established

Except for cash in certain restricted and special funds, Chatham County will consolidate cash and reserve balances from all funds to maximize investment earnings and to increase efficiencies with regard to investment pricing, safekeeping and administration. Investment income will be allocated to the County's funds based on their respective participation and in accordance with generally accepted accounting principles. Investments of the Chatham County Employees Retirement Plan (Pension Trust Fund) are excluded from this policy. The Chatham County Board of Commissioners has delegated the authority to implement this policy to the Finance Director, under the supervision of the County Manager.

### **II. Definitions**

**Authorized Financial Institutions and Dealers** — An annually compiled listing of approved financial institutions and/or brokers/dealers eligible to offer securities to County staff. The approval process is described herein.

**CMO** - A collateralized mortgage obligation, or a type of mortgage backed security that creates separate pools of pass-through rates for different classes of bondholders, with varying maturities, called tranches. The repayments from the pool of pass-through securities are used to retire the bonds in the order specified by the bonds prospectus. Low returns are usually realized since these investments are very low risk and often backed by government securities.

**Competitive Bid Process** — The process whereby the County evaluates responses from authorized financial institutions and broker/dealers before deciding on the best use of any County surplus funds for the purchase of Securities, Certificates of Deposits or other instruments having a maturity date greater than 30 days.

Department — For the purposes of this Policy shall mean the Department of Finance.

FFIEC High-Risk Security Test — The Federal Financial Institutions Examination Council (FFIEC) has derived three tests, an average life test, an average life sensitivity test, and a price sensitivity test to determine whether a derivative mortgage security is “high-risk”, and thus ineligible to be held as an investment by US depository institutions.

Fiduciary — Any individual or group of individuals as defined in ERISA, Section 3 (21)(a).

Good Faith — Honest in fact and the observance of reasonable commercial standards of fair dealing.

Investment Advisor — An Investment Advisor is an individual or firm hired to advise and assist Finance staff with the County’s investment decisions. The Advisor may provide related services such as asset allocation modeling or other work that may occasionally be needed by the County.

Investment Officer — A Department staff member employed to perform cash management and investment functions for the Finance Director.

Investment Portfolio — A portfolio of investments with average maturities or durations that match longer-term liabilities and with expected cash flows that match the attendant funding requirements. For example, this portfolio might hold securities matching the cash flow needs of large capital projects with long lead-in periods. It is expected that the investment horizon for the Investment Portfolio will change based upon changing circumstances, and cash flow requirements, but will be generally within the 1-5 year maturity range.

Liquidity Portfolio — The liquidity portfolio consists of cash and cash equivalents including “money-market-like” funds such as OTFS Ga-Fund-1 and other investments such as short-term treasury notes or other investments with maturities that are generally less than one year. The purpose of the liquidity portfolio is to provide for operating or other near-term cash needs and to obtain a short-term market return on significant portions of operating reserves.

OTFS — GA1 — Refers to the Georgia Fund 1, a 2-a 7-type fund managed by the State of Georgia Office of Treasury and Fiscal Services. Georgia Fund 1 is offered to as a conservative, efficient, and liquid investment alternative.

OTFS — GEAP — Refers to the Georgia Extended Asset Pool managed by the State of Georgia Office of Treasury and Fiscal Services. This is an alternative to Georgia Fund 1. The pool’s objective is the prudent management of public funds designed for investors seeking taxable income higher than money market rates.

REMIC — A real estate mortgage investment conduit. A complex pool of mortgage securities created for the purpose of acquiring collateral.

Securities — Refers to marketable investment securities that meet the legal mandates of Georgia law and the requirements of this Policy.

### **III. Scope and Purpose of Policy**

This Policy reflects the County’s investment objectives, and applies to all funds under the control of Chatham County Board of Commissioners which are eligible to be invested, except for the investment of pension fund assets which fall under the direction of the Pension Board.

This Policy is adopted to provide a framework and establish lines of authority for both general oversight and the operational management of the County’s investments. The objectives of this Policy include:

1. Establish a clear understanding of the investment objectives for fund assets.
2. Define and assign the responsibilities of all involved parties.
3. Provide guidance and limitations to all persons and to other contracted advisors regarding the investment of the County’s assets.

### **IV. Investment Objectives**

1. Safety of Principal: Safety of Principal is the foremost objective of this investment program. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. The objective will be to mitigate credit risk and interest rate risk.
  - Credit Risk: The County will minimize credit risk, the risk of loss due to failure of the security issuer or backer, by (a) limiting investments to the types of securities found in section VIII of this policy, (b) pre-qualifying the authorized financial institutions and broker/dealers as discussed in section VII, and (c) diversifying the investment portfolio so that the impact of

potential losses from any one type of security or from any one individual issuer will be minimized.

- Interest rate risk: The County will minimize interest rate risk, the risk that the market value of securities in the portfolio will fall due to changes in market interest rates, by (a) structuring the investment portfolio so that securities mature to meet cash requirements for ongoing operations, thereby avoiding the need to sell securities on the open market prior to their maturity, and (b) investing operating funds in shorter-term securities or securities of a more liquid nature.
2. Adequate Liquidity: The portfolios shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated. This is accomplished by structuring the portfolio so that securities mature concurrent with cash needs to meet anticipated demands. Furthermore, since all possible cash needs can not be anticipated, the portfolio should consist largely of securities with active secondary or resale markets. Alternatively, a portion of the portfolio may be placed in local government investment pools or other allowable instruments that offer same-day liquidity for short-term funds.
  3. Yield: Chatham County seeks to attain a market rate of return throughout budgetary and economic cycles, consistent with its investment risk constraints and liquidity requirements. The County further seeks to preserve its capital by maintaining a low volatility portfolio as it relates to price fluctuations, further modifying return objectives. Securities shall be selected and purchased for investment return and not for speculation, and investment decisions shall be in keeping with County's investment horizon. Speculative strategies and highly volatile securities will be avoided. The market conditions or other factors create clear opportunities for increased returns. Excessive trading without clearly demonstrable benefit to the County is prohibited.

#### **V. Standards of Care**

County staff, the Investment Advisor and other parties involved in the investment process shall comply with the following standards of care:

1. Prudence: The standard of prudence to be used shall be the "prudent person" standard and shall be applied in the context of managing an overall portfolio. County staff acting in accordance with written procedures and this investment policy and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and the liquidity and the sale of securities are carried out in accordance with the terms of this policy.
2. Legal Compliance: County funds will at all times be invested in conformity with the laws of the State of Georgia, specifically O.C.G.A. sections 36-80-3, 36-80-4, 36-82-7, and 36-83-4; along with bond ordinances or covenants, this Investment Policy and the Department's written administrative procedures. Where investment restrictions are contained in third party agreements such as leases and bond installment purchases, those provisions shall apply only to those funds, and are incorporated by reference within this policy.
3. Ethics and Conflicts of Interest: Investments shall be made solely in the interest of Chatham County, and for the exclusive purpose of providing funds for the County's operations and capital project needs. Employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions. Employees shall disclose any material interests in financial institutions with which they conduct business, or any personal financial/investment positions that could be related to the performance of the investment portfolio.

#### **VI. Delegation of Authority/ Assignment of Duties**

A. Finance Director - Under the supervision of the County Manager, the Finance Director is responsible for ensuring that County investments are managed in accordance with this Policy and applicable state laws and regulations. In discharging his/her duties under this Policy, the Finance Director or designated Finance Department staff will manage the County's investments.

O.C.G.A. Section 36-80-4 authorizes the County's governing body to delegate responsibility to the Finance Director for the management of the County's investment assets. The Finance Director shall have the authority to establish and implement the necessary organization structure and financial reporting and controls in order to achieve the purposes of this policy. The Finance Director shall

discharge his or her duties solely in the interest of the County. The specific responsibilities of the Finance Director relating to the investment management of fund assets include:

1. Incorporating projections and forecasts of the County's financial and cash flow needs into the investment program.
2. Determining the County's risk tolerance and investment horizon, and communicating relevant information to all persons managing the investment of County funds.
3. Evaluating the administration and performance of the investment program for adherence to policies and achievement of objectives.
4. Developing, implementing and monitoring management procedures and controls..
5. Making provision for financial audits and other reviews of the investment program.

The Finance Director may delegate administrative functions of this policy to Department staff members as follows:

1. Upon direction from the Finance Director, the Investment Officer may request quotations from authorized financial institutions and broker/dealers, evaluate responses and make securities purchase decisions based on the desired investment time horizon, the best yield offered and the objectives of the investment policy. Security purchase decisions over \$2 million will require the prior approval of the Finance Director.
2. The Investment Officer will participate in the selection process for authorized financial institutions and broker/dealers, and may assemble and evaluate data relevant to any request for services.
3. The Investment Officer will maintain records regarding the selection process for any security purchase.
4. The Investment Officer will prepare a quarterly investment report for the Finance Director that describes the portfolio in terms of investment securities, maturities, risk characteristics and other features. The report shall explain the quarter's total investment return and compare the return with budgetary expectations. The report shall indicate any areas of policy concern and suggested or planned revision of investment strategies.

The responsibilities of the Finance Director include:

1. County staff shall be assigned specific responsibilities related to investments and develop procedures to ensure that funds are invested in accordance with the objectives of this policy.
2. An Investment Advisor may be contracted, subject to the approval of the Board of Commissioners, to advise the Finance Director and Finance Staff and Investment Officer in the management of the investments of the County, or other tasks as may be assigned.
3. The Finance Director shall employ safekeeping agents and custodian(s) who will directly, or through agreement with a sub-custodian, collect interest payments, redeem maturing securities, and effect receipt and delivery of purchases and sales of securities all on behalf of the County. The custodian(s) shall provide regular accounting of the investment transactions of the County including verification of all assets owned, purchased, or sold. All security transactions, including collateral for repurchase agreements, entered into by the County shall be conducted on a delivery-versus-payment (DVP) basis. Securities will be held by a third party custodian or agent designated by the Finance Director or the designee and evidenced by safekeeping receipts in accordance with a written custodial agreement.
4. All expenses related to the investment management of County funds must provide good value, and must be customary, appropriate and reasonable, and may, at the option of the Finance Director, be borne by the Investment Portfolio or the Liquidity Portfolio.
5. Local Considerations – The Finance Director may approve investment in the local community through the purchase of certificates of deposit with both local and regional financial institutions that can satisfy state-mandated collateralization requirements.

B. Investment Advisor - Under this policy the County has the option of contracting with an Investment Advisor. The County recognizes that in order to advance its objectives, it may be

advantageous to engage the services of an Investment Advisor who has appropriate training and expertise and who has access to specialized information and analysis or analytical tools and systems. The role of the Investment Advisor shall be two-fold. The first and primary function is that of an investment advisor to the Finance Director. The second duty is that of a consultant assisting the Finance Director in the management, operations and administration of the investment program.

An Investment Advisor may represent only the interests of the County and any other relationship that might provide basis for a conflict is expressly prohibited. Specific responsibilities of the Investment Advisor might include:

1. Assisting the Finance Director in the development of an annual review of all aspects of the investment program.
2. Assist the Finance Director in present and future investment opportunities.

#### **VII. Investment Selection Process**

The County shall maintain a list of authorized financial institutions and broker/dealers from whom it will purchase securities. The Finance Director will make a bona fide, good faith effort to ensure that the County conducts transactions with reputable financial institutions and broker/dealers in sound financial standing.

Every three years the County's list of authorized financial institutions, brokers/dealers, and potential new applicants will be evaluated by a committee consisting of the Finance Director, Assistant Finance Director, Investment Officer, and the County Purchasing Agent. The committee will select up to seven firms for the County's investment needs.

The selection process will include a review of the financial condition of financial institutions and brokers/dealers. A current audited financial statement is required to be on file for each financial institution and broker/dealer involved in the selection process. Some preference may be awarded to firms with licensed business offices within the State of Georgia. In addition, Chatham County holds in high regard business relationships with local financial institutions that meet the standards for secure banking and financial solvency. All financial institutions and brokers/dealers for investment transactions must submit proof of National Association of Security Dealers certification and a letter certifying that the entity has read the investment policy and depository contracts and agrees to abide by them. The applicant will submit references from local governments to the County for review.

The County will split approved applicants into groups and will alternate offerings among the groups. Once authorized by the Finance Director to request quotations, the Investment Officer will contact the authorized financial institutions and broker/dealers to request a written quote. The Investment Officer can approve purchases up to \$2 million; the Finance Director is required to approve bids exceeding \$2 million. The winning firm will be notified and automatically given the opportunity to be included in the next investment opportunity. Any selection shall be final without recourse.

From time to time, various government agencies announce the issue of new securities to the financial markets. Since all new issues are sold at par, the County would not realize any benefit by purchasing these securities through a competitive process. If a new issue or "To Be Announced" ("TBA") security falls within the portfolio diversification and maturity requirements of the County, the Finance Director, or designee may, at his/her discretion, purchase the investment from the authorized financial institution or broker/dealer who initiated the contact on the investment opportunity.

The Finance Director or designee may remove, at any time, with or without just cause and without notification, any authorized financial institution and/or broker/dealer from the list of qualified financial institutions.

#### **VIII. Suitable and Authorized Investments**

The following investments are permitted by this policy and are authorized under Georgia Law. It is the policy of Chatham County to diversify its investment portfolio to eliminate risk of over-concentration of assets in a specific maturity, issuer or class of security. Therefore, this policy also provides a recommended maximum concentration risk for each investment type as follows:

Investment Instrument	Maximum % of County Funds
Bankers' Acceptances maturing within 270 days and eligible for purchase by the Federal Reserve	20%
Certificates of Deposit	20%
OTFS — GA1 (liquidity pool)	80%
OTFS — GEAP (intermediate pool)	20%
US Treasury obligations	50%

Obligations of the State of Georgia and its political subdivisions	25%
Collateralized Repurchase Agreements	50%
Collateralized Instruments offered by Approved County Depository Bank	100%
Interests or securities in no-load, open-end mutual funds as provided for in OCGA 36-82-7	100%
Mortgage Pass-Throughs/REMICS/CMOs/Other Mortgage-Backed Securities (other than high-risk* derivatives) issued by a US Government Agency or Instrumentality	25%
Local Community Investment opportunities	10%

- CMOs must pass the FFIEC (or surviving and mutually agreed upon equivalent) tests one and two.

Prohibited assets include, but are not limited to the following:

1. Commodities and Futures Contracts
2. Private Placements
3. Options
4. Letter Stock
5. Speculative Securities
6. Investments not specifically addressed by this statement are prohibited
7. Domestic or International Equity Securities
8. Closed-end Mutual Funds
9. Fixed Income Mutual Funds
10. Any derivative of any instrument that does not pass the FFIEC High Risk Security Test 1 and 2 at any time using Bloomberg median pre-payment speeds

Prohibited transactions include, but are not limited to the following:

1. Short Selling
2. Margin Transactions

**IX. Interpretation of & Changes to this Investment Policy**

It is intended that this Policy be flexible and not unduly restrictive so as to jeopardize the professional management of the Liquidity and Investment portfolios. The Finance Director, under direction of the County Manager, shall exercise prudence in overseeing the investment program and shall construe this policy to allow the investment program to adapt and respond to opportunities in the securities markets as well as changes in the County's financial requirements.

This Policy may be changed only by Resolution of the Board of Commissioners. The effective date of this policy is April 1, 2005.

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**3. ADOPT BUDGET GOALS FOR FISCAL YEAR '06**

Chairman Liakakis recognized County Manager Abolt.

County Manager Abolt said, Mr. Chairman, Dr. Thomas, gentlemen, this is an outgrowth of what staff heard you say during what we view as a very productive goal-setting workshop and retreat you had back in February. We've attempted to relate into words where we picked up your comments and do it in a goals fashion, this —, either in this form or modified would serve as kind of a framework or skeleton, if you will, that will allow us to put the finishing touches and prepare a budget-spending plan for your next fiscal year. I know that in one case I believe the Chairman wished to emphasis, excuse me, in goal number three, which is on page three of the staff report, an emphasis on the animal control shelter. Mr. Chairman.

Chairman Liakakis said, okay. I think each Commissioner received that report. Do you have any questions on that report? If not, then I'll ask for —, excuse me. County Manager Abolt asked, did you want to say something, sir, about the animal control shelter? I'm not —. Chairman Liakakis said, oh, yeah. The concern of a number of citizens and we've have this thing, you know, about the 128 dogs where a guy said it was a hobby, which obviously is not a hobby to begin with, but one of my concerns also about putting money in the budget where we can do the County animal shelter because, as most of you know, it's in deplorable shape and we don't need to treat those animals and leave them in that particular condition. So I'm glad that when I brought that out that, you know, the other Commissioners are concerned about it that we have also in this proposal.

Commissioner Kicklighter asked, may I ask a question on that? Chairman Liakakis said, sure. Commissioner Kicklighter asked, would it be possible, because that is technically a function of the police department, to possibly utilize some of the SPLOST funds that were set aside to help with the shelter rather than can coming out the M&O portion of the budget? County Manager Abolt said, well, that —, I don't know if I understand the question completely. If you're talking about police resources for the merger —. Commissioner Kicklighter said, yes. County Manager Abolt said, — as you know, we've expended those and will have an appetite for more that we hope to get from the red light camera to finish the precinct on the Westside. Commissioner Kicklighter said, I was just hoping there was some left. County Manager Abolt said, well, let us —, I know what —, the Chairman and I have discussed it. I believe I understand his priority. I'm assuming it's shared by the Board. Allow staff to look at what options there might be.

Chairman Liakakis said, yeah, because we do have some money set aside for certain improvements in that SPLOST funding. Correct? County Manager Abolt said, not —, well, give us some time, sir. We understand your emphasis on the animal control shelter. Chairman Liakakis said, okay.

Chairman Liakakis recognized Commissioner Shay.

Commissioner Shay said, as a point of additional clarification, when we had our workshop, I was one of the earlier ones to speak because I had an engagement I had to go —, get off to, and I made reference to the fact that I wanted us to see both the leanest of the lean budget options and also an option that was for what I call the no-baloney budget, and I've thought about that since then because I read later on Commissioner Stone's request that we only have one budget presented and I thought about that in the context of myself as a professional. A lot of times people say, well, instead of just designing me a house or designing me a building, why don't you design two of them and let me pick, and that's always kind of a frustrating exercise. So I would withdraw my request that we have budget alternatives in that sense, but what I would like for us to —, when your budget is presented —, at least see some decision packages because we've got an awful lot of tough decisions to make and I'd like to at least be able to weigh the ramifications of some of those alternatives.

County Manager Abolt said, I apologize —, not apologize, but unfortunately the Chairman just stepped out. This was the other part of this staff report, and I apologize for not identifying that up front. We need to up down on something like you're talking about, and the reason —, and it's unfortunate Commissioner Stone could not be heard to hear this —, the reason why I would —, not argue against, but ask you to give us some option in presenting budgets is not because we want to design two different houses, it's because of this very heterogenous organization that I'm responsible to you for. Let me explain. Were this a city and I were the city manager, I can do what you request as far as one budget. In this very heterogenous, not homogenous, organization we have constitutional officers and if you look at the Enabling Act, they in effect, if they wished, could go around me and submit their budgets to you, and I believe over the years we've gained mutual respect and interdependency in preparing the budget. So what I would like to at least have the option of always showing you what the departments requests so when you look at previous budgets, even going back before our most difficult of budget times, I will always have in there at least a level that will say this is what the departments request. If I do not do that, I'm flying in the face of the Enabling Act, not because I'm being disloyal to y'all, but if it were to share the judges or District Attorney under the Enabling Act, they officially could say here is our budget and completely disregard what I would submit to you. So I think it's better politics —, not just politics, just good relations, but it complies with the spirit and the intent of the Enabling Act. So I completely understand what you're saying as look as you will be understanding of what I feel to be is my responsibility to show you in some document, you know, what all —, and it goes further. I don't want to be the one that tells the Public Works and Parks Services to not do something and tell the police department to do something and then not give Mr. Drewry the opportunity at least to be heard for what his needs are.

Commissioner Shay said, I understand, but you usually make a budget recommendation —. County Manager Abolt said, I'll make a recommendation, there's no question about it. Now the issue there would become, because of the decision packages, how much money is involved, but revenue increase. I've got to have time to go through that. You will have a budget that I will recommend, but there will be decision packages. Commissioner Shay said, okay. I'm just —, I guess —, last year there were three budgets and that led it to a lot of confusion because in the end a budget was adopted without any clear understanding of which parts of the three budgets numbers were coming from. County Manager Abolt said, that's correct. Commissioner Shay said, I would like to, you know, reconsider what I said earlier and say I don't have a problem with you presenting a budget —. County Manager Abolt said, and if you will give us —. Commissioner Shay said, — and also present what was asked for, that's fine, but a budget and then I would hope also some decision packages where the ramifications of those were already thought out so that we're not just sitting up here ad libbing on budget adoption day because that's a tough position to be in. I mean, we've seen that.

Chairman Liakakis said, well, one of the protection factors that I've mentioned is that we're going to have budget workshops so the department heads, all of the departments will come before this County Commission and discuss their needs and what they are proposing for their budget, and each Commissioner at that time, whether you have something for that particular department or whatever, that we haven't done that in a number of years, but I think that this budget workshop will answer a lot of questions and all the Commissioners will have input into that as opposed to bringing some and people come up to the microphone and talk about that and we don't have a full understanding of that department's operation.

County Manager Abolt asked, may I then take the liberty of interpreting what Commissioner Shay has said, and if y'all wish to give us directions, rather than using the term levels, if you would say decision packages, that's possibly more transferrable into what you want. Commissioner Shay said, thank you.

Chairman Liakakis said, all right, we have adopt the budget goals which you have had in your package and he'll be able to do additional things at budget workshops. Do I hear a motion on the floor to adopt the budget goals that have been presented so far for the fiscal year 2006? Commissioner Gellatly said, I make a motion. Chairman Liakakis asked, do I have a second? Commissioner Thomas said, second. Chairman Liakakis said, you have a second. All in favor go on the board. The motion carried unanimously. [NOTE: Commissioners Stone and Odell were not present when this vote was taken.] Chairman Liakakis said, the motion passes.

**ACTION OF THE BOARD:**

Commissioner Gellatly moved to adopt budget goals for fiscal year 2006. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioners Stone and Odell were not present when this vote was taken.]

**AGENDA ITEM: IX-3**  
**AGENDA DATE: March 11, 2005**

**TO:** Board of Commissioners  
**THRU:** R. E. Abolt, County Manager  
**FROM:** Linda Cramer, Finance Director

**ISSUE:** To develop budget goals for the fiscal 2006 budget and provide direction on desired budget preparation.

**BACKGROUND:** On February 10, 2005 the Board held a Budget Goal Setting Workshop at the Bamboo Farm. A number of topics were discussed, and each Commissioner presented his/her goals. Suggested goals were summarized in a memorandum from the Finance Director to the County Manager dated March 3, 2005 (attached).

**FACTS AND FINDINGS:**

1. The County's budget identifies the services that the County will provide and shows how those services will be funded. The development of the budget is a political, managerial and financial process. The political element determines community needs and translates them into goals. The managerial element studies the goals and develops an implementation plan. The financial element matches the goals and implementation plan(s) against available financial resources to determine feasibility.
2. When matching goals to existing resources, there is often a need to have goals prioritized so that an approach can be structured for goal achievement – for example, is funding available this year from recurring resources? Is financing required? Are grants available?
3. The Board's goals provide important direction to staff as preparations begin for upcoming meetings with department heads and constitutional officers. In addition, staff would like to provide the Board with Budget Workbooks reflective of their goals.
4. An unresolved issue requiring immediate board direction is budget presentation. Past County budgets have presented several levels of expenditures so that the Board could recognize many of the County's needs. For example, the fiscal 2005 budget presented three budget levels to the Board. The County Manager's message highlighted the differences between each level, affording the Board the opportunity to select elements from each level in formulating the adopted budget. While there was some discussion about desired budget presentation during the workshop, no consensus was reached.

**FUNDING:**

N/A

**POLICY ANALYSIS:** A budget consistent with Board policies and goals can only be achieved by communicating policies and goals to staff.

**ALTERNATIVES:**

N/A

**RECOMMENDATIONS:**

1. Adopt or modify the attached draft of the Board's goals as specified at the Budget Goal Setting Workshop.
2. Provide direction to staff on how many budget "levels" are desired in the Budget Workbooks.



## INTER-OFFICE CORRESPONDENCE

**DATE:** March 3, 2005

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

**FROM:** Linda Cramer, Finance Director

**SUBJECT:** Recurring Topics from the Budget Goal Setting Workshop  
Translating Values into Suggested Goals

On February 10, 2005 the Board held a Budget Goal Setting Workshop at the Bamboo Farm. Although a number of topics were discussed, there were several topics that were repeated by different commissioners or were discussed in depth. These are listed below as suggested budget goals within the framework of the County's existing financial policies. As the Board enters the budgetary process, it may wish to develop implementation priorities for these items in current and future periods.

**Goal 1: To expand Parks & Recreation services**

Since services are provided out of operating budgets, additional services would need to be reviewed in terms of their (future recurring) annual cost on the General M&O budget and/or the SSD budget in accordance with a long-term planning approach.

**Goal 2: To improve parks, boat ramps, soccer fields & other recreation facilities**

The workshop's discussion centered primarily around needed maintenance for many facilities. Except for the improvements funded by the Recreation Authority, increased maintenance costs will generally impact operating budgets as maintenance funding is restored. Another way to fund maintenance is through CIP funding since many Parks & Recreation maintenance needs have been listed in the CIP Workbook.

**Goal 3: To provide new facilities - animal control shelter, westside police precinct, community centers, jail addition, work release facility, CNT**

Funding for new facilities could be provided by (future) SPLOST referendums, the funding of CIP (capital improvement program), or bond issues. A long-term look at the impact of the future operating cost of these facilities would also be advisable since the facilities may generate additional costs to the County's General and/or SSD Fund budgets.

**Goal 4: To streamline the process for building permits and foster a business-friendly environment**

The building permitting process is now managed in a separate enterprise fund. The quantitative cost of any improvements should be reviewed against current rates to ensure cost recovery and avoid tax subsidy.

**Goal 5: To add management engineering staff that would assess the duplication of services across departments/improve efficiency of operations**

Although this program could generate costs savings for the County, Staff additions would obviously cause recurring operating costs in future periods. Stepped-up performance measurement/benchmarking may be another way that the County could assess departmental operations for efficiency and effectiveness.

**Goal 6: To develop alternatives for inmate detention including ankle monitoring systems and/or work release facility for inmates**

These programs could possibly alleviate the numbers of jail inmates and also would allow individuals to return to work/continue employment. Some capital costs would be required for a work release facility. The effect of recurring operating costs on the County's future operating budgets should also be reviewed.

**Goal 7: To maintain (or improve) current levels of state funding for juvenile programs and facilities**

Should state funding lapse, these program and facility costs might be passed on to the County. Juvenile Court was asked to quantify what cost impact might result should the State cut juvenile services.

**Goal 8: To reinstitute/start community programs such as parental involvement, police youth programs**

The benefit and cost of any new program should be weighed together; new programs may lead to increases in recurring operating expenditures in future years.

**Goal 9: To pursue alternative solutions for the funding of the County's Indigent Health programs**

A discussion about the current contract's expiration generated the concept of an indigent health trust which would have a positive budgetary impact.

**Goal 10: To pursue budget stabilization**

Long-range financial planning should assist in stabilizing the County's budget against deferred cost impacts.

CC: Cheryl Deariso, Assistant Finance Director  
Read DeHaven, Budget Officer

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**4. BOARD CONSIDERATION FOR COUNTY GOVERNMENT INVOLVEMENT TO FINANCE CERTAIN IMPROVEMENTS IN FOREST COVE SUBDIVISION.**

Chairman Liakakis recognized County Manager Abolt.

County Manager Abolt said, Mr. Chairman, Dr. Thomas, gentlemen, I do not believe —, because I think I recognize all the faces in the audience, but I do not know Mr. Martin were he to be in the audience but I don't believe he is. This is a topic that Commissioner Gellatly first introduced to staff and Mr. Martin, as you know from reading the correspondence over the last several weeks, was interested in what I would, I guess, describe as a very innovative way of paying for improvements within his subdivision, the Forest Cove Subdivision. Mr. Hart and Ms. Cramer and the County Engineer have looked at this. The sum and substance of it is certainly if Mr. Martin were here to make a case, you'd want to give him that opportunity, but on a given date really ask more questions than we have answers to, and Attorney Hart has done a super job of identifying those, but what you —, the policy decision you would be asked to make if you were to entertain this would be would the County up front an investment in assumed public improvements yet have the benefit of —, you need the benefit of property owners pay for, and that is a method of assessment certainly that can be done and has been done across the country. The biggest, largest problem for the County beyond what Attorney Hart has put in his memo, we would have to have the money up front. You know, the County would be the bank. So where do we get the money to make whatever investments? I noticed in Mr. Martin's response to our questions he said, well, you could —, he didn't use the term tax anticipation notes, but that's what he described. In Georgia law, because he uses some examples outside the State of Georgia —, South Carolina and some place up in New England, I believe —, but in Georgia law if we were to issue tax anticipation notes, by definition within that 12-month tax period, you have to pay it back. So I would assume in what I've read about Mr. Martin's intent, they would like the County to be the bank and over time collect from the property owners their share of the benefit. And in concept it works, number one, if the bank has money and, number two, if the bank is prepared to take the most extreme measures in the event that one of those property owners does not pay back the assessment. And

what does that mean? Tax Commissioner Powers sends out a bill. If that property owner does not pay the bill, do we foreclose on his house? There are many problems with that. The other issue is, and I discussed it with the Chairman, is that if —, and there's nothing wrong with exploring this —, but if you do it for one neighborhood, you'd better do it for all. And if we can't financially do it for one neighborhood, why even entertain the idea of doing it for all?

Commissioner Shay said, this would be different from what I think of as tax increment financing because —. County Manager Abolt said, you have [inaudible]. Commissioner Shay said, — be able to mention taxes —. County Manager Abolt said, no sir, you —. Commissioner Shay said, it would be an assessment. It's not taxes. County Manager Abolt said, yes, it's not freezing the value and what you'd have, you'd have to have the property owners agree to be assessed.

County Attorney Hart said, and then you get in the issue of how many property owners have to vote for it, do you require a majority substantially, that it would exceed what it would cost to amend the restrictive covenants within the subdivision, which is 75% in this case? You've got a lot of questions.

Chairman Liakakis said, all right, let's do this. Mr. Martin is not here, let him reapply to come up on the agenda, so we let it ride at this time because we have no comments from him.

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

In the absence of Mr. Ernest A. Martin, Jr., no action was taken on the request for County government involvement to finance certain improvements in Forest Cove Subdivision, and no additional consideration will be given this issue unless an reapplication is made for it to again be placed on the agenda.

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#### **5. SHEFTALL BLUFF CONSTRUCTION OVER METHANE IMPACTED AREA, A.K.A. WEATHERWOOD. See attached letter from Attorney Yellin on behalf of Mr. Eichholz and copy of Summary Judgment from Judge Brannen.**

Chairman Liakakis said, what I'd like to do right now is ask Attorney Yellin to come forth concerning this matter.

Mr. Harold Yellin said, thank you, Chairman Liakakis, members of the County Commission. For the record, my name is Harold Yellin. I'm here today on behalf of Sheftall Development Company. With me today is Mr. Benjamin Eichholz, who is the principal of Sheftall Development Company; also Mr. Chuck Stachwill, who is the Project Manager from SCS Engineering. We are here today to request the Commission to build on 18 lots located at Sheftall Bluff Subdivision, which was formerly known as Weatherwood. To save time while y'all were out I put a handout in front of each and every one of you and the front page should say Chronology. I hope that all of you have that in front of you. I'd like to briefly, if I could —, I might have put it under your book so it wouldn't blow away. There you go. It has a paperclip on it. Just very briefly, most of you, I'm sure, are familiar with the facts of this property. I started in 1991 in my chronology, but it really should start even before then. There was a landfill at this location from 1963 until 1976 and it closed in '76, and that's important because that now has been a closed landfill for almost 30 years. It will be 30 years next year. The problems first arose in 1991, as I've shown on the chronology when methane gas was discovered on the site. In '91 Chatham County hired SCS Engineering and they specifically hired SCS because this is their area of expertise. They could have hired locally, but they knew that they needed someone who specialized in the field. That's why SCS was hired, and SCS made specific recommendations, which you see in front of you, and I will not repeat those on the sheet. In December of '91 the County did purchase 32 lots, 18 of them were called removal homes, 14 were called renovation homes, and those were designated based on the advice of, once again, SCS Engineering. Removal homes were specifically defined as restoring property to a safe attractive and landscaped condition. The renovation homes, just so everyone knows, there were homes out there that stayed. There homes that did not come down. What was done there was there was construction and installation of a trench and methane detectors, and those homes are still there now. Since that time there have been several tests run at this site. In 1997 there was bar punch testing done at 77 locations. We have to tell you everything. There was methane gas on the site in 1997, so we retested in 2001 and 15 of the 18 lots showed no methane. We did it again in 2003. Again, most of the lots, 15 out of 18, showed no methane. So we did it again, this time in 2005, and you'll see the three test dates. These are like just last week. On three different test dates we don't show most of the lots being zero, we show all of the lots are now at zero percent methane.

Mr. Yellin said, the point we'd like to make for you is the data that this Commission considered in 1991 is very different in the data that you can consider today. The only thing that's the same, there's only one constant is that back in '91 you hired SCS to advise you and today we have hired SCS to advise us. The very same engineering firm that told you to remove homes in 1991 and '92 is now telling us it's safe to build the homes again. And at the risk of misquoting the engineering firm, SCS has said in the report, which I've attached, "SCS is confident that new homes can be constructed on this site that will include the proper protective devices to ensure the safety of the occupants of those new homes and return the property to a viable part of the subdivision and the community." I am sorry to say also because of the lateness of the day, there were people from the neighborhood, of which I had the chance to speak to

two of them, who were here to support this petition. They live in the houses right next to our subdivision and they said we would love to see this return to a neighborhood with parents and kids and people can walk around. Right now it's just a sore spot. We would you love to see this thing as a neighborhood, " and I'm sorry I can't speak for them because they're not here. They had to leave and go back to work.

Mr. Yellin said, before I introduce the engineer, there are just a couple of points I'd like for you to consider. There was a problem in 1992. Homes were removed because there were methane gas readings that nobody was comfortable with, but virtually everything that was removed, was removed because it was a slab home right on the ground. Slab on grade construction where methane gas had nowhere to go. There were also houses that were not removed, what I've just called the renovation homes. Those were either not on the landfill or they were above-ground construction, and to my knowledge the 14 homes —, and by the way, these 14 homes you can see on page two of the handout, they're the ones that are in white as opposed to the ones that are cross-hatched —, to my knowledge there have not been any problems with the 14 homes that remained because of the above-grade construction. The second point, and I'll be quick. I know we've all been here a very long time. I'm not a very good scientist, my worst subject, but Mr. Satchwill has convinced me that methane gas is a natural byproduct of when you have organic material and it decomposes. It is also a fact that methane gas levels go up and then they go down and they stay down. That's the nature of methane gas. The peak was likely in 1992 when you took action as a Commission, and it's hard to believe sometimes that that was 13 years ago, and 13 years later methane levels are zero.

Mr. Yellin said, third and last point. In preparing for this meeting, I went back and took a look at the minutes of previous meetings where I came before you to talk about this site and what we can do and what we cannot do. It is very clear that there was a major concern that those of you who had served before have, and I'm sure that many of you have who are new Commissioners. Can we restore this neighborhood and at the same time protect this County from any future liability. In fact, as I read the minutes last night, Dr. Thomas, I think you were probably at the forefront of that and —. Commissioner Thomas said, and I'm prepared to ask the same questions today. Mr. Yellin said, — and still are. As I read the minutes, there must have been about two or three pages devoted to your questions about liability, and I am afraid that two years ago we did not answer the question appropriately —. Commissioner Thomas said, that's right. Mr. Yellin said, — and today we are. We've had the chance to sit and think of ways to make this happen, and I believe they have an answer. Commissioner Thomas said, good.

Mr. Yellin said, under Georgia law we are required to let any purchaser of this property know that there was a landfill here. Georgia law, that's a requirement. It is our proposal that in the very same deed every deed that goes off of our desk will also say in the deed:

Purchaser, by acceptance of this deed you do hereby release the County of all liability associated with this site. By acceptance of this deed, Purchaser, you are indemnifying and you're holding harmless the County from and against any liability from this site.

Mr. Yellin said, there are problems —, if you put it into a declaration —, and this may be lawyer talk, but I'll give it anyway —, declarations can expire by their own terms. There are some problems under Georgia law with automatic renewals of declarations, so there could be a period of time in 21 years when it expires. By putting it in the deed and saying, "Folks, we're releasing the County, indemnifying the County, holding harmless the County and, by the way, this restriction is binding upon you and your successors and assigns and all future purchasers," everyone knows there's no liability to the County. I will tell you anybody can sue. I can sue the Chairman because I don't like his green coat. I will lose, but I can sue. So I don't want to tell you that it will stop every lawsuit because nobody can do that. What it will do is it's bumped every time. It will be clear, it will be highlighted and it will be in large bold print the County has no liability. I believe that in this way the County will be protected, it will be insulated in perpetuity, and I'd be delighted, it would be my pleasure to work with the County Attorney to make the language specific to protect the County.

Mr. Yellin said, my last point and then we'll get the scientist up here. What are we asking for today? What we're asking for is permission to build on these lots, but by getting permission that does not mean we run out and we start turning dirt tomorrow. What it means is we still have to go to the inspections department, submit building plans, foundation plans, engineering plans, everything that you would ordinarily expect to be submitted to the inspections department, but we need to be here today because Georgia law says, Section 8-6-4 —, easy to remember —, before you can build on a landfill you must get the permission of the municipal authority. And that's an interesting statute because by its very nature it tells you that you can build on a landfill. You simply can't build without the permission of the relevant, applicable municipality, and that is you. If you approve this, it really means our job really begins in earnest. We would respectfully request if you consider this petition, we would like to bring these 18 lots with their zero readings of methane back into the community, back into the mainstream, as our engineer says. I think it can become productive property again. It was never the intention, I believe, to turn these lots out and keep them off the records forever. There's no restriction. Nothing could be better, I believe, than taking this property and putting it back into the community. With that in mind, I thank you very much for allowing us to be here. I think that all of us would benefit from hearing from Mr. Satchwill, who is with SCS Engineering. They have over 33 years of experience in this field and they've done over 2,000 projects involving landfill-related projects. So, if there are no questions, I'd be delighted to call on Mr. Satchwill.

Commissioner Stone said, Mr. Chairman, if I may because I'm going to have to leave in a few more moments and I do want to hear the report, but in the event that I have to leave before this is over, I want to give my comments. I don't know whether it would be appropriate, and I understand you're not at the end of your presentation, to continue this

to get with the County Attorney. I don't know that the current ordinance does have anything that is a legally binding way to prevent the future owners from ever coming back against the taxpayers or the County for any liability, and I don't know whether that's addressed in our existing ordinance or whether some language needs to be added or changed or an amendment. I just want to make sure that it's legally binding and that we don't put ourselves into jeopardy here. I have gone out and looked at the property. I understand this is zoned residential and the intent is to put —. Mr. Yellin said, single-family residential. Commissioner Stone said, — single-family. Correct, okay. I mean, this was and is a residential area. I don't see any problem with the proposed development on what you're saying to allow the gas —, I just —, I really don't want this County to be left in the position as it was before, and that would be my only comment, and I don't know whether that can be addressed at this meeting or whether it would need to be continued to be addressed in the proper legal fashion. And that would be my concern whether this would need to be continued.

County Attorney Hart said, this is purely a policy decision of this Board. I don't disagree with anything that Mr. Yellin really said today. You know, I —, if you ask me will this stop all lawsuits, I'm going to tell you no because it won't. I will tell you that there are some safeguards that will make that fairly remote. Okay? This code section basically says you, as the governing authority of the County, can make a decision on whether you want to have subdivisions that can be built on landfills within the County. If you say no, that's the end of it; we will not have any subdivisions built on landfills in this County. If you choose —. Commissioner Odell said, any more. County Attorney Hart said, no, any. No, the point being is if you change the policy, then the question becomes do you have the right to turn down the next landfill, and there would be a fairly good equal protection argument by the applicant under that statute because the statute does not have any ascertainable standards as to how you go about turning it down. Right now it gives you broad, broad discretion that says you can make a decision not to have them, you can make a decision to have them, but once you say not to have them, you mean not to have them anywhere. If you change your mind and say, gee, we want to allow this now, then the question becomes how do you treat this group any different than the next group. Okay? So if you change your policy, you're not talking about just this subdivision. You're talking about the potential for other subdivisions on landfills within the County. That's purely policy. Y'all need to decide that. The one thing I would point out to you that if you do elect to change the County policy, I think it needs to be prospective triggering at some point in the future, say 60 or 70 days or so, because I do not believe our Building Safety and Regulatory ordinances nor our Engineering ordinances were ever designed to regulate houses on landfills, and I think they're inadequate. I think that 70 days would give staff time to go out there and find some ordinances that said, gee, if you're going to build on landfills, these are the 15 or 20 scientific things that you need to fulfill so that you've got some protection in your ordinances, because once you grant the right of these people today to go ahead and build this subdivision, all they have to do is comply with our current ordinances, which I feel sure and comfortable that they will and can comply with. But you do have a unique situation here in which they're building on a landfill. I spoke to one of their experts this morning and he advises me that there are ordinances out there that have a sub-category within the Building Safety and Regulatory Services part of the various ordinances of government that says if you're going to do this, not only do you have to comply with all the general ordinances, you're going to have to comply with the following ordinances from a scientific standpoint. I do think that if you're going to make that policy decision, you need to give yourself a chance to let your regulatory side catch up in the ordinance book. That's all I'm saying there, it's purely a policy decision.

County Manager Abolt said, before Commissioner Stone has to leave I would like to make one statement for the benefit of you all. I don't disagree with what —, most of what Attorney Yellin has said. I do take strong exception to his typifying that there was never an intent not to prohibit development. That was not the case. The County Commission, even though it cannot bind future County Commissions, but that County Commission that agreed to this settlement was fully of the mind that when the attorney handling this for us, and the attorney out of Atlanta, a very good attorney firm, was going to ensure that there would never, ever, ever, ever be development on this property, and that was clearly their intent. When they talk about the property kind of being in limbo, I think there was a wish that whomever the private owner would eventually be, this would be turned into some common area. But I don't want anyone to leave this meeting today with somehow an understanding that the Board that had to go through this hell felt that there was any hope to be held out in the future for development. That does not mean that from an engineering standpoint it cannot be done. Ladies and gentlemen, it can be done. I understand that, everybody understands. The firm they have hired is an excellent firm. The issue comes down to the history of this particular plot of land, how much money this community through its taxes paid to make those property owners whole and, more importantly, as I mentioned recently, the anxiety, I mean the emotional investment that those displacees had to, in effect, come forward with because they had no other choice. When they knew that on one was going to help them, but then the County helped them, there was a huge price paid by individuals.

Chairman Liakakis said, Mr. County Attorney, the status on the —, what was said about hold harmless, what is your comments on that hold harmless so —. County Attorney Hart said, yeah, I think —. Chairman Liakakis said, — whatever way the County —. County Attorney Hart said, if you're going to do that, that's the best way to do it. I think you've got to have some language in there that clearly puts every prospective owner on notice in addition to what the statute requires so that you create a covenant that runs with the land, so it attaches to the land so wherever the land goes, the covenant goes with it, and that covenant would have to be that the person that's taking this with a knowing risk and assumption of risk on their part and that they indemnify and hold harmless the County for any and all claims that may arise out of that. If you took the deed with that language in there, and it was a knowing assumption of that, which at closing I am sure they're going to have you sign plenty of things saying that, it would be very difficult to then come back and say, gee, I made a mistake, bail me out. That's not to say it could —, we're not going to see some litigation like that, but I think we'd be in a pretty strong legal position at that point.

Mr. Yellin said, Mr. Chairman, if I could also add, I'm not looking to invite any lawsuit from anyone, but the engineering firm that says this will work has its own coverage, which is \$10,000,000, which is more than the County paid way back when. There will also be folks who will be doing construction and then there are manufacturers of monitoring devices. There are other defendants, as it were, if there's a problem. I specifically asked Mr. Satchwill before we came up here, I said you've done these 2,000 projects, have you ever had a claim in those 33 years, and I was fearful of the answer, but he said no, we've never had a claim involving what we've done involving development with landfills. The other comment I'd like to make very quickly is that the County Attorney made a comment that other landfills may come before you. If a landfill is willing to come before you with a zero percentage methane levels, then they deserve the right to be here. You know, to say that all landfills will come before you, I believe that's not correct, but I suppose that's part of the ordinance that the County Attorney wants to draft is in order to come before you, you're required to have a certain really harmless methane level, which we can meet. I suspect a lot of people cannot meet because we've in fact been so far removed from landfill activity, we have numbers that probably nobody else has. Having said that, I'm starting to talk science, and I promised that I would not. If it's okay with the Chairman, can I ask Mr. Satchwill to come forward?

Chairman Liakakis said, yeah, just a moment. We've got a couple —. Chairman Liakakis recognized Commissioner Odell.

Commissioner Odell said, yeah, Harold [Yellin], the covenant would run with the land. Mr. Yellin said, yes sir. Commissioner Odell asked, and that would clearly spell out what this is and why it is? Mr. Yellin said, I was even thinking that we might even have a few recitals, sort of go through the history so that there is —, and I'd like to work with County Attorney on the exact language, but put it into every deed that the purchaser by acceptance of this deed understands the following, and spell it out. Commissioner Odell asked, Jon [Hart], how much —, how long would you need to —? Here's the point. We made a decision based upon a public policy decision. People were in a position with methane, which the County allowed to happen, the methane was elevated. It was the right thing to do to buy them out and move them out. But where we sit today methane was here because methane is a byproduct of decaying material, and if you really want to see methane go out to the marsh. The grass is loaded with it. The issue becomes to put the land off of the market for perpetuity, how you do that is to make it a park. If you don't make it a park and you don't do that, then what you've done is you say the land's going to be used eventually. The issue becomes whether or not it's safe. If they had gone out and gotten a fly-by-night chemical company that operated out of a small yellow van and gave them some reading, I'd be concerned. But what they did was they got the same company the County used, so back then in '91 this company said get your gear and move. Mr. Yellin said, exactly. Commissioner Odell said, okay. Now they're saying it's safe to build there. Mr. Yellin said, yes, they are. Commissioner Odell said, query. The additional things, Jon [Hart], that would be needed on our ordinance that you'd be getting to us, could you get that within the 60 days that you're talking about? County Attorney Hart said, I think I could. You know, I'm talking about an ordinance basically that is just like an additional part to our regular Building and Regulatory Services [sic] ordinances and building permits, and it just says, you know, if you're going to build on a landfill, in addition to complying with all the other regulations of the County, you're going to have to follow these special regs. Now, I'm not a scientist and I haven't looked into that. I have been told by one of the gentlemen that is an expert that there are a number of ordinances around the country that have addressed that issue. And my thought was let's go look at it and if we need to get our own consultant, let's do it, but there ought to be something that's based on science so that you know which side of the line you're on and you can make real value judgments as opposed to making judgments on how I feel, and if we put that in there, I would have —, you know, it's a policy decision at that point. But I would certainly feel a lot better if we have this situation come up in a future subdivision. We've got the publicly protect —, some public protection on the books under this ordinance, and if they can meet the requirements, then they ought to get the permit. If they can't, they don't. So 60 days I think would give it —, give us sufficient time, but you do have to remember we're going to have to have two readings, so, you know, that cuts out some time, but that doesn't mean I can't modify it between the first and third [sic] reading. I'd want to talk to engineering with Al Bungard, I'd want to talk to Gregori Anderson, Building and Regulatory Services [sic], and obviously we need to get some advise from our own consultant.

Commissioner Odell said, Russ [Abolt] —, I'm sorry, I haven't given up the floor. Russ [Abolt], do you have a —? County Manager Abolt said, no sir. Commissioner Odell asked, have you got a continuation —? County Manager Abolt said, just a clarification, and this is not meant to be argumentative, but a question of fact. The engineering firm, SCS and Jim [inaudible], in the years that I worked with them, they're great people. Even in 1991 none of those smart people said you couldn't build. They were saying the type of construction, slab on grade, was problematic because as you had the subsidence, that rigid foundation would crack. Weatherwood could have been rebuilt. The issue was not do you want to rebuild it, the issue was the County Commission then seated wanted to take care of those people's problems and they invested a precious amount of our money in it and they wanted it to go away from the standpoint of not being a problem again, as opposed to turning around and saying would you like to come right now in 1991 and build there. The issue was no. It was so —, it was such a horrible experience that the County Commission said no, no, nevermore. Commissioner Odell said, oh, I agree, but I don't think when you're talking about land that you can use nevermore. County Manager Abolt said, I don't —, the only thing that could have done it —. Commissioner Odell said, let me finish, Russ [Abolt]. County Manager Abolt said, sure, I'm sorry. Commissioner Odell said, the problem was that we built on grade —, slab on grade and if we had put the properties elevated and vented the property, it would solve the problem. County Manager Abolt said, yes sir. Commissioner Odell said, because when methane hits the air, it dissipates. County Manager Abolt said, yes sir, you're right. Commissioner Odell asked, is that true? County Manager Abolt said, all that is true but it was the emotional situation that the community was faced with —. Commissioner Odell said, oh, I agree, it was horrible. County Manager Abolt said, I just don't want you all —, I mean —, I apologize. Mr. Yellin's done a super job of testifying before you, but I don't want you to say ah ha, there's a major

argument now regarding the reversal by that engineering firm. They felt that way from the beginning and just like Commissioner Odell said, you can accommodate methane. There's not an issue of accommodating methane. That can be handled. Commissioner Odell said, yeah, I'm interested in seeing —, I don't like to see land taken off forever. If it's safe, we could be held not legally —, I don't way to say that. If we cause an injury, we should pay for that injury caused, but we should do everything scientifically to ensure that it's safe, and if it's safe we need to do it. If it's not safe, we should not do it.

County Attorney Hart said, if the Commission —, excuse me. I didn't mean to interrupt. Commissioner Odell said, I'm through.

Chairman Liakakis recognized Commissioner Gellatly. Chairman Liakakis said, he was next. Go ahead.

Commissioner Gellatly said, I just want to make this comment. You know, I lived through this whole ordeal, read about it in the paper and there was a lot of —, as everyone said, a lot of emotion and rightly so, and I would be really uncomfortable at this point in time to listen to Mr. Eichholz's expert tell us that there's no more gas on that land. I represent the taxpayers and we don't have an expert to say that that land's okay, and until and unless that were to occur, and I don't think that we should pay for that. I voted for it —, I voted against it in the 2001 and I'm prepared to vote against it again because I don't doubt your expert's qualifications, his intent or anything like that, but he's on Mr. Eichholz's payroll and I want to —, if we're going to go down this route, I want someone that represents the taxpayers, an expert. That's my only point.

Chairman Liakakis recognized Commissioner Thomas.

Commissioner Thomas said, thank you, Mr. Chairman. I was there and perhaps some others. Yes, I spoke emphatically about the safety of our citizens. To this date I am still concerned about the safety of our citizens and whether the citizens in the future would have to come up again, you know, and pay out large sums of money. We've talked about making sure that we are language specific, no liability to the County should this occur, but there's another word that you also mentioned, and that was by giving permission, which raises a red flag for me because I'm not one to deny anyone to make a living or, you know, or use their property for whatever purposes it was intended for, but here again the word by giving permission, are we setting ourselves up again, you know, Mr. County Attorney, in the future even though we may have a specific language in the written document indicating that the County will not be held liable? I would like to see if this happens, if it passes, I want it to be very, very clear and very, very specific that the owner will be held responsible for any and all liability. You know, if I can get that assurance, perhaps I will say yes, but it is an uncomfortable situation. We went through so much, so much so that I almost had to file a lawsuit against one of owners because they attempted to attack me because of a decision, and we were in a discussion. We just —, we were in an open meeting discussing why we should not follow through, you know, with this and that we needed to terminate that. I don't want that, I don't want to go through that again. It was a nightmare and when you bring up the word Weatherwood, yeah, I get chills. So I —, and I hope you can understand how I feel, but I'm trying to separate that and trying to understand and give Mr. Sheftall [sic] the benefit of the doubt of utilizing, you know, the purchase, and I want to be fair, but I also want him to also be fair with us so that in the future we will not have to go through this again. I may not be alive, you know, when something may or may not happen, but should something happen, I'm hoping that whomever is here would not have to endure that type of thing. That's my only point. I have no objection, you know, to his developing, but I do object to if there's a possibility of the methane again that we really need to take a clearer look.

Chairman Liakakis recognized Commissioner Farrell.

Commissioner Farrell said, I have one question for staff. When the County bought out these lots back in '91 or '92 and evidently didn't retain ownership, what transpired? I mean, did the County just go back and put them out for bids to the private market for resale or —? County Manager Abolt said, there were several issues that were discussed at the time and a very difficult setting, as Dr. Thomas has described it. At first one proposal was to raze the entire subdivision, just to make it open space, kind of like —, I don't mean an example, but it's like the kind of horror we went through with Ground Zero in New York. It was nothing like that, but the same idea was, well let's turn it all eventually into a park and move everybody out. Then it got down to what was the problem. We went through and the same type of punch borings were used and they actually defined where this dump was. It wasn't a landfill, it was a dump, and by that definition and by the great work of SCS Engineering we were able to localize and show on a map exactly where the bad material was. So with that the County Commission said, okay, we don't want to raze the entire site. There's still an opportunity for not this current list of homeowners, but some future homeowners, possibly those in starter homes that would come in and buy a very nice home with some problems, but buy it at a bargain price. So what they did was they said certain amount of land is distressed, others is not. To get back part of our investment, we'll put it out on the auction block and the highest bidder got it. And I think there was —, maybe there was only one bidder, but it was a very minimal bid, let's put it that way. A few hundred thousand dollars for something that now is valued a whole lot more than that, and then —, I believe the gentleman was Mr. Mincey I think his name was. He was trying to develop it and he couldn't do and then I believe the land may have been sold to Mr. Eichholz. My memory's not that good that far back, but the long and the short of it was, how bad is the problem and the problem then was defined as this dump site and then allow everything else to redevelop naturally. But when it came to addressing the dump site, it was the dream of the County Commission, and I realize dreams are just that, that when the new developer came in and when he or she was marketing it, he would market this open space as future park land, swing sets and stuff like that. That was the dream, but the idea was though once the County walked away from it, the County walked away from it. They had already invested taxpayers money spanning several years just to make those

property owners whole. They did not desire to be developers, they did not desire to spend a heck of a lot of time in coming up with concept plans for what they might expect once it turns to private ownership. The idea was to get away from it.

Commissioner Farrell asked, were there any stipulations on the sale? County Manager Abolt said, yes sir, there were, and again this is where the Board was let down. If you would have told the County Commission then or even —, see, like Commissioner Murray went through this or any Commissioner, like Dr. Thomas —, it was clearly the understanding and also of staff that when the property was sold, those lots that were over the dump would have a proviso: Thou shalt not ever, and it was that error, and that was the only error of the firm, but it was still a substantial error we're paying for now, a decade later, which allowed a loophole. But if that loophole had been closed, if the firm out of Atlanta had done what the County Commission had hoped they would, this would not even be on the agenda. Commissioner Farrell said, but then somebody might not have given a few hundred thousand dollars for it either. County Manager Abolt said, but, sir —, well again, when you look at the value, again even now in dollars, I mean the County Commission wished to divest itself of several hundreds of thousands of dollars of private property, and they did so in effect to walk away from it. The purchase price was —, well, the purchase price now certainly wouldn't even equal the cost of one of the homes.

Mr. Yellin said, Mr. Farrell —. Chairman Liakakis asked, would you like to —. Oh, excuse me. Go ahead. Mr. Yellin said, because I'm not a scientist, but I am a lawyer. I know because I've looked at the deeds and I've looked at the covenants back in '91 and '92, I was not here, I didn't sit in the chair that Russ [Abolt] is sitting in, I didn't sit up there, but I know that for people who look at the deeds, if you did not want property to be developed, the very simple words, no future development shall be allowed would have ended the discussion. There would have been no further discussion of any kind, and if you read through the deed, there is no restriction in the deed on what you can and cannot do with the property, and it's hard for me to second guess. I don't have that crystal ball, I don't know what people meant to do, should have done, didn't do, but it's almost like elementary real estate law. If you don't want the thing developed, put in the very simple words you may never develop this property ever again. Commissioner Thomas said, we thought we did. Mr. Yellin said, those words don't appear and —. Commissioner Odell asked, is that something called the rule against perpetuity? Dr. Thomas said, we thought we had done that. Mr. Yellin said, but my point is at least for future folks who did either buy the property or now want to develop the property, those words don't exist in that. And if I could —, this gentleman may actually have a plane to catch back to Cincinnati. Could I have Mr. Satchwill come forward?

Chairman Liakakis said, Commissioner Shay and then we'll call on your scientist. Chairman Liakakis recognized Commissioner Shay.

Commissioner Shay said, I'll be brief. I want to grind my axe again. The big powerful law firm from Atlanta came down, charged this County a lot of money to do a lot of legal representation and didn't include something that was clearly the intent of the Commission, got back in their vehicle, drove up to Atlanta and now we're here. Commissioner Thomas said, we're back again. Commissioner Shay said, thank you very much.

Chairman Liakakis said, okay. Do you want to call on your witness? Mr. Yellin said, Mr. Chuck Satchwill from SCS Engineering.

Mr. Satchwill said, we're here for the long haul. We were here in '90 and '91 when the problem was first discovered out at it was then the Weatherwood Subdivision, and we're still here. You know, this is what we do. SCS Engineers is a nationwide environmental firm. We specialize in hazardous and solid waste management issues, one of those being landfill gas issues, which is what we have out at what is now going to be called Sheftall Bluff Subdivision. I won't bore you with a lot of technical information, but let me assure you that with the 2000 landfill gas projects that SCS has done since its inception in 1970, we've had nothing but success in those projects. We've never had an incident at a facility where we have provide landfill gas protection for buildings. We do that for residential developments, we do it for commercial developments, we do it for industrial developments. Currently we have a number of projects where we are literally intentionally building retail developments, residential developments and industrial developments on old closed landfills. The key is designing and preparing for what you need to do knowing that you're building on a landfill. Back in the '70s when Weatherwood was built those precautions weren't taken. We know that there's a landfill there now. They may not have known at that point or didn't care at that point. We've read the proposal that Mr. Eichholz has prepared, we have reviewed all the data that's been collected on the site, we've been involved in the project since day one, we know pretty much what's out there, we see the gas decreasing in concentrations, which is good; however, we still made a set of recommendations to Mr. Eichholz for the construction of residential buildings on those lots. Those include building only on a crawl space, including vents in that crawl space, surround including monitors in the houses, including some kind of an operation and maintenance manual that the owner must accept and sign, and agree to do during his stay at that home, venting the slabs that would be on grade for the garages. It's awful hard to elevate a, you know, garage slab, but even eliminating that if possible, but if a slab on grade has to be built, it would have to involve an active system as opposed to a passive system, which is a series of pipe and gravels that literally pull that gas out from under that slab and vent it into the atmosphere. So we've done a lot of these jobs, anywhere from, you know, very small subdivisions, very small industrial sites, to we're currently working on a project that we know is on an old closed landfill. The landfill is over a hundred feet deep. We're building 650,000 square feet of retail space on this old landfill. Now, we know there's a landfill there, we know there's gas there, but we also know how to design to avoid any problems with that landfill gas that's generated from that landfill. Sir?

Commissioner Shay said, I've had the opportunity to design buildings that were in locations that were landfills before because we discovered them when we dug foundations, for example, and I'm not a scientist either, but I do understand this a little bit. The methane comes from organic material that's below the surface that as it decays it emits methane gas, and apparently what's happened here is that it's decayed to a certain point and is no longer emitting or no longer emitting in large quantities.

Mr. Satchwill said, I probably can't say it is not emitting. Landfill gas is generated from organic material that's buried in the ground. Through an anaerobic action with water, when water contacts that organic material, methane gas is created. The generation of that methane gas has a life cycle for the most part. It's shaped somewhat like a bell curve, like you have a graph that is timed in this direction and landfill gas in this direction, and it starts and it goes up and it peaks at a certain point in time. When there's the right conditions, which is water and the organic material, that landfill gas is being generated from that facility. As it reaches the apex of the curve, it starts on a downward path. We don't know if it ever stops generating gas, but what happens is that over time, and that's generally in the 30-year range, it decreases to the point where it's not even detectable anymore. And most likely it's still being generated down there somewhere, but not at the kind of concentrations and the kinds of levels that need to be concerned about. Regardless of that though, out at Sheftall Bluff, you know, the developer is prepared to put protection in even if that gas does come back.

Commissioner Shay said, let me get to my point though. In order for that gas to emit the organic materials dissipated and one of the things that I learned when I had this situation come up before was not only do you have to be concerned about the methane, but the fact that as that organic matter is decayed, it is less in size, and so you have a structural consideration as well. The earth itself —. Mr. Satchwill said, that's correct. Commissioner Shay said, — will continue to settle as the organic materials dissipate. In the project that I worked on we actually went to the expense —, I didn't, Jim Hilliard [phonetic] did, still probably hasn't gotten over to this day —, we had to dig down 15 feet, remove all these old tree stumps and all this stuff that nobody knew was in there because it wasn't a registered landfill, remove that, put back all good material and build a beautiful restaurant on top of it. If this goes forward and we are held harmless, so to speak, I want to make sure that we're not just held harmless for methane gas, we're held harmless for anything. Commissioner Thomas said, period. Commissioner Shay said, I don't care if it rains hard, I don't if whatever it is, that we're held harmless. Okay? Because there's more that could go wrong than just the methane.

County Attorney Hart said, the roads and streets issue a —. Commissioner Shay asked, I'm sorry? County Attorney Hart said, you know, any time you've got methane giving off, it shrinks —. Commissioner Shay said, right. County Attorney Hart said, — and, you know, from an engineering standpoint you've got the building itself and then you've got the roads, curbs and guttering and things like that.

Commissioner Farrell asked, don't have any more new road system in the subdivision, would we? County Attorney Hart said, well, all I can tell you is I would not want the County to accept the road system in the subdivision, which I think they would be willing to do. Not accept the road system within the subdivision, and I think Mr. Yellin's client would probably be willing to go along with that, which he —. Commissioner Farrell asked, don't we already have the road? Commissioner Odell said, yeah, there are roads there. Commissioner Shay asked, is there only County roads though? County Attorney Hart said, it might be.

Commissioner Shay said, well, my concern is —, and I'm not a lawyer, I'm just a poor little architect. A local architect too. Never mind —. The concern that I have is I, well, I hear the hold harmless thing and it sounds like you're giving testimony today that we need to be terribly concerned about methane. Is the holding harmless going to hold the County harmless or just harmless against problems generated by methane? Mr. Yellin said, methane and all problems associated with the prior landfill —, or dump, as Mr. Abolt says. Everything. Commissioner Thomas said, that was my request. Mr. Yellin said, the only —, the only other problem being addressed that we know of —. Commissioner Shay said, so let me just play a hypothetical scenario out. Somebody comes along, they buy the lot, they see the recitals, as you call them, all that kind of stuff. They say this was a landfill at one time, I'm saying I'm holding the County harmless. They read your recommendations as to what kind of foundation system they ought to have, money gets tight and they say, well, you know, maybe we ought to just cut back on the footings a little bit and then there's a structural problem later on. What you're saying is that that would be that buyer's problem and that they would have indemnified the County against that?

Mr. Yellin said, well, there are two things. Number one, I'm assuming the ordinance that we're going to draft —, the ordinance that the County Manager and the Attorney talked about, in addition to all of the other developmental standards, we're also going to need to do certain other things that are going to be a baseline requirement. So when you talk about sort of shortcutting and doing something that's, you know, that's not going to happen. So I want to take that out of the equation. The language in the deed will say all matters, claims and we can make it as broad as the County Attorney would like it to be made. But it isn't just methane. My understanding is the two issues are methane and subsidence. Commissioner Shay said, okay. Mr. Yellin said, and Mr. Satchwill will also address subsidence, but those are the two things absolutely that will be covered by this indemnity release and hold harmless. Commissioner Shay said, and just to —, sometimes there's the failure —, I like to call the failure of human imagination. The few times that I've made mistakes that I've really regretted about design was because I didn't sit down and think of all the dumb things that somebody else could do. So make it a bad problem and, you know, I just —, you can write a set of rules that say thou shalt put this on deep piling foundations or whatever, but I just want to make sure that at the end of the day by having what you guys call indemnification, which I'm not smart enough to understand, that that means that if somebody else makes a mistake and something bad happens as a result of the

fact, in any way, shape or form that there was a landfill here, that your document that you've come up with, they're going to say, County harmless indemnified by somebody else. Mr. Yellin said, and that's why we're looking to achieve the perpetual insulation of Chatham County in this matter. I'd also like to think because we have two local attorneys we'll get it done correctly. Commissioner Shay said, yes, I think that's true. Mr. Yellin said, okay. Commissioner Shay said, and they're two very fine local attorneys at that. Mr. Yellin said, but I believe that the language —, I don't want to commit the language now because the County Attorney may actually have different language than I'm proposing, but between the two of us I believe we can come up with language that would be absolutely satisfactory and indemnity and hold you harmless, not only for methane gas but for all of the issues related to what used to be on the site, which has now been closed for 30 years. Commissioner Shay said, actually there are three very fine attorneys that are in the immediate vicinity and if you guys get done with this document and the third one who sits on this Board says I think it works, then I would be satisfied. I share Commissioner Gellatly's concern that we don't have an expert right now that's testifying on our behalf, but I suspect that in this due diligence period for the next 60 days that we might also be able to ask our County Engineer to verify that we're not hearing foolishness. Mr. Yellin said, and I would be delighted to also work with Mr. Odell in this matter. It would be a pleasure.

Chairman Liakakis recognized Commissioner Gellatly.

Commissioner Gellatly said, I listened to your presentation very carefully and on two occasions you indicated that that area may still in fact be producing methane gas. Mr. Satchwill said, it's certainly possible. Commissioner Gellatly said, okay, but now we've been given a sheet here that said that in 2005 there were three test dates where there was zero readings. Now, does that mean it wasn't a very good test? Mr. Satchwill said, no, that means that at that particular point in time on that day given those weather conditions the gas wasn't found. Commissioner Gellatly asked, but it could have been there? Mr. Satchwill said, it could have been there but it is very unlikely. Commissioner Gellatly asked, could it have been there in large amounts? Mr. Satchwill said, no, not likely because —. Commissioner Gellatly said, you said, not likely. Do you say no period or —. Mr. Satchwill said, no. What I'm saying is that if —. Commissioner Gellatly said, no, you said, not likely is what you —. Mr. Satchwill said, not —. Commissioner Gellatly said, not likely is what you said. Mr. Satchwill said, that's correct. Commissioner Gellatly asked, so it was possible it could be there in large amounts? Okay, that's all I wanted. Thank you.

Chairman Liakakis said, would —, the reports that we have is saying the measurements —, it shows no methane whatsoever and that your recommendations were along with their other engineers that since there's no methane there now, but there could possibly be some, that the way that the structure is built and the way you're using a filtering system that it will not cause any problems by using the equipment that's necessary to make sure this is not hazardous because, you know, one of the most important —, or the most important thing —, we don't want anybody to be harmed in any way, whether there's an explosion or fire or whatever it is because, you know, as most people know that methane when it gets into the open air it dissipates, but when it's confined that's when it's dangerous, and we just want, you know, to make sure that whatever happens that if something was to be voted in the affirmative that nobody would be at risk, especially the County and the people that might be purchasing the property.

Mr. Satchwill said, even though no gas was found on the site this most recent round, the recommendations that we made back in 1997 when we were finding gas on the site remain the same. We're still recommending that the buildings be built on crawl space not on slab on grade, that the precautions that are necessary to accommodate that gas if it is there or if it ever comes back are still in place in those buildings when they're constructed such that if that gas ever shows up again, those buildings will be able to deal with it, and there will be no danger to the area occupants or the structures that are built on that facility. So even though we're not finding gas, we're still designing and constructing these homes as if there were.

Chairman Liakakis recognized Commissioner Farrell.

Commissioner Farrell asked, what —, can you speak a little bit about what procedures you plan to take to ensure that the houses once they are built are not going to settle in fact and have the problems? Mr. Satchwill said, the design of the foundation of these homes will be totally based upon what is found on each one of the sites where the homes are to be built. The soil support value for —, in that particular location will determine what the foundation will have to be for that home. Commissioner Farrell asked, do you plan on doing soil analysis? Mr. Satchwill said, right. Commissioner Farrell asked, and foundation capability? Mr. Satchwill said, that will have to be done in order to determine what the soil support value is for each of those homes such that that foundation can be built accordingly such that it won't settle. Commissioner Farrell asked, and would your firm be doing that? Mr. Satchwill said, I'm not sure that we would, but we certainly have that ability. Commissioner Farrell asked, and would there be a P.E. stamp on each of these foundation recommendations? Mr. Satchwill said, there should be. Commissioner Farrell asked, for each lot? Mr. Yellin said, [inaudible]. Chairman Liakakis said, come up to the microphone. Mr. Yellin said, I think Mr. Satchwill was saying he hasn't been engaged to do it yet, but we will commit today that we will hire and use his engineering firm to put his stamp and approve all plans. Commissioner Farrell said, so that would be the equivalent —, if you have a Professional Engineer stamp on a set of foundation plans, in my mind it would satisfy the consumer or the builder that indeed this has been thoroughly looked at and there's somebody putting his professional reputation on the line that says that if you build it this way, then you've got something that's going to withstand the test of time. Mr. Yellin said, and not just any engineer, an engineering firm that specializes in this kind of work.

Chairman Liakakis asked, if something was to occur, you know —, if they were allowed, the County Engineer would make sure that the equipment that they're talking about was, you know, the right kind of equipment to make sure that the venting is proper? County Manager Abolt said, yes sir. Chairman Liakakis said, all right.

Chairman Liakakis recognized Commissioner Kicklighter.

Commissioner Kicklighter said, thank you, Mr. Chairman. I'm sorry for being late. I've been at home sick, watching this on television and watching it unfold I missed a lot on the way here from Pooler, but it's —, I thought this was important watching this. Am I right in saying that when the County purchased this property in 1991 or —, 1991 that we stipulated when we later sold it that it could not be developed on? Couldn't be developed? County Manager Abolt said, that was the intent but it did not bear out in the deeds. Commissioner Kicklighter asked, it didn't even —, it wasn't even worded on the deed? County Manager Abolt said, no sir. Mr. Yellin said, no sir. County Manager Abolt said, but if you had all the members of the Commission, of course you have one here and you have Commissioner Rivers, they could tell you certainly their understanding that that stipulation was there. Commissioner Kicklighter asked, is that anywhere in the records even verbal when they mentioned it. County Manager Abolt said, it's legislative intent. I mean there are literally pounds of records on it, but I think again you're talking —, the expert is to your left. She will tell you exactly what happened. Commissioner Kicklighter asked, well, shouldn't that be on record verbally that the County —? Commissioner Thomas said, it should be somewhere, but that was the intent and that was the last thing that was said.

Chairman Liakakis said, but from what we understand, Commissioner Kicklighter, it's not in the record, you know, because we wanted to make sure. The County staff told us that there was nothing put in writing so whoever purchased it —. County Manager Abolt said, that's correct. Chairman Liakakis said, — you know, that they didn't have that stipulation in there whatsoever and the Atlanta firm that made up the contract, which is one of the top ones in the country, that that wasn't put in there. Commissioner Thomas said, right.

Commissioner Kicklighter said, okay, well, my next question would be would it be fair to say that the owner of this property currently was living in the area and, you know, I would have been out of high school about two years at the time and I remember definitely all of that going on and it has to be pretty major for someone right out of high school to follow it. So would it be safe to assume that the owner of the property would have an understanding of, let's say, how bad the property was deemed at the time for the County to pay millions of dollars to purchase it and possibly could have gone in there worrying a little bit about the —, being able to rebuild on it after they spent —. County Manager Abolt asked, you mean the future owner of the property? Future meaning the one —? Commissioner Kicklighter said, yeah, the future owner. County Manager Abolt said, from what I heard you saying, yes, and the reason I make that determination is —, was the amount that was bid. I mean, it was a very modest bid. Commissioner Kicklighter asked, how much was this property purchased for? County Manager Abolt said, cheap. A few hundred thousand. Right now it would not cover the value of one of the houses. I want to say two or three hundred thousand dollars, but again as I —, before you arrived I was asked a question, I believe by Commissioner Farrell, it was the intent of the County Commission to just get away from it, get away from it. I mean, take care of the poor souls that were out there, but get away from it, do not have a perpetual responsibility to be a developer. Commissioner Kicklighter asked, so the homes on the property, everything was sold for two or three hundred thousand dollars back in '91 from the County. Who was the purchaser back then? County Manager Abolt said, sir, again —, I want to say Mr. Mincey. Mr. Mincey, he was from Metter or something like that. Commissioner Kicklighter said, okay. At a later date that property, the property itself or half the property was sold to —, and the gentleman —. County Manager Abolt said, I don't and it's kind of like a soap opera. There were some problems in the purchaser and, again, it was kind of a sad state of affairs but eventually I know —, now the new owner had it and then the development began to take place. There was the resale, there was the installation of the methane trench, there was the creation of the homeowners association, there was the installation of monitors, there was the relocation onto adjoining property of those homes that could be relocated, but that essentially was a private matter. Commissioner Kicklighter said, okay, well, it's my opinion to the Commission that the same as two thousand or two thousand and one, I just —, I believe that the purchaser, the current owner I believe he was well aware of all the —, of what a possibly explosive investment this property was when it was purchased. He had to be aware of the history of it, and if it was someone from out of town that didn't have any idea what took place, then I could see looking into the records, but with knowing exactly what took place in '91, there's no reason to put this County and the taxpayers of this County in jeopardy of having to perform the same type service buying out the homes again for millions of dollars although the scientists will —, which I read —, will say that that could possibly or would never have to happen again. How many times do you get bit when we're protecting the taxpayers here? They bailed the area out one time and to me, again because of the knowledge of the area, I don't think the taxpayers need to bail them out again.

Chairman Liakakis said, what was stated earlier that a hold harmless agreement would be put on a contract if it was approved so that the County would not be held responsible once they put the hold harmless that the buyer of the property would understand that. Commissioner —. Commissioner Kicklighter asked, but —, can I finish the thought then on that? Chairman Liakakis said, yes.

Commissioner Kicklighter said, okay, it would be my hope that if this Board approved that, that that hold harmless agreement would be inserted into the contract better than whatever was inserted back in '91. Commissioner Farrell said, I think there's a lot of lessons and we can do better. Commissioner Kicklighter said, but my personal vote would be to leave it as is and I'm sorry that they made this investment, but again it's hard to feel really bad because I believe they knew how volatile the lands and the issue would be when it was purchased, and I'm sure it was purchased at a pretty good price.

Mr. Joe Murray Rivers said, Mr. Chairman. Chairman Liakakis said, I'm going to recognize you in just a minute, Joe [Rivers].

Commissioner Gellatly said, one more and I'm through. Partially for the benefit of Commissioner Kicklighter, you'll notice at the bottom of this, they said that the last three testings showed zero readings. We just had heard from the expert who in his statement said that it was possible that that land was still producing methane gas. I asked him a little bit more about it and he indicated that it was not likely that it's producing a large amount of gas. I asked him is it at all possible, to which he said yes that it is possible that it's producing a substantive amount of gas. My concern is that we're sitting here, after everything that this county's been through and talking about going through some kind of hold harmless agreements and things of this nature to benefit a particular individual who bought this land, and what happens if we sign such a document? What happens if there's a one in a million chance that there's a substantial amount of methane gas in that gas there and we don't do something right and something goes bang and we have someone hurt out there? I have a real problem with that. I think that we went through a lot of emotional strain and it was the intent of the Commission at the time to take this off the —, for it not to be developed ever again, and it's a tragedy that we hired a group of people in Atlanta that didn't carry out the wishes of this Commission and, like my fellow Commissioner, I don't care what you do, I'm going to vote against it. Thank you.

Mr. Yellin said, Mr. Chairman, there was a miscommunication that I need to clarify. I believe Commissioner Gellatly was asking rapid fire questions and there were about five or ten questions in a row —. Commissioner Gellatly said, that's not true. Mr. Yellin said, no, no, let me finish. Commissioner Gellatly said, that's not true. I didn't ask five to six questions in a row. Get it right. Mr. Yellin said, there were a number of questions being asked —. Commissioner Gellatly said, if you're going to make a statement like that, get it right. Mr. Yellin said, I am going to get it right, but you asked so many questions and I heard Mr. Satchwill say —. Commissioner Gellatly said, not five or six. I asked him two questions in a row. Mr. Yellin said, I heard more, but we'll see later. My point is this, you asked a question and I heard an answer and I'm looking at him like did you really say that, and he said I thought I was answering a different question. You asked could there be substantial levels of methane gas. That was the question you asked. He said yes, and I said, Chuck [Satchwill], is that possible and he goes no, the answer is no. There can be minor traces, there could be some minor levels of gas, but what you just repeated to Mr. Kicklighter, I just want to make sure for the record the question asked and the question answered need to be tied together. If the question is were there and are there substantial levels of methane gas, the answer is no and I'll let the engineer say —.

Commissioner Gellatly said, you're very skillfully twisting what occurred and we need to play back what exactly was said. I asked him specifically —, he answered my question. I asked two questions. I asked, number one, that I listened to your presentation very carefully and on two occasions you indicated that there may still be some —, you may —, that the land area there may still be producing some methane gas, to which he said yes, that's true. Then I asked, the document that you gave us said there were three tests —. Mr. Yellin said, correct. Commissioner Gellatly said, — all which said there was zero methane gas. And then I asked, well, is it because it wasn't a very good test, and then —, and again we can play this tape back, Counselor, and get it right if you want to, but I didn't ask five questions. That's baloney. And, secondly, then I asked you if —, is it possible that it could be producing a significant amount of methane gas and you said not likely, and then my question to that is does that mean absolutely not, and your answer to that was kind of a you didn't know. And that's what happened. Mr. Yellin said, if that's what happened —. Commissioner Gellatly said, we'll play the tape back. Mr. Yellin said —, I apologize if that is in fact what happened. What I heard at my chair was —. Commissioner Gellatly said, sometimes we hear things differently. Mr. Yellin said, always and reasonable people can always disagree. Commissioner Gellatly said, thank you, sir. Mr. Yellin said, I would agree. I would like to point out though in your package of materials on page two is the map that shows the removal homes and the renovation homes. I have circled something that's not either one. That is Lot 2, which was permitted in 2001 and there's currently a new home on that site. It is closer to the landfill than, oh, probably about 10 of the 18 homes we're proposing today. If you look at —, and I have the materials in the package. There were some requests made by Inspections involving the gas trenching, but literally because it didn't get included in the original grouping and it was put outside, even though it's right next to the landfill, Chatham County Inspections Department did permit and there is currently a brand new home as of 2001 on Lot 2. I just wanted to call that to your attention.

Chairman Liakakis said, Mr. County Manager. County Manager Abolt said, sir. Chairman Liakakis said, I'm looking at this particular map right here and this is close to the area that we're speaking of. The County did —. County Manager Abolt said, I've not seen the map, sir, so I don't —. Chairman Liakakis said, here it is right here. Commissioner Odell said, if we could get a copy of that —. County Manager Abolt said, we didn't get copies. Y'all have them. Chairman Liakakis asked, the County gave a permit? County Manager Abolt said, sir, I —. Chairman Liakakis said, well, we can get —. We can pass this on to you. County Manager Abolt said, again, my recall would not be that good for that many years, but —, but I'll be glad to —. Chairman Liakakis said, he's got a picture over there. Mr. Yellin said, here's the picture [inaudible]. County Manager Abolt asked, may I ask the relevance of the —, not you, sir. What is the relevance of the issue in Mr. Yellin's mind? Mr. Yellin said, what I'm trying to suggest is there are renovation homes out there right now that may be in zero methane and then they have some small traces of methane, but the renovation homes from 14 years ago are fine and there are no problems with relation —. County Manager Abolt asked, Mr. Yellin, in relation to this where is the methane trench? Mr. Yellin said, to the left. County Manager Abolt said, to the left. To the left of —, then it's okay. Anything could be built outside the methane trench. There's no problem with that. See, the issue was, again —, and this is probably more than you want to know —, once the bad area was defined, and that was a shape on a map, then part of the remediation was around that there was going to be this trench built. Five or six feet deep, because methane will also migrate sideways and, just as Commissioner Shay described a little bit ago, what happens is as the methane would migrate east or west, you could reach that stone, kind of like a French drain, and then rather than going further in that direction, it would dissipate. So any structure on the good side of the methane trench was fine, and that was the issue. It was found also by SCS Engineering, and now this all comes back, that when we were talking about issues of methane, they could show that

in some parts of the Northwest, for example, you had an interstate and on this side you had a landfill and all of a sudden they were picking up methane on the other side of the interstate. It's because it was also migrating in a lateral direction. So that's why the methane trench was proven to be a good way of handling the problem. And from what Mr. Yellin just told me, there's no problem with this issue because it's on the good side of the demilitarized zone.

Chairman Liakakis said, good. Thank you. Chairman Liakakis recognized Mr. Joe Murray Rivers.

Mr. Joe Murray Rivers said, I just wanted to clear up one thing. I was here and I think I was the deciding vote in Weatherwood. It would not have been done if I did not agree to vote in the affirmative. Our intent was not to put anything on top of where the landfill was other than a park. That was our intent at that particular time; however, the attorneys did not put that in there. If I'm looking at the same data that I'm looking at today with the measurements, and I probably went through maybe four or five measurements from Whitaker Lab, from SCS and everybody else, if there's zero in there now, and one of my concerns was always the trenches and whether everything was vented out properly. We left some houses on there that was vented out in order to get rid of the gas and to make them safe. We put monitors in them and everything else. I'd venture to say in some of that other property, if you go back right now, you might find some measurement of gas, but not too lethal explosive level. I think the same thing. If you look across Savannah, across Chatham County, I know some property that's built on a landfill. You can go out —, what's that —, going towards where the school is out there, White Bluff, you're on White Bluff Road. That was a landfill. You ask the Commissioners that bought in there, there's all kinds of things that went on in this County that's built on landfills. But I have not heard any incidents, I haven't heard any incidents from anything pertaining to Weatherwood. At the time I voted in 2002 or 1 no because there was some level and there was nothing to hold this County harmless, but if you can hold this County harmless and you don't have that lethal —, sure there's going to be methane gas down there because stuff was dumped out of Haynor's Creek that was dumped in there and it was marsh grass. So you have organic material that was in there. We know that, but if they've got a level of zero, sure it may come back but it doesn't come back to the lethal —, and they vent the houses properly as they say they're going to build them off the ground —, so, you know, I think —, I don't know, I just asked Shot [Hart], I think we would be held if something happened on the other side of those houses that we left there, it would be an explosive situation because we left those houses in there and didn't take them out. But if I was voting today I would take under consider whether there is methane under there, at what level, whether the houses could be built up off the ground and vented, and if you can get all the safety things in there and the hold harmless agreement, good deal. I'll leave it at that.

Chairman Liakakis recognized Commissioner Farrell.

Commissioner Farrell said, I have a question for the engineer from SCS. If the proposed housing that you want to build in the near future were already built in 1991 at the most profuse amounts of methane gas, with what we know now which would be a better construction method, what would be the danger to the residents? Mr. Satchwill asked, if the houses were correctly built like we're talking about now rather than the way they were built originally? Commissioner Farrell said, correct. If they were —, the houses you propose to build in the near future were in place in 1991, what would be the danger to the residents? Mr. Satchwill said, probably very little if any, and the reason for that is we're talking about houses will be built on a crawl space as opposed to slab on grade, which allows that dead air space between the floor of the house and the ground with vents in the foundation walls around that crawl space to let that methane gas that is being generated from the landfill escape before it permeates into the house. We're also talking about gas alarms in the house, we're talking about active ventilation under any concrete slabs that would be associated with the garage where methane could collect. So even if there is methane on that site and even if it comes back, those houses will be built and monitored such that there will be no danger to the residents.

Chairman Liakakis recognized Commissioner Kicklighter.

Commissioner Kicklighter said, thanks, Mr. Chairman. Currently I think we can all agree that the County taxpayers and County has no risk involved in the property. Currently no one is allowed to build on it. Now the experts are here and they're saying that if you build above ground it's safe. So let's assume that that's true. Okay, we all know it's completely safe to build there. They want me to go ahead and assume that we allow it, people build; a few years down the road dad builds his new daughter a nice little playhouse on the ground. He may even have a huge dog house sitting out there for his dogs on the ground. Little Johnny, which is a teenager, decides to sneak out and smoke him a cigarette. He runs in, lights up, blows up. The County's at risk. We have then allowed the million dollar buyout to put the County back at risk because I doubt anyone's going to walk through that neighborhood on a daily or weekly or monthly basis looking to see if a dog house is back there, looking to see if a child's playhouse is back there sitting on the ground. In other words, the point being is currently there is zero risk. The County's paid millions of dollars for zero risk. Allow this, there is a risk. Maybe that's hard to do and maybe that would never happen. I hope that it would never happen and it's very possible, you know, that it probably wouldn't happen, but the probability —, there is a possibility, and what you're doing by allowing this to happen is you're taking zero risk and turning it into a minimum risk. And when you've paid millions of dollars to get rid of the risk, I just don't see why we're diving back in there. You keep it at zero percent risk.

Commissioner Odell asked, may I ask you, Dean [Kicklighter], in your analogy you basically said little Johnny is in the back smoking a cigarette and hits the methane, boom, there goes little Johnny. Is that true? Commissioner Kicklighter said, whatever, Harris [Odell], yeah. Commissioner Odell said, okay. If it's used as a passive park and little Johnny is in the same spot within a building and he smokes a cigarette and he blows up, what if any responsibility do you see there? Commissioner Kicklighter said, if there was a passive government park built there, I would hope that the government would have the sense to build the facilities off the ground like it should be.

Commissioner Odell said, right. Commissioner Kicklighter said, and —, but again, you know, a dog —, I can't see a dog climbing up ten flights of stairs to get to the dog house and, you know, I mean, that's just —, my point is right now there's zero level. Commissioner Odell said, we'll have to come back to that. Ten flights of steps. Let me just go on. I'm kind of glad that I did not live through Weatherwood and part of the reason is that you get locked in and I don't know if it's logical and rational what you do. It's more emotional. We had a problem and the problem was that someone allowed some decent folks to build on a landfill. They didn't know it was a landfill. You can build on a landfill. You can build on a landfill. We have evolved to the point that you can build on a landfill. So in 1991 we did the right thing and we removed the houses off of the rolls. If you intend to control land, it has to be in the deed. It cannot be an emotional, well, we wanted, we should have. If it's not in the deed, then it does not exist. If they never wanted that property to be built on, then it should have been a park at that point. At some point this property is going to be back on the rolls and here's what that means, and I take no vested interest in this one way or the other, but it means that the 18 —, 18, 32 lots are going to be on the rolls at some point. I don't know, is that a good thing? If we look at why we took them off, we took them off for elevated methane and we have the engineer or his firm, the same one, saying that's not a problem, or you can make safe construction changes. It gets to be what are those 18 houses over time, the value of the taxes they could generate and what from a public safety standpoint are we protecting the public from. If we have a covenant that runs with the land that limits the County's liability, and I'd really never agree with that because I think if the County's liable, the County should stand up and be responsible, but if we have a covenant that runs with the land that frees us or holds us harmless, I'm not certain what the prohibition other than we had a hideous situation back then, we don't have that same chemical problem now, and do we want to keep the property off forever. Well, at any rate, I fashioned a motion and it will get some applause and some boos. The motion is that the County allow a permit and to —, a permit for this property, but not until 70 days or until the County adopts an ordinance that satisfies the staff and satisfies the Commission relating to requirements for building on a landfill. I agree with what Pat Shay said earlier, and that is that we are guarding today against methane, but there are questions out there that relate to these sites and other things and other potential sites that we don't know the questions to ask. We don't know what questions we should ask at this point, and so we should fashion something, Jon [Hart], that would —, an ordinance that would look at this is a landfill and being a landfill, looking at the history of all of the other counties and states in the United States, what can we put in the ordinance that those builders would have to comply with? County Attorney Hart said, well, you can —. Commissioner Odell said, I don't want it now. That's just part of my motion. Long winded. That is my motion. If there's a second to that. Commissioner Holmes said, second. Commissioner Shay said, a second down here from James [Holmes]. Commissioner Odell said, okay.

Commissioner Farrell asked, could you that again. Commissioner Odell said, I will and I'll do —, I'm sorry. Commissioner Farrell said, without interruption so I can hear the whole thing. Commissioner Odell said, okay. I made the motion that the County allow a permit to build on this land, but not until a minimum of 70 days, additionally not until the County adopts an ordinance that satisfies the concerns of our staff, Russ Abolt and company, and the Commission relating to the requirements for houses and subdivisions located on a landfill. That is the motion. The trailer, a proviso, is that there should be a whole list of conditions —, okay, this is the landfill; we can build there but only if we build there and having done these kinds of things, and I think that ordinance is out there somewhere.

Commissioner Thomas said, question. Chairman Liakakis asked, any other discussion. Commissioner Thomas said, yes, before I vote. Will we have an opportunity to review the wording so that we won't get caught up again because if I don't have an opportunity to review the wording, then I'm going to vote no.

Chairman Liakakis said, well, one of the things too, if you would accept an amendment on that, that we do the vote once we look at all the protection factors for the future owners or builders and that we get to vote on it at that particular time because we just want to make sure that we're protecting the citizens plus the developer that wants to develop this property. Commissioner Thomas said, that's all I'm asking. If this is what this is going to do and we have the opportunity of reviewing and saying yes or no, then maybe.

Commissioner Shay said, would the motioner [sic] also accept a friendly amendment that it would include at that time the language of a hold harmless agreement —. Commissioner Odell said, yes. Commissioner Shay said, — and the indemnification of the County by whoever accepts title to the property. Commissioner Odell said, yes, so accepted, and Sybil [Tillman] is the only person who can put that amended motion back together.

Commissioner Farrell said, if the legal ratification and the scientific ramifications are satisfactorily met, then I would be in agreement to look to go forward with pursuing to enhance this neighborhood. I went through there recently and it looks like a person with half their teeth missing with all the houses gone, and if it was a possibility to make that neighborhood whole again, I think it would be a good service to the people that are living there in addition to increasing the tax base.

Chairman Liakakis said, and that's important too. This protection factor is for everybody, that we are putting the property out there because there will be a lot of money coming in for taxes and utilizing that piece of property, that it will have dividends for the County to make up for some losses that were done originally. You know, the County would receive those funds.

Commissioner Thomas asked, so we're coming back after today? Chairman Liakakis said, right. Commissioner Thomas said, giving our permission to move forward with all this other stuff, the wording and all of that, and then we will have an opportunity to review.

County Attorney Hart said, what I understand Commissioner Odell's motion to be is that you're going to make approval to grant a permit on this —, for this subdivision contingent upon not sooner than 70 days and contingent upon the County staff and the County Commission approving an ordinance pertaining to the design and development of residences and subdivisions built upon a landfill and with satisfactory language in the deed to satisfy a hold harmless indemnification agreement and assumption of risk.

Commissioner Gellatly said, just an observation. You know, here we are willing to entertain a motion providing there's a hold harmless section in there for the County government. If we are indeed responsible for public safety, shouldn't we be sure that there's no danger out there, and what we're doing is saying we're not sure whether there's gas out there or not or whether we're going to have an explosion out there or not, but we just want to protect our own behinds with a hold harmless. I mean, it sounds that way. On the other hand, if we're concerned about public safety and we think that there's any chance at all that that's not a safe area, we probably shouldn't be voting for any type of a permit out there. I mean, that's just an observation, you know.

Commissioner Odell said, David [Gellatly], just to respond, I think we get back to it with the requirements that must be satisfied to our satisfaction because there are things that we haven't anticipated that other places have that when we see the language, if we conclude at that point it's impossible, it does not go forward. It's conditioned upon our having the prerequisite —, the language of the additional things and the deed, the language in the deed. If those two things don't happen, they don't build.

Chairman Liakakis said, but also too now, let's have the understanding that those safety issues in there about what was proposed about putting the venting system in so that it will cover, Commissioner Gellatly, what you're talking about to preclude any kind of unsafe or hazardous situation that might occur.

Commissioner Kicklighter said, I will add that if this is allowed, I will suggest that somehow you word it in there that restrictive covenants be placed in the subdivision's homeowners association's covenants where they'll know even at that on like accessory building and all, but I know you probably can't regulate that part. I don't know. County Attorney Hart said, if the plan is to put it in the deed, or at least that's my understanding, which is probably a better place for it because covenants are subject to expiring. Covenants running with the land are forever.

Chairman Liakakis said, we have a motion on the floor and we have a second. All in favor go on the board. Chairman Liakakis and Commissioners Holmes, Shay, Farrell, Odell and Thomas voted in favor of the motion. Commissioners Gellatly and Kicklighter voted in opposition. The motion carried by a vote of six to two. [NOTE: Commissioner Stone was not present when this vote was taken.] Chairman Liakakis said, the motion carries.

Commissioner Odell said, I think that's good. We're not all marching to the same —.

Chairman Liakakis said, okay, and the most the important thing that we've had this discussion here is the protection of the citizens in our community. We want everybody to understand that because we're not going to approve anything unless all of those are those things that we were talking about, the venting, the way that the homes were being built, and all of those safety factors are in there in addition to the hold harmless, and on each contract that everybody knows it so they don't purchase it because that will go on each sale of the contract that's done.

Commissioner Shay said, remember also that that additional protection would be extended not only to the people that live at Weatherwood, but then we would have a policy for throughout the County so that if anybody comes forward again —. Commissioner Farrell said, but they have to be held to a higher standard. Commissioner Shay said, — but they'll be held to a higher standard if they're going to build on something that was ever a landfill. So this is good public policy.

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

Commissioner Odell moved that the County allow a permit to build on this land, but not until a minimum of 70 days and not until the County adopts an ordinance that satisfies the concerns of our staff and the Commission relating to the requirements for houses and subdivisions located on a landfill and subject to a list of conditions and that every deed should contain the language of a hold harmless agreement and indemnification of the County by whoever accepts title to the property. Commissioner Holmes seconded the motion. Chairman Liakakis and Commissioners Holmes, Shay, Farrell, Odell and Thomas voted in favor of the motion. Commissioners Gellatly and Kicklighter voted in opposition. The motion carried by a vote of six to two. [NOTE: Commissioner Stone was not present when this vote was taken.]

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- 6. BOARD CONSIDERATION OF REQUEST FOR WAIVER OF LATE PENALTY FOR ALCOHOLIC BEVERAGE LICENSE RENEWAL RECEIVED AFTER DUE DATE. RANDY WEST, D/B/A WILMINGTON ISLAND BEVERAGE CENTER, LOCATED AT 205-A JOHNNY MERCER BOULEVARD.  
[DISTRICT 4.]**

Chairman Liakakis recognized County Manager Abolt.

County Manager Abolt said, I don't know if the gentleman is here, Mr. Chairman. If I could —. Chairman Liakakis said, he had to —, he had to leave because he thought it was coming up before he went to a funeral. County Manager Abolt said, okay, the issue here is that staff cannot, only the Board can, listen to the merits of the case, in this case of the applicant who candidly admits he misread a provision of a deadline on his liquor license, and staff's only redress is to in effect assess a penalty, which is substantial in the context of this gentleman's goodness. You would have to exercise your discretion as to whether or not to waive the penalty.

Chairman Liakakis said, well, I spoke with him and I spoke to the staff people also and they have said, you know, it was just a mistake on his part. It was not intentional and from listening to that, we can have comments from the Commissioners, but I feel that we ought to waive the penalty because it wasn't an intentional thing, and the man has been a good business man and has not had any problems with —, in the past.

Commissioner Kicklighter said, I don't mind doing that at all, but does that set some type of precedent in the future for —? County Manager Abolt said, it wouldn't set a precedent because —, well, anything you do can be a precedent, but in this particular case you're exercising judgment, and you do not want to give staff that judgment because that could lead to bad things. Commissioner Kicklighter asked, and y'all are satisfied, the staff was —. County Manager Abolt said, well, we're satisfied we have no discretion, and in this case —. Commissioner Kicklighter asked, you're satisfied it's our decision? County Manager Abolt said, but in this particular case it goes back to being the judge and the jury. You're being the judge and you're saying like —, obviously, if you had a rash of these, after a while you might say no.

Chairman Liakakis said, yeah, from the information that staff has said though, they feel that, you know, that it was an honest mistake, you know. They can't make the determination, but they feel that way.

Commissioner Holmes asked, how long has Mr. West been in business? Chairman Liakakis said, oh, I think he's been in business, hasn't he, some 10 or more years? Mr. Gregori Anderson said, Commissioner Holmes, I don't have that information at hand, but this is the first occasion that we've had a problem at this particular site. Commissioner Farrell said, I can answer that.

Commissioner Gellatly said, I make a motion we waive. Commissioner Kicklighter said, second that.

Chairman Liakakis said, go ahead, okay, if you want to discuss anything.

Commissioner Farrell said, well, I did talk to Mr. West. He said he was three years at that location and 10 or 15 years at the Whitemarsh location, and I agree with Chairman Liakakis that under the circumstances that we should waive the penalty.

Chairman Liakakis said, okay, let's go on the board. The motion carried unanimously. [NOTE: Commissioners Stone and Odell were not present when this vote was taken.] Chairman Liakakis said, the motion passes.

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

Commissioner Gellatly moved to waive the late penalty for Alcoholic Beverage License renewal received after due date by Randy West, d/b/a Wilmington Island Beverage Center, located at 205-A Johnny Mercer Boulevard. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Commissioners Stone and Odell were not present when this vote was taken.]

#### **AGENDA ITEM:**

**AGENDA DATE: March 11, 2005**

TO: BOARD OF COMMISSIONERS

THROUGH: R. E. ABOLT, COUNTY MANAGER

FROM: GREGORI S. ANDERSON, DIRECTOR OF BUILDING SAFETY AND REGULATORY SERVICES

#### ISSUE

Request for waiver of late penalty for Alcoholic Beverage License renewal received after due date.

#### BACKGROUND

Mr. Randy West, d/b/a Wilmington Island Beverage Center, located at 205-A Johnny Mercer Boulevard is requesting a waiver of late penalty due for delinquent submittal of alcoholic beverage renewal application and payment.

FACTS AND FINDINGS

1. Alcoholic Beverage License renewals are due to the County by January 1 of each year. If not paid by January 31<sup>st</sup>, a late penalty is applicable.
2. The late penalty is one half (½) of the license fee as stated in the Alcoholic Beverage Code, Section 17-105 - Expiration of Licenses. The total penalty due is \$1,537.50.
3. Staff received the renewal package by Mr. West in person on February 7<sup>th</sup>.

ALTERNATIVES

1. Grant waiver of late penalties.
2. Deny request for waiver.

POLICY ANALYSIS

Alcoholic Beverage License renewals were mailed to businesses for the upcoming year on December 10th. All renewal payments are due by January 1<sup>st</sup>. If payments are not received in full by January 31<sup>st</sup>, a late penalty is applicable.

RECOMMENDATION

Alternative #2.

District 4

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**7. REQUEST BOARD APPROVE A REIMBURSEMENT RESOLUTION FOR THE SABHC AND HEALTH DEPARTMENT PROJECTS TO ENABLE EXPENDITURES PRIOR TO THE ISSUANCE OF BONDS FOR A PENDING PROJECT.**

Chairman Liakakis recognized County Manager Abolt.

County Manager Abolt said, very quickly, sir, and Dr. Thomas, gentlemen, this just is kind of a full disclosure. With your permission and the use of revenue we already have available we can help both of these departments out and make certain expenditures prior to the issue of bonds. It's a very considerate action on our part. I commend Mr. Monahan for working with both agencies and the only reason we bring it to your attention individually is that if someone were asked a few years from now why you issued the bond on such and such a date, but you made expenditures before, we're just asking for that permission prior to committing that type of revenue. And the revenue's already in.

Chairman Liakakis asked, do we have a motion? Commissioner Kicklighter said, so moved. Commissioner Gellatly said, second. Chairman Liakakis said, all in favor of Item #7 go on the board. The motion carried unanimously. [NOTE: Commissioners Stone and Odell were not present when this vote was taken.] Chairman Liakakis said, the motion passes.

**ACTION OF THE BOARD:**

Commissioner Kicklighter moved to approve a reimbursement resolution for the Savannah Area Behavioral Health Collaborative (SABHC) and Health Department projects to enable expenditures prior to the issuance of bonds for a pending project. Commissioner Gellatly seconded the motion and it carried unanimously. [NOTE: Commissioners Stone and Odell were not present when this vote was taken.]

**REIMBURSEMENT  
RESOLUTION  
(Chatham County Health Facilities)**

**WHEREAS**, the Board of Commissioners of Chatham County has determined that the renovation of an existing building owned by the Chatham County (the "County") and to be leased to the Savannah Area Behavioral Health Collaborative, Inc, a Georgia corporation, and the renovation of other existing health facilities owned by the County (collectively the "Projects") are necessary and desirable for the benefit of the citizens of the County; and

**WHEREAS**, the County anticipates it will finance the cost of the Projects by requesting the Downtown Savannah Authority to issue its revenue bonds for that purpose; and

**WHEREAS**, prior to the issuance of any bonds to finance all or a portion of the costs of the Projects, the County reasonably expects to expend funds on the Projects and wishes to be reimbursed for such expenditures from bond proceeds; and

**WHEREAS**, this resolution is adopted by the County for the purpose of declaring an official intent to reimburse expenditures from bond proceeds;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of Chatham County as follows:

- 1. The County reasonably expects to expend funds on the Projects prior to the issuance of revenue bonds by the Downtown Savannah Authority to finance the Projects.
- 2. The County hereby expresses its declaration of official intent to reimburse expenditures made on the Projects from the proceeds of said revenue bonds. The maximum principal amount of such financing is expected to be \$3,000,000.
- 3. This resolution shall become effective on the date of its adoption.

**APPROVED AND ADOPTED** this \_\_\_\_\_ day of March, 2005.

\_\_\_\_\_  
Chairman, Board of Commissioners of  
Chatham County

\_\_\_\_\_  
Clerk, Board of Commissioners of  
Chatham County

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**8. TO PROVIDE AN UPDATE ON THE HUTCHINSON ISLAND RIVERWALK EXTENSION PROJECT, AMEND THE LOCAL PROJECT AGREEMENT WITH GEORGIA DOT FOR CHATHAM COUNTY TO ASSUME CONSTRUCTION REQUIREMENTS AND OBTAIN APPROVAL TO PROCEED WITH A PLAN TO EXPEDITE FEDERAL PERMIT APPROVAL.**

Chairman Liakakis recognized Mr. Pat Monahan, Assistant County Manager.

Mr. Pat Monahan said, I'll be quick because I know you're looking ahead and you've only got one item left on the agenda, but the purpose of this is, one, to provide an update to the Commissioners about this project and for the new Commissioners to introduce them to a rather major project on Hutchinson Island and, finally, to seek approval of some key decisions still to be made concerning the permitting and amending our agreement with the Georgia Department of Transportation, which is providing 80% of the construction, which is approximately \$8,000,000. The Riverwalk Extension Project is on Hutchinson Island. This is where it currently terminates, which is 220 feet into Slip 3, and you can identify Slip 3, it's the slip that's immediately east of the Westin. Of course, there's the Convention Center next door. The current riverwalk ends right here [indicating], right near Mr. Pierce's head. From that point this project will extend eastward around the slip to this point approximately 2,150 feet. So essentially it increases the current riverwalk by 150%. The second part of the project will be to provide historical interpretation of Savannah's Maritime history around this with markers and monuments similar to what you find within the public squares in Savannah. Hutchinson Island particularly has a rather rich history. Let me show you. For example, I loaded one of my pictures here. You may not recognize this. This is Hutchinson Island as it existed in 1910. For example, these improvements here is the current site of the Trade Center. That is Slip 3, which is immediately west of the Convention Center. That is the Trade Center. This is Slip 2 where the water ferry now uses, and this is the Westin site and this is Slip 1, the site that we're talking about. You can tell at the turn of the century in 1910 for 50 years, long before the development of the Georgia Ports Authority, this served as one of the major shipping terminals in the entire eastern United States. In fact, it was the second largest exporter of cotton behind New Orleans. And the final part of the project is that once the bulk-heading is done around that slip, it will provide an opportunity for a private developer to develop a marina within the slip. Getting to the approvals, I have included the agreement with the Georgia Department of Transportation. Until this point the Georgia Department of Transportation intended to award the contract, but has opted because of our experience —, as you know, DOT builds roads and they build bridges. They're not attuned to too much marine work, so the DOT has opted to allow the County to assume responsibility for the project, but DOT would continue to fund at the 80% level. I've also included a provision to fast track some of the permitting. We have a pending permit with the Corps of Engineers. I am absolutely hopeful that based on some discussions with them last week that we'll be able to get that permit resolved within the next three months and hopefully start construction by early Summer. Any questions?

Chairman Liakakis asked, do we have a motion on the floor? Commissioner Farrell said, so moved. Chairman Liakakis asked do I have a second? Commissioner Holmes said, second.

Commissioner Shay said, brief discussion. Chairman Liakakis said, go ahead. Commissioner Shay asked, design consultants from Atlanta? Mr. Monahan said, no, they are all from Savannah. Commissioner Shay said, all from Savannah. Mr. Monahan said, in fact, we've had —, we have two large engineering groups, both with marine engineers, and we have involved them both on this project. Commissioner Shay said, I knew they didn't have a whole lot of water in Atlanta. Mr. Monahan said, we have no outside consultants from Atlanta on this project. Commissioner Shay said, thank you very much.

Chairman Liakakis said, all in favor go on the board. The motion carried unanimously. [NOTE: Commissioners Stone, Odell, Gellatly and Thomas were not present when this vote was taken.] Chairman Liakakis said, the motion passes.

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

Commissioner Farrell moved to authorize staff to proceed with the Hutchinson Island Riverwalk Extension Project, amend the Local Project Agreement with Georgia Department of Transportation (GDOT) for Chatham County to assume construction requirements, approve the contract with Thomas & Hutton Engineering for the remaining phases the project for \$100,800, and obtain approval to proceed with a plan to expedite federal permit approval. Commissioner Holmes seconded the motion and it carried unanimously. [NOTE: Commissioners Stone, Odell, Gellatly and Thomas were not present when this vote was taken.]

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#### **9. REQUEST BOARD APPROVAL OF CONCEPTUAL PLAN FOR PURCHASE OF MATERIALS AND DEBT SERVICE PLAN FOR SPORTS LIGHTING AT CHARLIE BROOKS PARK.**

Chairman Liakakis recognized County Manager Abolt.

County Manager Abolt said, Mr. Chairman, gentlemen, this is some very creative work, at least in my eyes, done by Mr. Drewry and Ms. Cramer. This is a high priority project, I know, by Commissioner Farrell, who has insisted and we want to comply with getting Charlie Brooks Park done as quickly as possible, but also doing it at the caliber of construction that we can all be proud of. Mr. Drewry is coming up with a way of handling the lighting and doing some innovative things. The concept though for paying for it would deal with a paying over time financing, if you will. We would like to have your approval at this stage, not for the financing as such, but to realize that come 2006 in the budget I will have to put \$45,000 not to exceed to cover the annual debt service. County Manager Abolt recognized Mr. Robert Drewry.

Mr. Robert Drewry said, good afternoon. I don't have much —, too much more to add to that, but this does give staff direction to do two things, and that is purchase the materials for sports lighting and, as Russ [Abolt] mentioned, finance that package. We've been offered a good package from MUSCO Lighting Services that you have in your package, and I'm open to any questions you may have.

Commissioner Kicklighter said, I'll support this. I mean, I absolutely support it, but why can't the money come from SPLOST when we have money designated —? County Manager Abolt said, we're trying to stretch it. We're trying to stretch it. Commissioner Kicklighter asked, well, why can't —. County Manager Abolt said, there was never enough money —, there was never enough money in SPLOST, not because it wasn't intended, but the first phase of Charlie Brooks Park was what we covered, and so we're trying to get more miles out of it to cover the lighting. Commissioner Kicklighter asked, can we shift from another SPLOST project? County Manager Abolt said, no sir. Commissioner Kicklighter said, keep it out the M&O. County Manager Abolt said, because it —, this is not —. Commissioner Kicklighter said, to keep it out of, you know —. County Manager Abolt said, well, this is \$45,000 and in effect —. Commissioner Kicklighter said, well, that's what I'm saying, so it shouldn't really affect another major project. I mean, that's —. County Manager Abolt said, it's \$45,000 a year. Per year, sir. Commissioner Kicklighter said, per year. Okay.

Commissioner Farrell said, rather than paying for it all today, just pay a little bit at a time for 10 years. County Manager Abolt said, 10 years.

Chairman Liakakis said, I'm glad that Commissioner Farrell, who represents that district, he's concerned about those recreation facilities over there and he has brought it to the attention of the Commission and some of us have looked at that and, you know, it should have been worked on sooner. So I'd like to hear a motion for this item.

Commissioner Farrell said, so moved. Commissioner Kicklighter said, second. Chairman Liakakis said, all in favor go on the board. The motion carried unanimously. [NOTE: Commissioners Stone, Odell and Thomas were not present when this vote was taken.] Chairman Liakakis said, the motion passes.

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

Commissioner Farrell moved to approve the conceptual plan for purchase of materials and debt service plan for sports lighting at Charlie Brooks Park. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Commissioners Stone, Odell and Thomas were not present when this vote was taken.]

**AGENDA ITEM: IX-9**

**AGENDA DATE: March 11, 2005**

TO: Board of Commissioners

THRU: R. E. Abolt, County Manager

FROM: Robert W. Drewry, Director of Public Works and Park Services  
Linda Cramer, Finance Director

Issue: Request Board approval of conceptual plan for purchase of materials and debt service plan for sports lighting at the Charlie Brooks Park.

Background: The Charlie Brooks Park was constructed on top of the Wilmington Island Landfill. The existing lights for the ballfields are wooden poles dangerously close to falling primarily because they have no foundation within buried dry trash. The task of the consulting engineer for the park upgrade was to design a sports lighting system that could stand the test of time over a poor foundation and heavy wind loads.

Facts and Findings:

1. The bid for the installation of sports lighting at the Charlie Brooks park included 4 baseball fields and a football/soccer field. The engineer estimated the cost for sports light could exceed \$400,000. Staff approached the sports lighting division of Georgia Power for a proposal to provide the materials, installation and 10 year maintenance. Georgia Power estimated the turn key cost at \$499,000.
2. During the bid process, staff was approached by MUSCO Lighting who advised that they have just developed a new sports light called *Light-Structure Green* that would be ideal for our unique application and they could provide a 10 year maintenance contract. The new lights will provide advantages that traditional lights could not. MUSCO will provide guarantees as shown in the attached proposal that includes a 10 year maintenance program and total relamp of the lights at the end of the maintenance period.
3. Chatham County can piggy back the cost of purchasing the materials with a recent bid in Clayton County. The cost of materials is discounted at \$265,490. They estimate the cost of installation will not exceed \$100,000.
4. By purchasing the materials directly from the supplier, the County can save the cost of sales tax and overhead charged by the contractor who installs the lights.
5. Staff is requesting to finance the cost of the materials. Installation of the lights will be funded from the SPLOST 2003-2008 for the Charlie Brooks Park. By financing the cost of materials, staff can maximize the SPLOST funds to develop the park.
6. By approving the conceptual plan, staff can proceed with bidding the installation of the MUSCO lighting system.

Funding: Funding for the lighting installation is available in the SPLOST 2003-2008 Charlie Brooks Park Project (Sales Tax IV). Debt service for the financing of materials is not available in the Fiscal 2005 budget. If the Board chooses to finance the materials, an annual debt service appropriation would be required in the General M&O Fund beginning in Fiscal 2006 at an annual amount not to exceed \$45,000. If conceptual approval is granted for this project, debt service funding for the project will be reflected in the 2006 budget workbooks.

Policy Statement: Board approval of a conceptual plan is needed to give staff direction for the project.

Alternatives:

1. Board approve conceptual plan for purchase of materials and debt service plan for sports lighting at the Charlie Brooks Park.
2. Board not to approve plan.

Recommendations: Board approve Alternative #1.

District 4

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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 Liakakis said, now we have the Action Calendar. Do we have a motion? Anybody want to pull anything out of that? We had some discussion earlier this morning in pre-meeting, but is there anything that anybody wants to pull out? Do we have a motion on the floor to adopt the below-listed calendar. Commissioner Gellatly said, motion. Commissioner Farrell said, second. Chairman Liakakis said, we have a motion on the floor and it's been seconded. Let's go on the board. The motion carried unanimously. [NOTE: Commissioners Stone, Odell and Thomas were not present when this vote was taken.] Chairman Liakakis said, the motion carries.

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

Commissioner Gellatly moved that the Action Calendar be approved in its entirety. Commissioner Farrell seconded the motion and it carried unanimously. [NOTE: Commissioners Stone, Odell and Thomas were not present when this vote was taken.]

**[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 FEBRUARY 18, 2005, AS MAILED.**

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

Commissioner Gellatly moved to approve the minutes for the pre-meeting and regular meeting of February 18, 2005, as mailed. Commissioner Farrell seconded the motion and it carried unanimously. [NOTE: Commissioners Stone, Odell and Thomas were not present when this vote was taken.]

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### **2. CLAIMS VS. CHATHAM COUNTY FOR THE PERIOD FEBRUARY 10 THROUGH MARCH 2, 2005.**

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

Commissioner Gellatly moved that the Finance Director is authorized to pay claims for the period February 10, 2005, through March 2, 2005, in the amount of \$6,536,384. Commissioner Farrell seconded the motion and it carried unanimously. [NOTE: Commissioners Stone, Odell and Thomas were not present when this vote was taken.]

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### **3. REQUEST BOARD APPROVE AN AGREEMENT FOR THE DISTRIBUTION OF SPECIAL PURPOSE SALES TAX PROCEEDS FROM THE 2003-2008 SPLOST TO THE SAVANNAH-CHATHAM COUNTY COURT APPOINTMENT SPECIAL ADVOCATES (CASA) FOR CAPITAL PROJECTS. [DISTRICTS: ALL]**

**ACTION OF THE BOARD:**

Commissioner Gellatly moved to approve an agreement for the distribution of Special Purpose Sales Tax proceeds from the 2003-2008 SPLOST to the Savannah-Chatham County Court Appointed Special Advocates (CASA) for capital projects. Commissioner Farrell seconded the motion and it carried unanimously. [NOTE: Commissioners Stone, Odell and Thomas were not present when this vote was taken.]

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- 4. REQUEST BOARD APPROVE REQUEST TO TEMPORARILY CLOSE ALBERT STREET IN PLANTER’S COMMON FOR A NEIGHBORHOOD EVENT ON MARCH 19, 2005, FROM 2 PM TO 7 PM.  
[DISTRICT 3.]**

**ACTION OF THE BOARD:**

Commissioner Gellatly moved to approve the request to temporarily close Albert Street in Planter’s Common for a neighborhood event on March 19, 2005, from 2 PM to 7 PM. Commissioner Farrell seconded the motion and it carried unanimously. [NOTE: Commissioners Stone, Odell and Thomas were not present when this vote was taken.]

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- 5. REQUEST FROM HUSSEY, GAY, BELL & DEYOUNG, ENGINEER FOR GREEN WAY DEVELOPERS, INC., FOR THE COUNTY TO RECORD THE SUBDIVISION PLAT FOR THE LAKES AT COTTONVALE, PHASE 2, AND ACCEPT THE FINANCIAL GUARANTEE.  
[DISTRICT 7.]**

**ACTION OF THE BOARD:**

Commissioner Gellatly moved to approve the request from Hussey, Gay, Bell & DeYoung, engineer for Green Way Developers, Inc., for the County to record the subdivision plat for the Lakes at Cottonvale, Phase 2, and accept the financial guarantee. Commissioner Farrell seconded the motion and it carried unanimously. [NOTE: Commissioners Stone, Odell and Thomas were not present when this vote was taken.]

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- 6. REQUEST BOARD APPROVAL OF AN INTER-GOVERNMENTAL AGREEMENT WITH THE CITY OF POOLER FOR INTER-CONNECTION OF WATER SERVICE.  
[DISTRICT 7.]**

**ACTION OF THE BOARD:**

Commissioner Gellatly moved to approve an Intergovernmental agreement with the City of Pooler for interconnection of water service. Commissioner Farrell seconded the motion and it carried unanimously. [NOTE: Commissioners Stone, Odell and Thomas were not present when this vote was taken.]

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- 7. REQUEST FOR RENEWAL OF SUNDAY SALES BEER AND WINE POURING LICENSE FOR 2005. PETITIONER: KATHYRN H. HIEBERT, D/B/A FRANKLIN CREEK ACTIVITY CENTER, LOCATED AT 900 FRANKLIN CREEK ROAD.  
[DISTRICT 4.]**

**ACTION OF THE BOARD:**

Commissioner Gellatly moved to approve the request of Kathryn H. Hiebert, d/b/a Franklin Creek Activity Center, located at 900 Franklin Creek Road, for renewal of Sunday sales of beer and wine pouring license for 2005. Commissioner Farrell seconded the motion and it carried unanimously. [NOTE: Commissioners Stone, Odell and Thomas were not present when this vote was taken.]

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- 8. REQUEST FOR RENEWAL OF SUNDAY SALES BEER, WINE AND LIQUOR POURING FOR 2005.**
- A. PETITIONER: KATHRYN H. HIEBERT, D/B/A CABANA BAR - MARSHWOOD COUNTRY CLUB, LOCATED AT 1 PALMERS DRAW. [DISTRICT 4.]**
  - B. PETITIONER: ERICH CHRISTOPH, D/B/A BAJA CANTINA, LOCATED AT 3A SKIDAWAY VILLAGE WALK. [DISTRICT 4.]**
  - C. PETITIONER: MARIA ARRIETA, D/B/A CANCUN MEXICAN RESTAURANT II, LOCATED AT 216 JOHNNY MERCER BOULEVARD. [DISTRICT 4.]**
  - D. PETITIONER: KATHRYN H. HIEBERT, D/B/A DEER CREEK CLUB, LOCATED AT #1 DEER CREEK ROAD, THE LANDINGS. [DISTRICT 4.]**
  - E. PETITIONER: ELEANOR M. COURSEY, D/B/A GRANT'S CROW BAR LOUNGE, LOCATED AT 205 JOHNNY MERCER BOULEVARD. [DISTRICT 4.]**
  - F. PETITIONER: KATHRYN H. HIEBERT, D/B/A MARSHWOOD COUNTRY CLUB, LOCATED AT 1 PALMERS DRAW, THE LANDINGS. [DISTRICT 4.]**
  - G. PETITIONER: KATHRYN H. HIEBERT, D/B/A OAKRIDGE CLUB, LOCATED AT 11 WESTCROSS ROAD. [DISTRICT 4.]**
  - H. PETITIONER: KATHRYN H. HIEBERT, D/B/A PLANTATION CLUB, LOCATED AT 1 COTTONWOOD DRIVE. [DISTRICT 4.]**
  - I. PETITIONER: DAVID D. MESSINGER, D/B/A PERKINS RESTAURANT & BAKERY WITHIN THE QUALITY INN - SAVANNAH, LOCATED AT 3-A GATEWAY BOULEVARD SOUTH. [DISTRICT 6.]**
  - J. PETITIONER: JOHN HENDERSON, D/B/A DRIFTAWAY CAFÉ, LOCATED AT 216-C JOHNNY MERCER BOULEVARD. [DISTRICT 4.]**
  - K. PETITIONER: MICHELLE QUATTLEBAUM, D/B/A DRIFTAWAY CAFÉ, LOCATED AT 7400-D SKIDAWAY ROAD. [DISTRICT 1.]**
  - L. PETITIONER: BELINDA F. FLANIGAN, D/B/A THE CRAB SHACK AT CHIMNEY CREEK, LOCATED AT 40-A ESTILL HAMMOCK ROAD. [DISTRICT 4.]**
  - M. PETITIONER: ALAN C. CALE, D/B/A HENDERSON GOLF CLUB, LOCATED AT 1 HENDERSON DRIVE. [DISTRICT 7.]**
  - N. PETITIONER: MAGDA CASTELLANOS, D/B/A JALAPEÑOS MEXICAN RESTAURANT, LOCATED AT 7405 SKIDAWAY ROAD. [DISTRICT 1.]**
  - O. PETITIONER: DONNA M. LOVE, D/B/A LOVE'S SEAFOOD RESTAURANT, LOCATED AT 6817 BASIN ROAD. [DISTRICT 6.]**
  - P. PETITIONER: BRYAN LEE HALE, D/B/A SOUTHBRIDGE GOLF CLUB, LOCATED AT 415 SOUTHBRIDGE BOULEVARD. [DISTRICT 7.]**
  - Q. PETITIONER: WILLIAM MICHAEL FOSTER, D/B/A WILMINGTON ISLAND CLUB, LOCATED AT 612 WILMINGTON ISLAND ROAD. [DISTRICT 4.]**

**ACTION OF THE BOARD:**

Commissioner Gellatly moved to approve the following requests for renewal of Sunday sales of beer, wine and liquor pouring license for 2005: (A) Petitioner Kathryn H. Hiebert, d/b/a Cabana Bar - Marshwood Country Club, located at 1 Palmers Draw [District 4]; (B) Petitioner Erich Christoph, d/b/a Baja Cantina, located at 3A Skidaway Village Walk [District 4]; (C) Petitioner Maria Arrieta, d/b/a Cancun Mexican Restaurant II, located at 216 Johnny Mercer Boulevard [District 4]; (D) Petitioner Kathryn H. Hiebert, d/b/a Deer Creek Club, located at #1 Deer Creek Road, The Landings [District 4]; (E) Petitioner Eleanor M. Coursey, d/b/a Grant's Crow Bar Lounge, located at 205 Johnny Mercer Boulevard [District 4]; (F) Petitioner Kathryn H. Hiebert, d/b/a Marshwood Country Club, located at 1 Palmers Draw,

The Landings [District 4]; (G) Petitioner Kathryn H. Hiebert, d/b/a Oakridge Club, located at 11 Westcross Road [District 4]; (H) Petitioner Kathryn H. Hiebert, d/b/a Plantation Club, located at 1 Cottonwood Drive [District 4]; (I) Petitioner David D. Messinger, d/b/a Perkins Restaurant & Bakery within the Quality Inn - Savannah, located at 3-A Gateway Boulevard South [District 6]; (J) Petitioner John Henderson, d/b/a Driftaway Café, located at 216-C Johnny Mercer Boulevard [District 4]; (K) Michelle Quattlebaum, d/b/a Driftaway Café, located at 7400-D Skidaway Road [District 1]; (L) Petitioner Belinda F. Flanigan, d/b/a The Crab Shack at Chimney Creek, located at 40-A Estill Hammock Road [District 4]; (M) Petitioner Alan C. Cale, d/b/a Henderson Golf Club, located at 1 Henderson Drive [District 7]; (N) Petitioner Magda Castellanos, d/b/a Jalapeños Mexican Restaurant, located at 7405 Skidaway Road [District 1]; (O) Petitioner Donna M. Love, d/b/a Love's Seafood Restaurant, located at 6817 Basin Road [District 6]; (P) Petitioner Bryan Lee Hale, d/b/a Southbridge Golf Club, located at 415 Southbridge Boulevard [District 7]; and (Q) Petitioner William Michael Foster, d/b/a Wilmington Island Club, located at 612 Wilmington Island Road [District 4]. Commissioner Farrell seconded the motion and it carried unanimously. [NOTE: Commissioners Stone, Odell and Thomas were not present when this vote was taken.]

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**9. 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.)**

<u>ITEM</u>	<u>DEPT.</u>	<u>SOURCE</u>	<u>AMOUNT</u>	<u>FUNDING</u>
A. Two (2) 2006 Ford cab and chassis	SPLOST	J. C. Lewis Ford	\$47,882	SPLOST (2003-2008) - Vehicle purchase
B. Confirmation of additional vehicles and equipment sold at public auction	Purchasing & Contracting	N/A	N/A	Revenue Producing
C. Declare County property as unserviceable and authorize disposal by sealed bid or sell as scrap	Purchasing & Contracting	N/A	N/A	Revenue Producing
D. Change Order No.1 to the contract for removal and replacement of the fire alarm system for additional work	CIP	Coastal Empire Fire and Safety	\$947.66	CIP - Sheriff's Complex
E. Contract for A/E design services for an Islands Police Precinct	SPLOST	Kern-Coleman and Company	\$71,500	SPLOST (2003-2008) - Police Merger
F. Contract for professional laboratory testing services of materials for the Halcyon Bluff Drainage Improvement project	SPLOST	WPC Engineering	\$14,000	SPLOST (1998-2003) - Drainage - Halcyon project
G. Change Order No. 4 to the Halcyon Bluff Drainage Improvement project for professional inspection services during construction and prepare record drawings	CIP	Hussey, Gay, Bell and DeYoung	\$10,000	CIP - Drainage - Kingsway project
H. Reject bids for Charlie Brooks Recreation Complex - Phase I - grading and demolition project	SPLOST	N/A	N/A	SPLOST (2003-2008) - Charlie Brooks project
I. Annual contract with automatic renewal options for four (4) additional one-year terms for various uniform and uniform accessories	•Sheriff •Detention Center	•Frank's Uniforms •Uniforms by Patrick •Smyrna Police Distributors (FBE) •G.T. Distributors, Inc. •Law Enforcement Supply Company	Varies by item	•General Fund/M&O - Sheriff •General Fund/M&O - Detention Center
J. Renew Worker's Compensation Specific Insurance for one year	Finance	Midwest Employees Casualty Co.	\$37,498	Worker's Compensation
K. Change Order No. 6 to the contract for the Technology and Engineering Campus Roads	Engineering	Triangle Construction Company	\$14,436.63	Funding reimbursed by City of Savannah

<u>ITEM</u>	<u>DEPT.</u>	<u>SOURCE</u>	<u>AMOUNT</u>	<u>FUNDING</u>
L. Professional Engineering Services contract for storm water drainage analysis of the impacts of the Truman Parkway on the Casey Canal - South	SPLOST	Thomas & Hutton Engineering	\$75,800	1985-1993 SPLOST, Truman Parkway, Phase 3
M. Contract for the replacement of a roof	Health Department	Metalcrafts	\$98,700	Health Department

**ACTION OF THE BOARD:**

Commissioner Gellatly moved to approve Items 9-A through 9-M. Commissioner Farrell seconded the motion and it carried unanimously. [NOTE: Commissioners Stone, Odell and Thomas were not present when this vote was taken.]

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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.

None.

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**XII. SECOND READINGS**

- REQUEST FOR MAP AMENDMENT, JAMES AND CINDY LYNNAH, OWNERS, ARE REQUESTING REZONING OF A PORTION OF 5651 OGEECHEE ROAD (APPROXIMATELY 2.36 ACRES OF A 9.2 ACRE PARENT TRACT) FROM A-T (AGRICULTURE-TOURIST) AND R-A (RESIDENTIAL-AGRICULTURE) ZONING CLASSIFICATIONS TO A P-B (PLANNED BUSINESS) ZONING CLASSIFICATION. MPC FILE NO. Z-041222-37053-1. [DISTRICT 7.]**

Chairman Liakakis said, state your name please.

Ms. Charlotte Moore said, my name is Charlotte Moore. I'm the Director of Development Services with the MPC, and this petitioner operates an electrical contracting business on his property right now. He'd like to disband it and getting his permits he found out that the property for his business was nonconforming in that zoning district, so he'd like rezone it to P-B, Planned-Business, that allows the number of commercial uses that are consistent with the development pattern of Highway 17. He's adjacent to a plant nursery and a church. He only wants to rezone a portion of the property and MPC feels that it is appropriate, and this is located in Mr. Kicklighter's district.

Commissioner Kicklighter said, one question. Any residents out there opposing this? Ms. Moore said, no sir. Commissioner Kicklighter said, okay. I'll make a motion to approve then. Chairman Liakakis asked, do I have a second? Commissioner Shay said, second.

Chairman Liakakis said, on Item 1 under XII, w have a motion and a second on the floor to change this to P-B zone. All in favor go on the board. The motion carried unanimously. [NOTE: Commissioners Stone and Odell were not present when this vote was taken.]

**ACTION OF THE BOARD:**

Commissioner Kicklighter moved to approve the request of James and Cindy Lynnah, Owners, to rezone a portion of 5651 Ogeechee Road (approximately 2.36 acres of a 9.2 acre parent tract) from A-T (Agriculture-Tourist) and R-A

(Residential-Agriculture) zoning classifications to a P-B (Planned Business) zoning classification. Commissioner Shay seconded the motion and it carried unanimously. [NOTE: Commissioners Stone and Odell were not present when this vote was taken.]

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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: March 11, 2005**

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

<b>ITEM</b>	<b>DEPT.</b>	<b>SOURCE</b>	<b>AMOUNT</b>	<b>FUNDING</b>
Replaced broken swivel on boiler #3	Detention Center	Crawford Boiler and Engine Company	\$2,867	General Fund/M&O - Detention Center
Annual chiller inspection	Detention Center	York International	\$2,950	General Fund/M&O - Detention Center
One (1) printer	Detention Center	CDW-G (state contract)	\$2,957	General Fund/M&O - Detention Center
10,000 printed case file folders	District Attorney	Bidlo Associates	\$4,600	General Fund/M&O - District Attorney
Annual software maintenance	Engineering	ESRI (sole source)	\$6,100	SSD - Engineers
Transmission flush machine	Fleet Operations	NAPA Auto Parts	\$3,499	CIP - Fleet Operations
Software upgrade for parts pricing and ordering	Fleet Operations	NAPA Auto Parts	\$4,941	CIP - Fleet Operations
10h.p. air compressor	Fleet Operations	Atlantic Air and Lube, Inc.	\$3,816	CIP - Fleet Operations
Distributor wrench	Mosquito Control	Snap On Tools, Inc.	\$4,495	General Fund/M&O - Mosquito Control
Five (5) Dell computers with monitors	Victim Witness	Dell Marketing (state contract)	\$6,316	General Fund/M&O - Victim Witness

<u>ITEM</u>	<u>DEPT.</u>	<u>SOURCE</u>	<u>AMOUNT</u>	<u>FUNDING</u>
Miscellaneous supplies of different size drain plugs and hoses	Public Works and Park Services	Enviroquip, Inc.	\$3,824	SSD - Public Works
Miscellaneous grinder parts	Solid Waste	All American Grinding Equipment	\$9,111	Solid Waste Management Fund
Annual maintenance on scanner	Building Safety and Regulatory Services	Software Spectrum	\$2,772	Building Safety and Regulatory Services
Install 3" strainer to close loop on water system at Old Courthouse	Facilities Maintenance and Operations	Boaen Mechanical Contractors, Inc.	\$3,252	General Fund/M&O - Facilities Maintenance and Operations
Seven (7) replacement Laser Jet printers with printer cables	Finance	Disys Corporation (state contract)	\$2,747	General Fund/M&O - Finance
Six (6) sets (26 per set) deed record books	Superior Court Clerk	Brown's River Bindery, Inc.	\$7,725	General Fund/M&O - Superior Court Clerk
Provide corridor travel time analysis along Whitfield Avenue for the build and no-build options of the project	SPLOST	Thomas & Hutton Engineering	Not to exceed \$4,000	SPLOST (1993-1998) - Whitfield Avenue Widening project
Demolition of County owned properties located at 1912 & 1932 Blue Jay Avenue	SPLOST	American Clearing & Hauling (MBE)	\$6,900	SPLOST (1998-2003) - Westlake Drainage project
Upgrade 15 security cameras at the Bull Street Branch Library	SPLOST	Associated Systems of Georgia, Inc.	\$7,707	SPLOST (1998-2003) - Library Technology Equipment

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### 3. ROADS AND DRAINAGE REPORTS.

#### ACTION OF THE BOARD:

A written report was received as information.

AGENDA ITEM: **XIII-3 Roads**

DATE: March 11, 2005

**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 the balancing of funds in the Chatham Urban Transportation Study (CUTS) Transportation Improvement Program (TIP). The current TIP and Long Range Transportation Plan (LRTP) were approved by the CUTS Policy Committee on September 22, 2004. Key milestone events are summarized in the attached table.

**FACTS AND FINDING:**

1. Truman Parkway.
  - a. Phase 4. Under construction. This phase should be complete by November 2005.
  - b. Phase 5. The Local Government Project Agreement (LGPA) was approved by the GDOT on September 11, 2001. The Value Engineering (VE) Study required for project over \$25M was approved by the GDOT on December 17, 2004. GDOT has advised staff that the Concept Report was signed February 9, 2005. Design is underway on a schedule to have right of way plans approved by June 30, 2005.
  
2. US 17, Ogeechee River to SR 204: Under construction. GDOT advises that a change order involving issues that stopped work has been executed. The contractor has resumed work on the project. Also, during construction it was discovered that an existing storm water outfall ditch would have to be re-graded to accept the storm water runoff from the project. This work will require additional right-of-way to be acquired by the County. The GDOT is revising the construction plans to correct this oversight. This will also require a supplemental agreement for the additional work. A new project completion date will be negotiated but it will not be before October 2005.
  
3. 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 is mostly complete. Power lines, telephones, and water/sewer facilities are being relocated along the three mile length of the project. Placement of plastic storm drain piping along the Montgomery Cross Road section of the project has been on hold because of impacts to the HAAF security fence. GDOT has agreed to move this section to be under the southbound lanes, but this means they must be concrete. The County's consultant has been directed to redesign this section and produce revised construction drawings (change order to follow). Scheduled completion is May 2006.
  
4. Stephenson Avenue. The contract completion date was November 30, 2004. Liquidated damages are assessed as of December 1, 2004, at the rate of \$450 per day. This will continue until the project is substantially complete. 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% (retainage is now \$363,000) of the completed work. Until substantial completion, the retainage will remain at 10%. On February 23d APAC requested that the project be accepted as substantially complete on February 28 and that all retainage be released. The request was denied. The project is approximately 90% complete. Staff believes the project could be substantially complete sometime in March.
  
5. Skidaway Widening: The Final EA was approved by the FHWA on December 30, 2004. The County's consulting firm for this project is preparing a proposal for an amendment to the engineering contract to incorporate all new GDOT requirements known to date to complete the design of the project. There will be approximately 200 properties impacted by this project. In accordance with the LGPA, the County is responsible for acquiring the necessary right of way. The GDOT has agreed to fund, award and manage the construction project. Due to reductions in state and federal highway funds, staff will be looking at the feasibility of requesting that GDOT break this project into two construction contracts.
  
6. Whitfield Avenue Widening. The FHWA approved the EA/FONSI on February 13, 2004, which authorized the County to proceed with preliminary design. 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 impacts before scheduling the Preliminary Field Plan Review (PFPR). Also, staff was advised on January 26, 2005, that the widening of the median to accommodate landscaping and the proposed reduction in speed limit would require amending the previously approved Concept Report and Environmental Assessment. The wider raised median causes at least four additional displacements (i.e. demolition of residences) on the west side of Whitfield Avenue and increases the GDOT's right of way acquisition costs. These changes cannot be accomplished in time to have approved right of way plans by June 30 (the end of FY 2005) as is currently programmed in the CUTS TIP, but at this point it does not impact the schedule for construction to start in FY 2007.
  
7. Diamond Causeway Widening. The Draft EA was approved by the FHWA on February 25, 2005. The GDOT will now schedule the public hearing which we expect to be by May.
  
8. 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. The GDOT forwarded the EA to FHWA on December 14, 2004, for approval. On March 1 the FHWA issued six additional comments.
  
9. US 80/SR26
  - a. Lynes Parkway to Victory Drive. GDOT is preparing the EA. The GDOT schedule shows a public hearing in 2005 and award of a construction contract in 2007.

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, 2004, at the Windsor Forest Baptist Church to solicit public input on the project. The turn out was good ... approximately 200 attended. GDOT has finalized the written responses. Letters to respondents are being prepared. A staff level meeting with the GDOT, FHWA and the City of Savannah is scheduled for March 7 to discuss a preferred alternative.

11. Eisenhower Widening from Abercorn to Truman Parkway. The Concept Report was approved by GDOT on June 22, 2004, but was not received by the County until November 15, 2004. Because of the high estimated right of way costs (over \$22 million -- local cost), City of Savannah staff has been asked to look again at the need and purpose and the proposed width of the raised median. Also, the \$22 million does not include costs to relocate utilities and other infrastructure.

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 other projects to improve the intersections at Largo Drive and the Abercorn widening project from King George Blvd. to Rio Road.

13. Bay Street Widening from I-516 to Bay Street Viaduct. The Concept Report was approved by the GDOT on February 9, 2005. Collection of field survey, property and utility location data continues. Coordination with the State Historic Preservation Office continues. The Draft EA is being prepared for submission to the GDOT by May, 2005.

14. Local Roads

a. Dirt roads being designed by EMC Engineering for paving.

(1) Fountain Road. Final plans and ROW plats have been returned to the engineering consultant for correction. Due to the new alignment of the road, the USACE has determined that wetlands are impacted (permit pending).

(2) Bond Avenue, Heather Street, Betran Avenue, Shore Road, Moblely Street, Yucca Place, Perkins Place, Stone Street. All the plans have been returned to the engineering consultant for correction.

(3) Andrews Street. Staff is reviewing legal requirements to quitclaim County interests in the road. The County may have to retain a drainage easement. By State law, a public hearing is required to abandon a public roadway. Before scheduling the hearing, staff will meet again with all the affected property owners. One of property owners that staff believes wants to keep the road public lives out-of-state.

b. Southwest Middle School Entrance Road from U.S. 17. Complete. Was built by County Contract with the GDOT. By Intergovernmental Agreement, the construction costs will be reimbursed by the School Board and the GDOT.

**RECOMMENDATION:** For information.

Districts: All

**SUMMARY OF ROAD PROJECT STATUS**  
March 2005

PROJECT	ELEMENT	MILESTONE FOR COMPLETION	AGENCY RESPONSIBLE	NOTES
Truman Parkway, Ph 4	Construction	Nov 2005	GDOT	
Truman Parkway, Ph 5	Environmental ROW Final Design Construction	Complete July 2006 Feb 2007 TBD	County County/GDOT County/GDOT GDOT	EIS approved 8/12/99  FY 2005 CST LR
US 17 Widening - Ogeechee River to SR204	Construction	Oct 2005	GDOT	Will be extended.

Stephenson Avenue Widening	Construction	Nov 2004	County/GDOT	Est. completion. Mar 05
Middleground/Montgomery Cross Road Widening	Construction	May 2006	GDOT	
Jimmy DeLoach Pkwy, Ph 2	Environmental ROW Construction	Unknown	County County GDOT	CST FY 2007
Whitfield Avenue Widening	Environmental Design ROW Construction	Feb 2004	County County County/GDOT GDOT	EA/FONSI signed Feb 13 Preliminary plans on hold. ROW funded FY2005/06 CST FY 2007
Diamond Causeway Widening	Environmental ROW Construction	Unknown	County GDOT GDOT	Draft EA signed Feb 25 by FHWA FY 2008 CST LR
Skidaway Road Widening	Environmental Design ROW Construction	Complete	County County County GDOT	Final EA signed 12.30.04 Change order needed for design to continue.
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 approved June 22, 2004.
Abercorn (Largo Drive to Rio Road)	Environmental		County	Concept Report pending approval
Bay Street from I-516 to Viaduct	Environmental ROW Final Design Construction	Dec 2005 Feb 2007 Apr 2007 TBD	County County County GDOT	Concept Report approved Feb 9, 2005.  CST LR
NOTES: CST = FY in which the projects are programmed for construction in the CUTS 2005-2007 TIP.				

AGENDA ITEM **XIII-3 Drainage**

DATE: March 11, 2005

**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. Change Order No. 1 was approved by the Board in February 2004 and Change Order No. 2 was approved by the Board in January 2005.
    - ii. Construction progress has been slowed by adverse wet weather conditions and additional work described by the Change Orders. The completion date is May 2005.

- b. Phase 2 (From SR 21 to I-95).
    - i. ROW acquisition is underway.
    - ii. Preliminary drawings have been reviewed by Staff and returned to the consultant. Permitting will commence upon completion of Preliminary Design.
  - 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, is being designed concurrently with Phase 2 design.
  - e. Phase 1a (isolated areas within GPA up to SR21). A project to provide canal improvements that were not included in the Phase 1 Contract. This work was delayed until relocation of the water pipeline can be accomplished by the City.
  - f. Bridge Removal and Sheet Pile Wall Modifications. A project to remove the existing bridge (with the tidegates) restricting the flow of drainage from Pipemakers Canal into the Savannah River. Staff is reviewing engineering qualifications to select a firm for design of the improvements.
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. Further revisions might be necessary as a result of continuing negotiations for the permit from USACE.
    - ii. Except for one parcel, right of way acquisition for the channel is complete.
    - iii. Crossings at SR307. Enlarging the crossings under Dean Forest Road (SR307) will be accomplished as a separate construction project. On January 14, 2005, an engineering services contract was awarded to design the crossings and widen Dean Forest Road to four lanes over the Hardin Canal Outfall.
  - b. Phase 2 (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 storm water retention facility to provide greater protection to remaining properties in the area.
    - i. The County has title to all properties except two which require condemnation proceedings to clear the title.
    - ii. The cost of acquiring many of these properties will be reimbursed to the County through a grant from the Georgia Emergency Management Agency. Staff has submitted the request for reimbursement. The County expects to receive \$674,475.
  - c. The railroad undercrossing Final Design Report has been approved. Preliminary construction drawings have been to Staff for review. The ROW necessary for this project is being acquired under the adjacent Louis Mills project.
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. Placentia Beautification Project: Correction of a drainage problem along Tennessee Ave. and to improve the appearance of the canal near the Bonaventure Bridge. Staff has prepared a preliminary plan of improvements. Negotiations for the necessary rights of way and easements are pending.
5. Conaway Branch Canal (tributary of Pipemakers Canal) Widen channel with road crossing improvements and a maintenance road.
- a. Phase 1 includes channel improvements and crossing upgrades north of Main Street to Pipemakers Canal.
    - i. Preliminary title searches are complete. The consultant is proceeding with wetlands permitting, and coordination with GDOT for the crossing at Highway 80. Review of revised construction plans and preliminary right of way plans is underway. The estimated construction cost exceeds the current available budget. Staff is considering options to address this issue. Staff and Consultant met with USACE regarding permitting issues.
    - ii. Staff has approved recommended improvements of additional area requested by City of Bloomingdale. Consultant is working on preliminary construction drawings. Construction of these improvements to be funded by the City of Bloomingdale.
  - 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.
6. 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. 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.
  - b. Final design recommendations have been approved by Staff. Staff will utilize the recommendations in developing an engineering scope of work for a design contract with a consultant.
7. Wilmington Park Canal
- a. Phase 1. (Construction of tide gate) Completed September 2002.

- b. Phase 2. Widen channel and improve culvert crossings under Wilmington Island Road.
  - i. Received permit from USACE on July 5, 2002. Title searches of affected properties are complete. Staff identified an alternative design that will meet the project's drainage improvement needs and which will reduce the project cost. The alternative will also reduce the amount of additional ROW needed. The consultant has been directed to proceed with alternative design.
  - ii. Staff has directed the consultant to proceed with survey and design of slope stabilization at Wilmington Island Road. Review of preliminary recommendations is underway.
- 8. 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.
- 9. 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. Preliminary design and rights of way drawings are under review by Staff.
- 10. Romney Place Drainage
  - a. Phase 1. Improve drainage along Central Avenue. Completed October 2001.
  - b. Phase 2. Improve storm drains and road crossings. Preliminary recommendations for drainage improvements on Romney Place and along Parkersburg Road have been approved by Staff. Availability of existing ROW and drainage easements is under review. When complete, Staff will develop an engineering scope of work for a design contract with a consultant.
- 11. 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.
- 12. 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 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. Resolution of terms of an Intergovernmental Agreement between County and GDOT is underway. After all issues are resolved, Staff will obtain a cost proposal for the additional engineering services involved. 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 new curb cuts at SR 307 to improve access to the canal for maintenance. Staff has directed Consultant to proceed with final ROW plans.
- 13. 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 will reduce the cost of constructing drainage improvements in the Louis Mills drainage system as well as reducing the cost of the railroad undercrossing that is a part of the Westlake project (see Westlake, above).
  - b. Preliminary design and Easement/ROW drawings have been reviewed by Staff. Acquisition of Easements and ROW is underway.
- 14. Redgate/Rahn Dairy A project to provide larger underdrains at several road crossings, canal widening and provisions for maintenance access.
  - a. This project will reduce stormwater flows in the Louis Mills system as well as provide improve drainage in the existing canal.
  - b. Preliminary design and Easement/ROW drawings are under review by Staff. Acquisition of Easements and ROW will begin upon completion of the review.
- 15. Diggs Avenue Drainage (part of Louis Mills) This drainage improvement project involves improving drainage at the east end of Diggs Avenue. Acquisition of ROW is in underway. Staff intends to complete the design and acquire necessary permits following ROW acquisition.
- 16. Ogeechee Farms
  - a. Phase 1. Improve internal collector system south of Vidalia Road. The project is substantially complete. Contractor is working on punch list items including repair to sections of installed pipe determined by Staff to be unacceptable.
  - 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.
- 17. 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 affecting Red Fox Drive and White Hawthorne Drive. Acquisition of needed easements from the City of Savannah is in progress. The Board approved a design contract with a consultant in December 2004. Additional ROW or easements will be acquired if necessary upon completion of the design work.
- 18. Quacco Canal Drainage Improvements East of US17 (Formerly the 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. Staff cancelled taking construction bids for the work as a result of permitting difficulties encountered. A permit from USACE is expected in July 2005.
  - b. Access agreements to the private property and acquisition of easements is underway.
- 19. 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 and discussed with the USACE in regard to potential permitting issues. Responses obtained through the USACE from the US Fish and Wildlife Service, the US Environmental Protection Agency, and other agencies all state that any alternative impacting the existing wetland areas surrounding the Little Ogeechee River will be strongly opposed by these agencies. As a result of these responses, Staff is proceeding with an alternative (albeit more costly) to construct the improvements needed.
- 20. Halcyon Bluff Subdivision Storm collector improvements to relieve severity and frequency of flooding within community. A construction contract was approved by the Board on December 17, 2004. Construction is underway.
- 21. 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. Approval by Health Department to proceed with acquisition has been obtained. Preliminary title searches of affected properties are underway. Right of way acquisition has commenced.
- 22. 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.
- 23. 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.
- 24. Georgetown Canal Upgrading roadway undercrossings to improve drainage capacity. Design for the replacement of the St. Ives undercrossing is completed. A construction contract was approved by the Board on December 17, 2004. Construction is underway.
- 25. Walthour Canal at Off Shore A small project to improve the undersized culverts under the entrance road to the Off Shore Subdivision. Final construction documents have been received. Permitting is underway.
- 26. Wilmington Outfall A project to correct storm sewer drainage pipes between Wilmington Road and the Wilmington River. Preliminary engineering work on the project is underway

**RECOMMENDATION:** For information.

Districts: All

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

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**ITEMS FROM EXECUTIVE SESSION**

**1. REQUEST OF ATTORNEY WILLIE YANCEY TO HAVE ROBERT LEWIS SUBROGATION CLAIM WAIVED BY THE BOARD OF COMMISSIONERS (JONATHAN HART).**

County Manager Abolt said, waiver of subrogation in the amount of \$899.20. Chairman Liakakis said, oh, yeah. That's what we discussed in there about subrogation.

Commissioner Shay said, so moved. Commissioner Gellatly said, second. Chairman Liakakis said, all in favor go on the board. The motion carried unanimously. [NOTE: Commissioners Stone and Odell were not present when this vote was taken.]

**ACTION OF THE BOARD:**

Commissioner Shay moved to approve the request of Attorney Willie Yancey for waiver of subrogation claim of Robert Lewis in the amount of \$899.20. Commissioner Gellatly seconded the motion and it carried unanimously. [NOTE: Commissioners Stone and Odell were not present when this vote was taken.]

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**2. 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.**

Commissioner Shay said, also, I make a motion to authorize the Chairman to sign the affidavit for the Executive Session. Commissioner Thomas said, second. Chairman Liakakis said, all in favor go on the board. The motion carried unanimously. [NOTE: Commissioners Stone and Odell were not present when this vote was taken.]

**ACTION OF THE BOARD:**

Commissioner Shay moved to authorize the Chairman to execute an affidavit that the Executive Session was held in compliance with the Open Meetings Law. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioners Stone and Odell were not present when this vote was taken.]

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**APPOINTMENTS**

**1. CHATHAM COUNTY ATTORNEY**

Chairman Liakakis said, it was brought out to appoint our good County Attorney, R. Jonathan Hart, for the next four years as our County Attorney and everybody agreed to that, but we have to vote on that at this particular time. Do I hear a motion?

Commissioner Thomas said, Mr. Chairman, I move for approval. Commissioner Kicklighter said, second. Chairman Liakakis said, all in favor go on the board. The motion carried unanimously. [NOTE: Commissioners Stone and Odell were not present when this vote was taken.] Chairman Liakakis said, that was unanimous for the people that were here.

**ACTION OF THE BOARD:**

Commissioner Thomas moved to approve the appointment of R. Jonathan Hart, Esq., to serve as Chatham County Attorney for the period 2004 through 2008. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Commissioners Stone and Odell were not present when this vote was taken.]

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**2. ECONOMIC OPPORTUNITY AUTHORITY**

Chairman Liakakis said, two appointments for the EOA Board were brought out, Spencer Cantrell and Bob Bryant. Do I have a motion on the floor to elect these two to the EOA? Commissioner Thomas said, move for approval, Mr. Chairman. Commissioner Holmes said, second. Chairman Liakakis said, it's been seconded. All in favor go on the board. The motion carried unanimously. [NOTE: Commissioners Stone and Odell were not present when this vote was taken.]

**ACTION OF THE BOARD:**

Commissioner Thomas moved to make the following appointments to the Economic Opportunity Authority: Mr. Robert B. Bryant, Sr., to replace Christopher Worel, and Ms. Spencer Cantrell as the Youth Representative, which terms will expire December 31, 2009. Commissioner Holmes seconded the motion and it carried unanimously. [NOTE: Commissioners Stone and Odell were not present when this vote was taken.]

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**ADJOURNMENT**

Chairman Liakakis said, thank you very much for all of the department people —. The Clerk said, Board of Health. Chairman Liakakis asked, we've got another one? The Clerk said, the Board of Health is an appointment. Chairman Liakakis said, the Board of Health is an appointment, but I'll make that appointment —, I'm supposed to appoint that person, and I will bring that up at our next meeting.

Commissioner Gellatly said, motion to adjourn. Commissioner Kicklighter said, second. Chairman Liakakis said, all in favor signify by saying aye. The motion carried unanimously. [NOTE: Commissioners Stone and Odell were not present when this vote was taken.] The meeting was adjourned at 4:13 p.m.

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APPROVED: THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2005

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PETE LIAKAKIS, CHAIRMAN, BOARD OF  
COMMISSIONERS OF CHATHAM COUNTY, GEORGIA

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SYBIL E. TILLMAN, COUNTY CLERK