

**MINUTES OF THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF CHATHAM COUNTY, GEORGIA, HELD ON FRIDAY, APRIL 15, 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, April 15, 2005.

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**II. INVOCATION**

Commissioner James Holmes 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 K. Farrell, District Four Harris Odell, Jr., District Five David M. Gellatly, District Six
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ABSENT:	Patrick Shay, District Three
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IN ATTENDANCE:	R. E. Abolt, County Manager R. Jonathan Hart, County Attorney Barbara B. Wright, Acting County Clerk
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Chairman Liakakis said, Commissioner Patrick Shay is out of the country and that's the reason why he is not attending the meeting this morning.

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**V. PROCLAMATIONS AND SPECIAL PRESENTATIONS**

- 1. SPECIAL RECOGNITION AND PROCLAMATION FOR THE COUNTLESS HOURS OF VOLUNTEER SUPPORT IN THE COMMUNITY. THE COUNCIL OF VOLUNTEER ADMINISTRATORS' OFFICERS— PRESIDENT, CAROL DAVIES; VICE PRESIDENT, DIANE ABOLT; SECRETARY, LINDA FIELDS; AND TREASURER, JERRI MCKINLEY—WILL BE PRESENT TO ACCEPT.**

Chairman Liakakis said, I'll call on Commissioner Farrell to handle that for us please and I'd like to call forward Carol Davies —, is Carol here —, Carol Davies, Diane Abolt, Linda Fields and Jerri McKinley, if you are all here, so that Commissioner Farrell will present that to you.

Commissioner Farrell said, it is my pleasure and an honor to present this to the ladies here, a proclamation from Chatham County.

**WHEREAS**, volunteering is an American tradition that has made immeasurable contributions to communities, organizations, and individuals throughout the country and the entire community can affect positive change with any volunteer action no matter how big or small; and

**WHEREAS**, the Council of Volunteer Administrators (COVA) is a network of volunteer administrators that provide professional and technical assistance, facilitates resource development and advocates volunteerism in our community; and

**WHEREAS**, thousands of volunteers working in our community utilize their time and talent daily to make a real difference in the lives of children, adults and the elderly. In fact, in 2004, the approximate amount of volunteer hours from COVA members are in excess of 100,000; and

**WHEREAS**, we congratulate the 2005 COVA officers, President, Carol Davies; Vice President, Diane Abolt; Secretary, Linda Fields and Treasurer, Jerri McKinley for taking on the task of continuing to provide informative and effective network for sharing the many facets of volunteer management for non-profit agencies.

**NOW, THEREFORE**, I, Pete Liakakis, Chairman, on behalf of the Chatham County Board of Commissioners, do hereby proclaim April 17 - 23, 2005 as:

**VOLUNTEER WEEK**

in Chatham County and urge all citizens to volunteer and light the way in our community.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of Chatham County, Georgia to be affixed this the 15<sup>th</sup> day of April 2005.

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Pete Liakakis, Chairman  
Chatham County Commission

**ATTEST:**

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Sybil E. Tillman, Clerk

Commissioner Farrell said, thank you very much, ladies.

Commissioner Kicklighter said, Mr. Chairman, I think it would be good for Russ [Abolt] to say something at this point because he's married to —. County Manager Abolt said, oh, no it wouldn't. After 38 years of bliss, I've learned to say no and now I say no.

Chairman Liakakis said, ladies, on behalf of the Commission we do appreciate what your organization has done. You know, government can't do everything. I mean, if we didn't have volunteers, we wouldn't be able to do the things that are necessary that help people in many ways around our City, our County, our State and our nation. In fact, around the world. Volunteers help make our society and other societies better and we do appreciate it and hopefully we can continue to get more volunteers on board so that we can bring our area up to a higher level. Thank you again.

Commissioner Thomas asked, Mr. Chairman, may I make a statement as well? Chairman Liakakis said, sure. Commissioner Thomas said, I would like to also thank them because in keeping with National County Government Week, which started April 10<sup>th</sup> through the 16<sup>th</sup>, and this is very appropriate and it also shows the kind of people that are making wonderful contributions in our County outstanding, in-kind. If we had to pay for a lot of services that are being rendered through people who are volunteering in County government, that would certainly be a large number, so I just want to say to you thank you so very much and to all of those other wonderful volunteers out there.

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**YOUTH COMMISSIONERS**

Chairman Liakakis welcomed the following Youth Commissioners who were in attendance: Cheree Shipman, a Junior at Beach High School, and Kirsten Pratt, a Sophomore at Jenkins High School.

Chairman Liakakis asked, would either one of you have a statement you'd like to make? Youth Commissioner Pratt said, thank you for having us. Chairman Liakakis said, thank you.

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## **V. PROCLAMATIONS AND SPECIAL PRESENTATIONS (continued)**

### **2. COMMENDATION TO KIM ANGELASTRO OF WTOC-TV FOR HER OUTSTANDING WORK WITH AND COVERAGE OF THE CHATHAM COUNTY YOUTH COMMISSION DURING THEIR 2005 ANNUAL LEGISLATIVE TOUR.**

Chairman Liakakis said, our next proclamation is a commendation to Kim Angelastro with WTOC Television. As you know, she went with our Youth Council [sic] and handled a lot of the PR and made a number of videos that we did show at our last meeting, and Commissioner Thomas will present the next proclamation.

Commissioner Thomas said, thank you very much. I'd like to also add to the fact that Kim [Angelastro] not only was there to shoot certain footages to show back to the community, but she also served as one of the persons that helped to keep the kids in check as a supervisor. She said that she didn't realize that she had to do all of that and I said, well, all that's involved. When you come with you, you get assigned to other duties as well. So we want to say that it was certainly a pleasure having her with us and it added a great dimension to the Youth Commission. I would like to present to Kim [Angelastro] and the proclamation reads as follows:

**WHEREAS**, Kim Angelastro, a WTOC-TV news reporter, traveled on special assignment to report on the Chatham County Youth Commission's 2005 Legislative Tour; and

**WHEREAS**, Ms. Angelastro devoted four days as an "embedded reporter," traveled 1,600 miles by bus, and followed the rigorous schedule of the Youth Commission during this journey from Savannah to Washington, D.C., to New York City and back; and

**WHEREAS**, Ms. Angelastro experienced the annual tour through the eyes of our community's teenage leadership, their wonderment at nationally-significant monuments and historical sites, and their representation of our community in meetings with national leaders, including Senator John McCain, Congressman Jack Kingston, National Association of Counties' President Angelo Kyle, and many local government leaders; and

**WHEREAS**, Ms. Angelastro translated the Legislative Tour into three outstanding news reports and a special broadcast, which provided a glimpse into the Youth Commissioners' experience and broadened understanding of American lawmaking and history, and by this exceptional reporting, she shared the special qualities of Youth Commissioners and this educational opportunity with the Chatham County community.

**NOW, THEREFORE**, in recognition of Kim Angelastro's journalistic initiative, human-interest perspective and broadcast excellence, the Board of Commissioners of Chatham County does hereby provide this commendation.

**FURTHERMORE**, the Board of Commissioners of Chatham County also extends its appreciation to the WTOC News Team, especially General Manager William Cathcart and News Director Larry Silbermann, for their interest in our youth.

**ADOPTED IN OPEN MEETING, THIS 15<sup>TH</sup> DAY OF APRIL, 2005.**

ATTEST:

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Pete Liakakis, Chairman

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Frances Rasmussen, Deputy Clerk

Commissioner Thomas said, congratulations and thank you so very much.

Ms. Angelastro said, wow, I'm not used to standing up here and asking questions and saying thank you. Thank you so much. This is just unnecessary. This was the most wonderful trip in the world. We have some of the brightest students here in Chatham County and they represented this County so wonderfully. They asked more questions than any government official that I've ever seen and they had good questions. They were up on their current events, they acted courteous and gracious throughout the entire trip, and I was just shocked. You know, I grew up in New Jersey and I took everything for granted that I saw growing up and being able to help take the students around so they could see everything that I grew up with and see the awe on their faces when they went to the White House or into New York City and the blizzard that we suffered through, which is wonderful. On the bus ride I learned a lot about everything that goes on in Chatham County schools, all the gossip and I got to know some of the students. So it was a lot of fun for, what, like 20 hours on a bus. You've got to have something to talk about. But thank you so much for giving me this opportunity and I know the station thanks you as well, and we would be happy to help out whenever we could. Thank you.

Youth Commissioner Pratt said, I just wanted to say that it was great having you with us. You always have a smile and also for you put me on television. It was great because you filmed there and made the people of Savannah see what we saw.

Youth Commissioner Shipman said, I'd like to say thank you for the good things that you're doing for the Youth Commission. Education can be fun, you just have to make it fun. Ms. Angelastro said, thank you, guys.

Commissioner Kicklighter said, I want to thank Kim [Angelastro] for the special trip that she covered there, but also for all of your accurate coverage throughout the years. I've been amazed during my time through politics at watching some reports from other reporters that when I actually watch it or read it even in the past I wondered what meeting they were actually at. You do a great job of really giving the public what I believe to be the accurate perception of what actually took place at the meetings and in this day and time and reporting on television and papers and everything, that's huge and I appreciate that. The public, they need accurate reports and you do an excellent job and I do appreciate everything you've done.

Ms. Angelastro said, thank you so much.

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**3. PROCLAMATION TO DECLARE MONTH OF APRIL AS "FAIR HOUSING MONTH" IN CHATHAM COUNTY. D. WAYNE DAWSON WILL BE PRESENT TO ACCEPT.**

Chairman Liakakis said, our third proclamation today is for Fair Housing Month and I'd like to call on Commissioner Holmes, who will do the proclamation, and also Wayne Dawson and anybody else that's representing the Fair Housing Project. I see we also have Terry Tolbert, who's second in command for the EOA that has done an outstanding job with helping our citizens, and Wayne Dawson, who is a community activist working in many areas.

Commissioner Holmes said, thank you, Mr. Chairman. This is indeed an honor for me to present this proclamation. I'll read this. We have on my left here the young man who is working with the EOA. He's a dear student of mine, a little lad coming up under my guidance. So to present to him this proclamation is indeed great. And this guy on my right, sits up there next to me when the CAT comes up. I've learned so much about him, so you flank me with two great guys and give me the honor to present this to them.

**WHEREAS**, the Federal and State of Georgia Fair Housing Laws prohibit discrimination in housing based on race, color, religion, sex, disability (or handicap), family status or national origin; and

**WHEREAS**, the month of April has been designated by the U.S. Department of Housing and Urban Development as National Fair Housing Month; and

**WHEREAS**, April 12, 2005 marks the 37<sup>th</sup> anniversary of the passage of Title VIII of the Civil Rights Act of 1968, the Federal Fair Housing Law; and

**WHEREAS**, the first housing discrimination court decision under the State of Georgia's Fair Housing Law was resolved in Chatham County; and

**WHEREAS**, Chatham County supports the efforts of local agencies, non-profits, the private sector, and individuals in ensuring compliance with the Federal Fair Housing Law; and

**WHEREAS**, Chatham County affirms the right of all citizens to choose where they wish to live without encountering discrimination.

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

**FAIR HOUSING MONTH**

in Chatham County, Georgia and call upon all citizens of our city to participate in ceremonies and activities supporting the Federal Fair Housing Law.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of Chatham County, Georgia to be affixed this the 15<sup>th</sup> day of April 2005.

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Pete Liakakis, Chairman  
Chatham County Commission

**ATTEST:**

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Sybil E. Tillman, Clerk

Mr. Terry Tolbert said, I always like to take pictures. Has anybody got a camera? First of all, I want to thank the Commission for giving us this proclamation and I just want to say a few things. I serve as the Chairperson of the Fair Housing Board and have been Chairperson for a number of years, and wanted to say a few things about Fair Housing because it's very important that we understand that we do at the Fair Housing Council, we do testing and I wish I could tell you that there's great news, but there isn't. With the testing that we do there is still a wide-spread housing discrimination in Chatham County. I just want to go over real quickly what we do. Thanks to the Fair Housing ad for 1968, discrimination is no longer allowed in the realm of housing. It is illegal to discriminate against race, color, national origins, sex, family status, or disability. You cannot refuse to sell or rent to any individual who is a member of one these classes who makes a legitimate offer. Moreover, a landlord cannot even charge a higher security deposit or charge —, change the terms of a lease based on one's family status, the existence of children, for example. It is illegal to ask for [inaudible] application based on race. It's also against the Fair Housing Act to lie to minorities and say that there are no units for sale or to rent when it's untrue. Nor is it permissible for real estate to steer a white family into a white neighborhood or a black family into a predominately black neighborhood. Likewise, under the Fair Housing Act a landlord must make reasonable accommodations for individuals with disabilities. If a person feels that they have suffered from discrimination based on race, sex, religion, family status, or national origin, they can file a lawsuit in which they must prove that housing is available and that they applied for it and that they were rejected and the house stayed on the market after they were denied. The affected person can show that a burden is then pushed on the owner of the house to show a legitimate reason that they did not rent or sell or make a loan to that person. The Chatham County Fair Housing Council has two purposes. One is to help people who feel that they have been discriminated against to get redress in court, and number two is to provide education to consumers and to the housing industry so that they may not continue to discriminate. Thank you on behalf of the Fair Housing Council.

Chairman Liakakis said, thank you. I appreciate it.

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Chairman Liakakis said, we have two other volunteers in our audience I need to recognized also. Two advocates, not only for the Blind Association, but others in our community that have disabilities. We have the President of the Blind Association, Mr. Jarrett [phonetic], and the Vice-Chairman, Mr. Palmer, over here. Would you stand up please. Thank you very much.

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#### **4. PROCLAMATION TO DECLARE WEEK OF MAY 3 THROUGH 8, 2005, AS "SCOTTISH HERITAGE WEEK" IN CHATHAM COUNTY.**

Chairman Liakakis asked, do we have any representatives from the Scottish Heritage Society here this morning? All right, what we'll do then, we have a proclamation for the Scottish Heritage Society and the week of May 3<sup>rd</sup> through May 8<sup>th</sup> is the Heritage Week in Chatham County, and as most of you might remember and know that the Scottish Games, they have that every year here in Chatham County and they bring a lot of visitors from all over the country who participate in those games. In fact, not only do we have them with their family members and all, but they spend a lot of money in Chatham County during those Scottish Games and we will recognize them at our next meeting.

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

#### **1. NOTIFICATION ON ZONING AND LAND USE MATTERS OF PROPERTY OWNERS WITHIN 300 FEET OF THE ACTION CONTEMPLATED.**

Chairman Liakakis asked, do we have anybody here from the MPC? Oh, yeah, I see Tom Thomson. Tom, would you come forward please. Thank you for coming today. One of my concerns are what happened in the past, the City did, after my urging of that —, what had happened in the past on numerous occasions when a zoning matter came up what was the policy at that particular time in most instances that what they would do is only notify the next-door neighbor, somebody that's close by that particular location, and after discussing that with the MPC and the City Council, then the MPC increased that to 200 feet so that —, because there were a number of residents that were concerned about a commercial business that was going up in their neighborhood. They just lived right around the corner from that. They weren't notified, and there were a number of other occasions too that things concerned people that were neighbors and they were not notified. So what I'm doing today is asking, if I get my fellow Commissioners to go along with it, that in the future that since the County the blocks are longer a lot of times, more so that in the City, that we notify the property owners within 300 feet, at least 300 feet, so that, you know, if we have a homeowner or if we have some other business or something, that they will know what's affecting them in their particular area, and I think it's important that we let the citizens know when there is some, you know, building or some development that's going to be right next to them that they should be notified so that they understand what's going on and not after the fact. Would you like to discuss —?

Mr. Thomson said, Mr. Chairman and Commissioners, let me just, if I may, just indicate what the current ordinance, if you want to hear that, indicates and what our practices were for zoning applications for a separate zoning from other development applications in this regard. The Chatham County ordinance is different than the City of Savannah

ordinance in that direct mail notices are only sent before the Commission meeting. This is what's in the ordinance. I just want to tell you that because I'm going to tell you what we really do, which is over and above the ordinance. In the ordinance it only requires that notices be sent prior to the Chatham County Commission meeting on zoning and only to properties that are directly next to the proposed zoning. What we actually do at the MPC is we send out notices to all property owners of a pending rezoning on a property within 200 feet of that property, and we do that both prior to the MPC hearing on it and prior to the County Commission hearing. In addition, and this was a change that you made within the last couple of years, the signs —, the properties are now posted with a sign before the MPC meeting and before the Commission meeting indicating that there's a pending action. The other thing we do, which is by policy and not in the ordinance, is we send out the notice also to the neighborhood association president or a designated representative to those neighborhood associations that we have on record. In the unincorporated County area there aren't as many neighborhood associations that have been constituted in some formal way. What I heard you say, Mr. Chairman, is you would like this to be done also for development. If that's your intention, let me say at this point, there's no requirement if somebody is proposing a commercial building and it's in the proper zoning and it meets all requirements of the code, there's no requirement to notify adjacent property owners. Almost always if there's a non-residential type use going in next to a residential area we'll at least notify the adjacent property owners of the pending development that —, a review that's coming before the MPC or developments that go to the MPC. And we have often notified within 200 feet and also notified the neighborhood association. So our policy, we do that for items that we believe might be of concern to neighborhoods and we do that by policy at this time. So, that kind of summarizes what we're doing today in terms of notices. Also, just to mention, our agendas are in the newspaper before all our meetings, they're on our website and people pay attention to those pretty well if they're interested.

Chairman Liakakis said, Tom [Thomson], we do appreciate you being the Executive Director. You've done an outstanding job, brought a lot of things in and helped out with the MPC, but there is another problem too, and I don't know if you do this. For example, if you have a zoning situation that you send the homeowners a letter about the rezoning. Correct? Mr. Thomson said, correct. Chairman Liakakis said, well, the problem with that is this. A lot of those homeowners, property owners, they might live in New Jersey, New York, Illinois, or something like that. So the person that is living in that particular residence is not notified of that, and that person might have been living there for ten, twelve years and they don't know anything about it and they're the residents. So, what I'm also recommending that what you do, not only do you send it to the owner of that property, who might be out of town, but that you also send it to the present occupant of that particular piece of property. That's important because if something goes up there and especially we want to protect the residents as best we can. You know, if people meet all the requirements and all, that's fine, but there have been some cases where people were not notified and it did have some affect on their piece of property. So, and we've got good developers and builders and, you know, they're concerned about smart growth, and to do all of that in our community and we really appreciate that, but I think it's incumbent upon us to make sure that people are notified in these instances so that if there is some problem. I have in my office a letter that I received two days ago about a resident that lives on the east side, on Wilmington Island, about —, that was not notified about a particular project that was being built, you know, close to him, and I called him on the phone and discussed it with him. So this is one of the reasons why I'm bringing this up today also.

Chairman Liakakis recognized Commissioner Odell.

Commissioner Odell said, as always our Chairman is a citizen's advocate and I hope the community appreciates that. My concern is that I'm not certain how we would go about notifying, knowing who a particular resident. We know who the property owner is. That's easy to ascertain, but my concern is that if we get into having to codify that we must notify a particular resident, my concern then is what happens if you don't do that, what legal implication. Are we granting right potentially that places MPC in a position which I'm not certain that you could ever enforce. What I'd like to see is you've heard the concerns of the Chairman, your recommendation as to whether or not this could be done and, if so, how it could be done; what legal implications that flow if we should do that, and our County Attorney is available, I'm certain, to provide legal assistance. We're very fortunate in having a citizen's advocate, which is our Chairman, Chairman Liakakis. We have the past President of the MPC here, Dr. Stone, and I'm going to turn it over to her.

Commissioner Stone said, just one thing I wanted to add that we did when I was a member of the MPC and that was the posting goes along with the notices that go out on rezoning issues, and the one thing that we felt was a problem was the posting was only going out, was only being done after the MPC hearing and only before it went to the prospective governmental body. So we changed that to now the posting is prior to the MPC meeting to certainly give the citizens the opportunity to speak both before the MPC and before the governing authority. So that does take place in addition to the required mailings, and I think that that's a good thing because when people see that, it's visual and it affects people that do go into the neighborhoods.

Chairman Liakakis said, and Tom [Thomson], and you probably know this, a lot of citizens don't understand that, you know, the posting that we're talking about that's right there in that particular area and might want to consider how, you know, to clarify it a little bit. I know that you've got certain regulations that you have to put that up there, that's so that the citizens understand that, but still if it's posted up in the neighborhood everybody doesn't look at it. I had multitudes of people tell me that in the past they didn't know what that was, they weren't familiar with the meeting of the MPC or whatever it might be. One other thing that you might want to consider, too. You're going to notify the owner of the property that might be out of town, but you can send a letter to that address there or either have somebody, and it takes a short period of time, from the MPC to go over there and deliver to make sure that the occupant of that particular residence or business receives that notification, and maybe the simplest way is to make sure they get a piece of mail in addition to the owner. But I'd also like to request, Mr. County Attorney, that what you bring something back so that we can have it on our books, you know, that you can present to our County Commission so that everybody can look at it. If they desire to put that on the books, then we'll go from there so we are protecting property owners within the community.

Chairman Liakakis recognized Commissioner Kicklighter.

Commissioner Kicklighter said, Mr. Chairman, I also commend you for always looking out for the people. My concern about sending a letter to someone, a neighboring resident or whatever, if the property is already zoned for a certain type of development, my concern then is that it may give the recipient of the letter some type of false hope that basically by insinuating that their input is actually needed at that point and that we, being the County Commission, have some authority to actually change or to stop the project when in fact we don't, and to me that's one of the hardest things as a representative is to look at someone when they're really upset and they have a legitimate complaint, and so by law and by ordinance we really have zero authority to stop this or change this and, you know, currently —, well, the way it is if something's zoned properly and someone applies to build something that fits in that zone, we can't stop it, and if we send letters to the neighbors it, to me, will unduly get people riled up and upset with the impression that we can do something about it when we can't. And, you know, I don't mind getting yelled at and hollered at when we actually can do something to change and have the authority to help, but to just get yelled at for the heck of it when we can't do a thing about it is not something I want to sit here and do. I mean, you know, take, and so I would really hate to see us send any letters to anyone if it's zoned properly because we don't have the authority to change anything on that.

County Attorney Hart said, Mr. Chairman, in 2002 the Commission visited the notification provisions of the zoning act and we did a rather extensive study and memo, which I will be glad to share again along with additional thoughts. I'll be glad to meet with the MPC. At that time there was a concerted effort to bring the notification requirements of the County Zoning Code into compliance with what the City Zoning Code was and then add some policy decisions that weren't necessarily required, but we do just as a matter of course, as the Executive Director of the MPC has indicated. We have a notice situation that far exceeds what is required by any requirement of due process. We have a very good notification procedure. One concern you have about the resident situation is what do you do if there's an apartment building within 200 feet? Do you give a notice to 500 units of residents that have no real property interest —, they have a leasehold interest, but they don't have a property interest — and, if it's noticed, who you give the notice to and how do you obtain those? So we have been very careful about trying to give practical notice to things that we can control. For example, we've taken the notice requirement out of the applicant's hands to ensure that there is no omission and put it into MPC's hands that has a better database of obtaining those and required the applicant to pay for that. Well, you know, you get a 500-unit apartment building and you've got to notice everybody in the apartment building, that's a pretty burdensome task, and that's why we've gone to the situation of trying to notify the owner or any type of homeowner's associations within that organization. We will be happy to look at any of this stuff, we'll be happy to extend it to 300 feet, if that's what the Commission desires, but we're trying to be very practical about it. I think Commissioner Odell has very correct. You want good practical notice, something that you can implement, something that you can enforce and something that doesn't always keep you in a quandary of when your notice is complete. You know, there needs to be a start and finish to everything. So, we will certainly be glad to look at that and certainly get back with you on it, and I think there's a lot of good points and it's always a good point to be raised by the Chairman.

Chairman Liakakis said, well, we can look at all of that, but it just —, and I know a multitude of cases that I'm familiar with personally that people were not notified. We can look at all of those things that you brought to our attention, Mr. Attorney, but anyway let's look at that, come back to the Commission and then we can go from that and we'll take your suggestions also, Tom [Thomson], concerning this, but we just want to make sure it's right because, like I say, only two days ago I have a letter in my office, I discussed it with the gentleman, and we really need to see about it. I understand what you're talking about the apartment complex, what have you, but we want to make sure that we're doing the right thing for the citizens, the people that live right next door that maybe a garage is going up or they live around the corner, and those circumstances, you know, we need to look at.

Commissioner Kicklighter said, Mr. Chairman. Chairman Liakakis said, yes. Commissioner Kicklighter said, if I could, one example really to explain what I meant by that to mainly the public, I know most people up here understands exactly what I meant, but Wal-Mart in Sandfly is a wonderful example of people being really upset, spending tons of money, hiring attorneys, raising cane, upset and ultimately it was zoned for a large commercial development. The passion actually deterred the one facility away from there from coming in, the —, help me out —. Several individuals said, Target. Commissioner Kicklighter said, — Target, but ultimately Wal-Mart came in and located. So that's a good example of people being really upset when legally we had nothing legal —, no possible legal way to stop that type of development from coming in there. And, you know, to really give —, that's to me a false hope if we send out letters saying, hey, somebody's about to build something that we legally can't stop. I mean, you know, unless that was in the letter because again, and I guess we're going to face it again, so I hear, in that same area, and if it's zoned proper and fits, there's no argument because we can't stop it and that's a shame, but that's the way the law is and as far as even on zoning, you know, some people they people that, well, maybe we can come up there and change the zoning. Yeah, maybe so while we're on that development, but once that paperwork has been filed trying to move forward to build that specific project, legally we can't stop it because it's grandfathered in if we change the zoning all around it. And, again, you know, false hope is not a good thing. I mean, you know, I think people just need to be told and I think people appreciate being told up front and honestly what it's going to be and how it really is by law because none of us, we're not —, we can't go above the law, but I like the idea of just looking to see if we can inform other people, but if it's in the proper zone, I think that's —, I think we're making a mistake.

Chairman Liakakis recognized Commissioner Stone. Commissioner Stone said, I think Ms. Pratt was before I was.

Youth Commissioner Pratt said, as Commissioner Kicklighter said, could you put —, if they did have a legitimate reason that they didn't want them moving in on the thing, could you tell them how they could —, how to get the zoning change or whatever legitimate problem they had, how they could get it fixed? Could you put that in the letter?

Commissioner Kicklighter said, we can't, that's what I'm saying. There's no way to. Youth Commissioner Pratt said, I know y'all don't have the authority but someone else —. Commissioner Kicklighter said, no one does.

Commissioner Odell said, legitimate is kind of like a 500 pound marshmallow. One person's legitimate is another person's unreasonable. It has to be something that's standardized so it can be followed so that it applies in this —, in a subdivision as well as the next subdivision. There's some administrative concerns here.

Commissioner Stone said, this is why, and I will say this loud and clear, it's very important to follow the procedure in place to finish our land use plans, to complete the tri-centennial plan, this really should have been done years ago, and to update our zoning in conjunction with our land use plan, because that's what tells the residents what is allowed in what area, and I feel like this is —, that was the whole message that I preached while I was on the MPC was to update our land use plan, comprehensive land use plans and have the zoning in conjunction with that so that when people did buy property, they'd know what the expectations are. And I hope that that —, I know it's well on it's way and I'm looking forward to the completion of that. Thank you.

Chairman Liakakis said, all right, Tom [Thomson], thank you very much. You know, the County Attorney will be discussing it with you and we'll go from there.

Commissioner Kicklighter asked, can I brag on Tom [Thomson] real quick? He is doing just an awesome job on this Government 101 thing that I've asked —, that you approved, that we're working on where the public would be able to access a book and it will have ever elected representative's phone number and basically explain to anyone that wants to pick it up and read it the functions of all of the different governments starting at the local level all the way up, and I just commend you. It's looking great and I appreciate all of your hard work on it. Mr. Thomson said, thank you and keep those cards and letters coming.

**ACTION OF THE BOARD:**

The Board directed the County Attorney to review the notification procedures on zoning and land use matters and consider suggestions for notification, including notification of property owners within 300 feet of the action contemplation, and bring recommendations back to the Commission for consideration.

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**VII. COMMISSIONERS' ITEMS**

None.

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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.  
At meeting of March 11, 2005, item was removed from the table for discussion and then tabled for four weeks.**

Commissioner Shay is out of town, like I mentioned previous. I'd like to have a motion to —, because of the time element, to take off and replace this motion back on tabled items for April 29<sup>th</sup>.

Commissioner Stone said, so moved. Commissioner Farrell said, I second. Chairman Liakakis said, all in favor go on the board. The motion carried unanimously. [NOTE: Commissioner Shay was not present.] Chairman Liakakis said, the motion passes.

Chairman Liakakis said, Item #2 —. Commissioner Odell asked, do we need table? We took it off the —. Chairman Liakakis said, yeah. Now we need to vote to put it back on the table so that Commissioner Shay will be back in on April 29<sup>th</sup> to give his discussion and his meeting with the residents.

Commissioner Kicklighter said, I make a motion to table until April 29<sup>th</sup>. Commissioner Holmes said, second.

Chairman Liakakis said, a motion has been made and seconded. Go on the board. The motion carried unanimously. [NOTE: Commissioner Shay was not present.] Chairman Liakakis said, the motion passes.

**ACTION OF THE BOARD:**

- 1. Commissioner Stone moved to untable this item for consideration by the Commissioners. Commissioner Farrell seconded the motion and it carried unanimously. [NOTE: Commissioner Shay was not present.]
- 2. Commissioner Kicklighter moved to table this item until the meeting of April 29, 2005. Commissioner Holmes seconded the motion and it carried unanimously. [NOTE: Commissioner Shay was not present.]

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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.

At meeting of March 11, 2005, item was removed from the table for discussion and then tabled.

Chairman Liakakis said, Items 2 and 3, the time element we leave both of those on the table.

**ACTION OF THE BOARD:**

This item was not untabled and placed before the Commissioners for consideration.

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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 LIVE OAK PUBLIC LIBRARIES (LIBRARY) FOR CAPITAL OUTLAY PROJECTS.**

[DISTRICTS: ALL.]

Tabled at April 1, 2005 meeting.

**ACTION OF THE BOARD:**

This item was not untabled and placed before the Commissioners for consideration.

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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. **TO REQUEST APPROVAL OF A GENERAL FUND M&O CONTINGENCY TRANSFER OF \$15,500 TO INTERNAL AUDIT TO FUND SEPARATION PAY; AN AMENDMENT TO THE SOLID WASTE MANAGEMENT ENTERPRISE FUND TO RECOGNIZE A \$10,000 TRANSFER IN FROM THE SPECIAL SERVICE DISTRICT FUND; A RESTRICTED CONTINGENCY TRANSFER OF \$165,000 TO THE COMMISSIONER'S BUDGET FOR CATERING, TRAVEL, AND ACCRUED AMOUNTS DUE THE LOBBYIST; A RESTRICTED CONTINGENCY TRANSFER OF \$20,000 TO THE CAPITAL IMPROVEMENT PROGRAM FUND TO CREATE A RECREATION DEPARTMENT PROJECT FOR PLAYGROUND EQUIPMENT; TRANSFERS TOTALING \$90,000 WITHIN THE CAPITAL IMPROVEMENT PROGRAM FUND FROM VARIOUS PROJECTS TO THE WESTLAKE AREA M&O CIP PROJECT; AND A BUDGET AMENDMENT TO THE CAPITAL IMPROVEMENT PROGRAM FUND TO RECOGNIZE THE \$20,000 TRANSFER FROM RESTRICTED CONTINGENCY.**

Chairman Liakakis said, this is brought to us by the County staff.

Commissioner Kicklighter said, motion to approve. Commissioner Thomas said, second. Chairman Liakakis said, all in favor or otherwise, go on the board. The motion carried unanimously. [NOTE: Commissioner Shay was not present.]

**ACTION OF THE BOARD:**

Commissioner Kicklighter moved to approve the following: A General Fund M&O contingency transfer of \$15,500 to Internal Audit to fund separation pay; an amendment to the Solid Waste Management enterprise fund to recognize a \$10,000 transfer in from the Special Service District fund; a restricted contingency transfer of \$165,000 to the Commissioner's budget for catering, travel, and accrued amounts due the lobbyist; a restricted contingency transfer of \$20,000 to the Capital Improvement Program fund to create a Recreation Department project for playground

equipment; transfers totaling \$90,000 within the Capital Improvement Program fund from various projects to the Westlake Area M&O CIP project; and a budget amendment to the Capital Improvement Program fund to recognize the \$20,000 transfer from restricted contingency. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Shay was not present.]

**AGENDA ITEM:** IX-1  
**AGENDA DATE:** April 15, 2005

**DATE:** April 7, 2005  
**TO:** Board of Commissioners  
**THRU:** R.E. Abolt, County Manager  
**FROM:** Linda Cramer, Finance Director

**ISSUE:**

To request approval of a General Fund M&O contingency transfer of \$15,500 to Internal Audit to fund separation pay; an amendment to the Solid Waste Management enterprise fund to recognize a \$10,000 transfer in from the Special Service District fund; a restricted contingency transfer of \$165,000 to the Commissioner's budget for catering, travel, and accrued amounts due the lobbyist; a restricted contingency transfer of \$20,000 to the Capital Improvement Program fund to create a Recreation Department project for playground equipment; transfers totaling \$90,000 within the Capital Improvement Program fund from various projects to the Westlake Area M&O CIP project; and a budget amendment to the Capital Improvement Program fund to recognize the \$20,000 transfer from restricted contingency .

**BACKGROUND:**

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

**FACTS AND FINDINGS:**

- (1) The Internal Audit department recently had an employee retire. Separation pay amounted to \$15,500. This expense was not in the adopted budget. A contingency transfer is needed.
- (2) The Board of Commissioners approved the transfer of \$10,000 from the Special Service District Fund to the Solid Waste Management enterprise fund at the February 4, 2005 meeting. An amendment to the Solid Waste fund to recognize the transfer in has been prepared and is attached.
- (3) The Board of Commissioners budget requires a transfer of funds for professional services, catering and travel expenditures. The lobbyist previously under contract with the county has not submitted invoices for services for several years. This has created a liability that should be funded. It is estimated that \$165,000.00 will be required for these purposes. A transfer from Restricted Contingency is requested.
- (4) The Recreation Department has a need to upgrade playground equipment. A transfer of \$20,000 from Restricted Contingency to the Capital Improvement Program (CIP) fund is requested. Correspondence and a resolution to amend the CIP are attached.
- (5) The County Engineer has requested a transfer of \$90,000 to the Westlake Area M&O CIP project from the following: \$35,751 from Ricemill/Georgetown M&O CIP, \$794 from Miscellaneous M&O CIP, \$15,070 from Louis Mills/Redgate Canal M&O CIP and \$38,385 from Other Charges/Miscellaneous. A staff report is attached.

**FUNDING:**

Funds are available in the General Fund M&O contingency, the Restricted Contingency and within the CIP Fund for the transfers. The budget amendment will establish funding in the Solid Waste Management enterprise fund and the Capital Improvement Program (CIP) fund.

**ALTERNATIVES:**

- 1) That the Board approve the following:

**GENERAL FUND M&O**

- a) a contingency transfer of \$15,500 to Internal Audit to fund separation pay.
- b) a restricted contingency transfer of \$165,000 to the Commissioner's budget for catering, travel, and accrued amounts due the lobbyist.

- c) a restricted contingency transfer of \$20,000 to the Recreation Department for playground equipment.

**SOLID WASTE MANAGEMENT ENTERPRISE FUND**

an amendment to recognize a \$10,000 transfer in from the Special Service District fund

**CAPITAL IMPROVEMENT PROGRAM FUND**

- a) a transfer of \$90,000 to the Westlake Area M&O CIP project from the following: \$35,751 from Ricemill/Georgetown M&O CIP, \$794 from Miscellaneous M&O CIP, \$15,070 from Louis Mills/Redgate Canal M&O CIP and \$38,385 from Other Charges/Miscellaneous.
- b) a budget amendment to the Capital Improvement Program fund to recognize the \$20,000 transfer from restricted contingency .

- 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. VERBAL STATUS OF DOG ORDINANCE CHANGES.**

Chairman Liakakis recognized County Manager Abolt.

County Manager Abolt said, I'll refer to my animal expert, [inaudible].

Commissioner Odell asked, can we set a —, before we get into this, this is one of these emotional things that could last all afternoon. County Attorney Hart said, it's going to be short and to the point. County Manager Abolt said, remember today was the deadline to get to the County Attorney all the information. The only reason it's on there is to guarantee to y'all and those watching that we have not forgotten. This is one of your primary priorities.

County Attorney Hart said, functionally at the last meeting we requested public input. The local news media, television stations, were very good at getting out the word. The Savannah News-Press was exceptional in including it in a number of articles so that the general public would know we are taking input, and believe it or not we got a lot of input. One thing we've done is gather all the material together and we've tried to sort of put them in different categories, and I can tell you right now we have a wide variety of opinion in this community on what to do about animal control. We have people who want to raise fees, people who want to lower fees, people who want a tether, people who don't want a tether, people who don't want the animals controlled but would rather regulate the people who control the animals. We have some very thoughtful suggestions and we have some that fall in the category of not quite so thoughtful. So, it's going to be an interesting process. There have been several suggestions that were brought up that were not included within the scope of our discussion that merit further study. We've had input from several activist groups on either side of whatever question it is involving this. We've decided to include a representative from the Animal Control [sic] at the suggestion of Commissioner Stone. Mr. Lee's going to attend our meetings and he's going to meet with his people so that he can kind of get a feel for what's out there and then bring the collective wisdom of that group through him. Commissioner Gellatly has forwarded on to us a series of questions that he's received from his constituents that we've tried to respond to preliminarily, so there's a great deal of interest in this and there's a lot of viewpoints. We feel like we're going to keep the doors open and if you wish to communicate to us over the weekend, fine. As of Monday morning we're going to start trying to consolidate this, set up some meetings, try to get some basic draft proposals together and start with the noncontroversial issues and then leave you a set of options about what policy directions you wish to take in some of the issues that obviously people are going to have strong feelings about. That's where we stand.

Chairman Liakakis said, Rob Lee has given a number of suggestions to our County Attorney, to our staff people too, which is good. As you know, Mr. Lee is the Director for the Humane Society.

County Manager Abolt said, we really appreciate that. Also, you'll know from correspondence you're reading from my office that Mr. Lee's comments are being reviewed in detail by Ms. Cramer and her staff relative to any fee alterations.

Commissioner Thomas said, Mr. Chairman, one thing I'd like just to say is that when it's all finished and everything that I hope that we will have a very strong ordinance that will take care of all of the concerns that we have out there.

Commissioner Farrell said, I just wanted to ask our County Attorney is are the people at Animal Control also being consulted to get their take on these ordinances or current staff at Animal Control? County Attorney Hart said, well, the past two weeks we have not had a meeting. We've had two or three meetings before that and I just thought at this point let's gather the information from the public and then once we get to that cutoff point, we'll consolidate it and get with Animal Control. I absolutely do not want to try to do anything without Animal Control's input. These are the people who are going to have to live with this thing and enforce this thing and we need to listen to them from their practical standpoint of why things will work or won't work or observations they have in the field. We have a very good Animal Control group of people that do an exceptional job, work hard and are very thoughtful and have a very extremely balanced outlook. You know, they try to see both sides of every issue and then try to give you some advice. So, yes sir. Commissioner Farrell said, I recently spent a little bit of time at Animal Control this week and I found that the staff member I spoke with had a lot of experience and knowledge and seemed to have good insight into what was going on, so I wanted to be sure that we take in that input while we're making this procedure and making these decisions.

Chairman Liakakis recognized Commissioner Stone.

Commissioner Stone said, Mr. Chairman, I think Mr. Lee, when we've answered the questions amongst us, would like to say a couple of words. I don't think he wants to get into a long discussion, but just a couple of comments when the questions are answered from the Commission.

Chairman Liakakis said, okay. You want to come forward? Just pull those mikes to you, Mr. Lee.

Mr. Robert Lee said, thank you. How's that? I just wanted to make a couple of quick comments and thank the Commission, first of all, for their interest in obtaining our input and also to thank the people that did a lot of work in getting this information to you. We have groups represented here from Friends of Animals, Pet Assistance League of Savannah, Save A Life, and there are several other groups that were present at the meeting that we held to try to get the points to the Attorney for consideration in the ordinance. I'd like to thank them for their input. We wouldn't have got this done without all working together and at the same time I'd like to assure the Commission that we're going to continue to work together on this and we're not just going to throw a lot of stuff at you and then disappear whenever, as the Attorney said, everything starts, you know, coming together. We're going to work really hard to obtain public support for the changes that we've proposed, as well as continue to work as Commissioner Odell requested to try and find ways to make sure that Animal Control's adequately funded to do the job that we're asking them to.

Chairman Liakakis said, thank you very much, Mr. Lee. Mr. Lee said, thank you. Chairman Liakakis recognized Commissioner Gellatly.

Commissioner Gellatly said, yes. I just wanted to make a couple of general comments on it. I hope as we pull this ordinance together and come up with a final product that we give consideration to the fact that I think it's critical that our Animal Control people have the actual authority necessary to enforce the ordinance and I want to make sure that's written into the ordinance that they have the necessary authority. I'm not so sure that that's true right now. I'd also like to make sure in the ordinance that there are options for the citizen. I don't think it's necessary, you know, other than a dog bite or something like this, there are many animal violations such as dogs running loose, if a person's dog runs loose and at some point in time he or she is cited, I would like to have the option there that there's a fixed fine where they've got an option to pay it and not have to go to court on it. It might save a lot of time that way. You know, like a parking ticket, you pay a —, if you say yeah my dog's run loose three times in a row, I've got a ticket, I've got the option to pay it, and I think that that needs to occur. Also, my concern as we put this ordinance I want to make sure that it's reasonable for both the pet owners and the citizens in general that we don't get in a position where we have countless warnings. I gave you my concern last time that I think it would be terribly wrong if we allowed someone that has a dog that barks all the time and we tie up Animal Control people to listen to a dog barking for a half hour five times in a row before we can issue a citation. I think that's ridiculous and I'd like to see that tightened up.

Chairman Liakakis said, and what's really important on that part too is that we hear citizens complain about a dog barking all night long or they bark for a period of time and they call the Police Department. They come, the dog might not be barking, and then they —, you know, this goes on and on. So if we can work something out, Mr. County Manager, that the Animal Control people if somebody does call, that they are available and they can stick around just for a short time. I'm not talking for long periods of time, so that they can let that person know, the owner, to please put a stop to it and, as Commissioner Gellatly was talking about, that then they get a citation, you know, if they get another call and they hear it again.

County Manager Abolt said, thank you, Mr. Chairman, for that excellent suggestion. I share Commissioner Farrell's comments. You know, we have some extremely dedicated employees in this area of responsibility and I think they've felt for a long time understaffed without adequate facilities, of the fact that this is a bad situation and the good out of it is it's creating attention to something that has been neglected for a long time, and I know not just the participation of those employees, but Chief Flynn and the community will make this a better operation.

Chairman Liakakis recognized Commissioner Stone.

Commissioner Stone said, just one quick thing just to add, Mr. Chairman, that with the tightening of the ordinances we do need the support from the judicial system to make sure that they are enforced and they are upheld, and I think that that needs to come into play at some point that, you know, the notices need to be sent of any changes in the ordinance and how it's going to affect the individuals when they are brought before the court.

Chairman Liakakis recognized Commissioner Odell.

Commissioner Odell said, I don't know how we can do that. I think our judges uphold and apply the law that's possible that's on the books, which is their obligation. I really don't want judges to be predisposed in any particular way. We had that many, many years ago and it did not work. I think they hear the evidence, they make a decision. My concern is that we've got all this enthusiasm now because of the 128 pit bulls that were [inaudible] out in was it —, Helen [Stone], was it your district? Commissioner Stone said, Dave's [Gellatly] district. Commissioner Farrell said, Dave's [Gellatly] district. Commissioner Odell said, Dave's [Gellatly] district. My point is that Animal Control has a limited staff and we need to not just make ordinance that makes everyone at that moment feel good. We need to make the financial commitment to ensure that what we've done to make everyone feel good can in fact be done, and I'm not certain if we've thought about or we've made that willing decision. The reason most often there is not a full application of the code is that the limited people we have can't be at five places at one time, and we're going to have to make a tough decision and that decision is that we're not moved by emotion, that we look at the impact of whatever the new ordinance is and that that be part of the County Manager's budget decision. County Manager Abolt said, you will have a complete decision package on this. You'll also have a decision package on items the Chairman continues to take leadership along with Commissioner Stone improving the facilities out at Animal Control as far as keeping the animals. You'll have it all in front of you in a matter of a few weeks. Commissioner Odell said, sure, and I want to look creatively. We've needed for many years to do something with the animal shelter. It is deplorable and how we treat animals really is glimpse into our own hearts and I'm convinced that we can do better, but I don't want to look just at property taxes being the only avenue to correct this financial problem. I see that there are several other options. I think for the neutering and the license fees what we charge is deplorably low. We need to correct that mistake, number one, and number two is that we need to anticipate that SPLOST for this community has been a windfall to those people own property because what we've been able to do is tourists come here and you see them because they're the ones blocking the traffic going around the circle, and it's good that they're here but they should pay while they're here, and we have a SPLOST coming up and it might be a good time to look at solving that problem on one occasion, and I'm talking about an animal shelter, not just doing it on something because we've got a surge in public opinion and we go with that, but looking at how can we solve this for the next five to ten years and what kind of facility we need to do that. We'll potentially have the power to do that, and I don't think if we put that on the ballot there's one citizen who cares about animals who will oppose our doing the right thing with part of the SPLOST dollars.

Chairman Liakakis recognized Commissioner Kicklighter.

Commissioner Kicklighter said, thank you. Yeah, I want to commend Mr. Lee for his creative ways of raising revenues to fund some of these programs and everything. That was really good. Also, I believe that the police should be able to cite, if they can't currently in Chatham County, they should be able to cite the owners of the barking dogs and all because realistically, like Harris [Odell] said, we only have, what, five officers with Animal Control so if the Animal Control people can't issue citations, I believe —, I mean, if the Police Department currently can't, we ought to be able to word that in the ordinance where the police can actually —, because you really don't need Animal Control to respond to issue a ticket. But a barking dog, a nuisance in the neighborhood, a police could respond and write that ticket. Also, I believe it would be good to consult with the Sheriff during this time about the possibility of deputizing the Animal Control workers where they could issue citations throughout the entire County to, you know, anyone that's breaking ordinances and that away [sic] that would be a great thing to bring this animal control all under one hat, and to do that I know we would have to work with the various cities and —, yes? County Manager Abolt said, I believe we do it now. Commissioner Kicklighter said, okay. So they can issue —? County Manager Abolt said, it's an M&O function. They work countywide. There are no other Animal Control officers except car animal control officers. Commissioner Kicklighter asked, but can we issue a citation countywide? County Manager Abolt said, yes sir.

Chairman Liakakis recognized Mr. Lee.

Mr. Lee said, Animal Control officers can issue citations for County ordinance violations. Currently, as you just stated there, they are not deputized. Therefore, in the number of things that they deal with on a daily basis they are not authorized to issue summonses or take other action for violation of State law. Commissioner Kicklighter said, that's —. Mr. Lee said, and that's something that most communities do have. Commissioner Kicklighter asked, they couldn't bring an owner into court, could they, if they lived in another city under the current ordinance? Could they? Mr. Lee said, the ordinance is countywide. That includes the municipalities and those things that [inaudible] supercedes it I would think. Is that correct? County Attorney Hart said, that's my understanding. County Manager Abolt said, I'm not aware of any problems in the area. Commissioner Odell said, no, that's correct.

Chairman Liakakis said, thank you very much. County Attorney Hart said, the State violation is an issue. Commissioner Kicklighter said, so we could look at that as a possibility then? Chairman Liakakis said, yeah. So what we'll do then, anything, problems with the citation to issue or anything, our County Attorney can talk with the Sheriff and all. I mean, that they have the authority, you know, just to issue citations or subpoenas, something like that. All right, thank you, sir. Mr. Lee said, thank you.

Chairman Liakakis said, I'd like to recognize —, excuse me. Yes?

Ms. Paula Wagner said, I just need to ask you for a couple of minutes of your time. Since I'm a member of the Dog [inaudible], our expertise has not been available for them. We have come up with a set of ordinances for you I'm going to present. I did fax a copy to your Attorney that addresses all of your issues. It addresses increased funding, it addressed increased —. Commissioner Kicklighter asked, who are you, ma'am? Ms. Wagner said, I'm Paula Wagner from the Savannah Dog Training Club and Savannah Kennel Club. I was here a couple of weeks ago. And it addresses giving your more funding, putting all the funds that come into your department for use by the department.

Chairman Liakakis said, all right. Ms. Wagner, if you would —. Ms. Wagner said, it covers everything including what —, you had addressed the fact that we have different —, very definite problems. It does put barking dogs under the province of disturbing the peace so that a police officer can address that since we only have five Animal Control officers. To enforce what we are proposing, and I'm giving —, offering it to you, would only require you hiring one full-time clerk and one compliance officer. That's not bad.

Chairman Liakakis said, all right, well, thank you very much, Ms. Wagner. If you'll just give that to our County Attorney, we appreciate that and because they want to —, he's looking at everything and will be putting things together, you know, so that we can have an overall ordinance that will cover the issues that are necessary so that we have —. Ms. Wagner said, well, we were asking you to be included in his group since we do —, I mean, we teach behavior. County Attorney Hart said, there is a group. We've tried to —, I have received the information and the information is going to be considered along with the other information and we'll share it with the Commission. Anybody that wants to look at any of the information is more than welcome to come to the office. Chairman Liakakis said, you can contact his office, as he was stating, but there is nothing at this point where we have a committee specifically for that. We had like Mr. Lee and others that give information to the County Attorney and we had the public hearing, so we went on from there, but if you get that information to him we appreciate it because we want to cover as much as we can in this audience. Thank you.

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

Received as information. The County Attorney will review suggestions received by and will prepare a proposed amendment to an animal control ordinance and will bring it back to the Commission for consideration.

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Chairman Liakakis said, I'd like to recognize Deputy Chief Willie Lovett, who is with the Savannah Police Department, recognizing the Police Department today. Would you stand up? Okay, thank you very much. I appreciate you coming. And, of course, next to him we have our number two man in the District Attorney's office, David Lock. I know he's here for the next item that we've got coming up that we're going to be discussing right now.

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- 3. TO REQUEST BOARD OF COMMISSIONER APPROVAL TO WAIVE THE HIRING FREEZE AND AUTHORIZE HUMAN RESOURCES TO FILL THE FOLLOWING POSITION(S):**
- **DISTRICT ATTORNEY: ONE (1) ADMINISTRATIVE ASSISTANT I; ONE (1) ASSISTANT DISTRICT ATTORNEY IV (COUNTY PAID); AND ONE (1) ASSISTANT DISTRICT ATTORNEY IV (STATE PAID, SALARY SUPPLEMENT ONLY)**
  - **BOARD OF ASSESSORS: ONE (1) APPRAISER I**

Chairman Liakakis asked, any discussion? Commissioner Kicklighter said, motion to approve. Commissioner Gellatly said, second.

Commissioner Odell said, I'd like to —, there is discussion. I have discussion on both items. Chairman Liakakis said, okay. Let's take the District Attorney first then. Commissioner Odell said, all right. Who's representing the DA's office? Chairman Liakakis said, David Lock. Commissioner Odell said, good morning, Mr. Lock. Mr. Lock said, good morning. Commissioner Odell said, you have an Administrative Assistant I position, is that true? Mr. Lock said, I'm sorry? Commissioner Odell said, Administrative Assistant I position? Mr. Lock said, yes. Commissioner Odell asked, and how many Administrative Assistant I's do you have in the department? Mr. Lock said, for that particular one it would be —. Ms. Gwen Robbins said, we have a total of [inaudible]. County Manager Abolt said, come to the mike. Mr. Lock said, Gwen Robbins. Ms. Robbins said, good morning. My name is Gwen Robbins and I'm one of the Office Managers in the District Attorney's office. I generally handle the payroll and making sure that people move from one level to the next, employees. We went to a State-paid schedule for all of our Administrative Assistants. There are approximately 19 of them total. Of that number I believe about four or five have the Administrative I title. Commissioner Odell said, okay, and this would be one of four or five —. Ms. Robbins said, this would be an —. Commissioner Odell said, — out of 19. Ms. Robbins said, yes. This is an entry level position that was vacated recently by resignation. Commissioner Odell said, okay, and you obviously have the funding. Ms. Robbins said, yes. Commissioner Odell said, okay. But when I read your staff note it says, "Immediate filling of this position is critical in moving the department's casework along quickly." Ms. Robbins said, that is correct. We have a lot of cases —. Commissioner Odell asked, critical? Ms. Robbins said, yes, because things will back up if we don't have —. Commissioner Odell said, if one out of 19 is delayed. Ms. Robbins said, yes. Commissioner Odell said, okay. And we're talking about case load, what is the total number of the indicted cases? Mr. Lock said, well, felony case load would approach 3,000. It might not be indictments, but some that are nol. pros. eventually are dismissed, but new cases I'd roughly say 3,000 for the felony and misdemeanor would be 5,000 to 6,000. Commissioner Odell asked, and that's all of the cases, is that true? Mr. Lock said, well, that's State Court, Superior Court, and when we have Juvenile Court we have other things, but that's essentially the main product, I guess. Commissioner Odell said, yeah. After they leave either the Municipal Court or Recorder's Court, any case that is either unindicted or indicted is included in your 3,000? Mr. Lock said, there would be more than that, I imagine. We dismiss the warrants before we ever get to the indictment stage. Commissioner Odell said, okay, but I'm looking at critical in moving the department's case load and I guess my question is do we know what the department's case load is? Mr. Load said, well, it's roughly what I'm giving you the figures. Commissioner Odell said, okay, so the 3,000 would include

unindicted and indicted? Mr. Lock said, most of those are roughly indicted or accusations. There would be slightly more than that if you figure the cases or things that we've dismissed before ever getting to that stage. I'm just going rough figures each year, roughly we had close to 3,000 indictments each year over the last few years. There are more cases that had never reached the Grand Jury because they're insufficient after examination. Commissioner Odell said, my only concern is that reading these that words are important, and critical to me is an important word and I don't want, and I'm certain that no Commissioner wants to do anything that would critically involve delaying of justice, but for me I'd like to see what the unindicted and the indicted case load is. Not what it's been, but what it is as of some point in time —, today, next week, whenever you can get it to me. Mr. Lock said, okay. Well, there's always going to be a certain amount of case that aren't indicted, of course. Commissioner Odell said, oh, absolutely. Mr. Lock said, okay, but I might say that we, if I can, we have been diligent about hiring folks in the sense that we just have filled a position that y'all created last July and we didn't really have it as a line item so we just got approval in November to do two new positions and we just hired one this past week because, frankly, last Fall we may have lost out on a couple of candidates in trying to get that approval or some [inaudible], and so we were waiting for the right people. So we —, and we've tried save money where we can waiting, not just filling the position when we had it, but right now we are in a position to hire another Assistant DA on the County and possibly pretty well and one for the State position pretty soon. Commissioner Odell said, okay, but the two positions you just hired that you got approved back in November, those were not Administrative Assistants? Mr. Lock said, no, no, no, that was an Assistant DA. We also had an administrative position that we probably need to fill within a couple of months from now.

Commissioner Odell said, Mr. Chairman, I'd like to see these broken out. I'm going to —, they make the determination whether they need the two Assistant DA's, and that's not something that I'm willing to inquire into, but the Administrative Assistant it is my plan to vote against filling that position at this meeting.

Chairman Liakakis recognized Commissioner Kicklighter.

Commissioner Kicklighter said, thank you, Mr. Chairman. I personally believe that even if we all sit here and agreed that it's not critical to fill the position, but we acknowledge the fact that the position's needed to speed up the process of justice, then, you know, I believe we need to support the DA's office to speed justice up. It's slow enough as it is with the probably ten more people working for him and still be too slow for people waiting on justice to happen, and I would ask Mr. Lock to just provide the information to Mr. Odell, as requested, you know, where he can see it for future knowledge, but I would ask this group to please support the request because justice is too slow as it is already. So —.

Mr. Lock said, I might, if I may, add on the Administrative Assistant's position is in our State Court Division, which there is an awful lot of administrative work done in that area. Commissioner Odell asked, that's in State Court? Mr. Lock said, State Court, yes, because of the volume of traffic citations —. Commissioner Odell said, okay. Mr. Lock said, — and all that, so when —. Commissioner Odell said, as soon as you told me it was in State Court, I see a difference in volume, I understand the need in State Court. Mr. Lock said, okay. Commissioner Odell said, now I understand in State Court. Thank you. But I still want the information in indicted and unindicted.

Chairman Liakakis said, okay, thank you very much. All right, we have a motion on the floor —. Commissioners Farrell and Thomas said, second. Chairman Liakakis said, — and it's been seconded.

Commissioner Odell asked are we voting on all three of the positions? We've got —. Commissioner Kicklighter said, yeah, I'll amend my motion to take the — because you want to address the Board of Assessors separately? Commissioner Odell said, I do. Commissioner Kicklighter said, okay. I'll make the motion to —, what do I need to do? Where's the attorney? Chairman Liakakis said, make a motion that we approve —. Commissioner Kicklighter said, I will amend my motion to remove the Board of Assessors from this vote. Will you amend your second? Commissioner Gellatly said, I amend my second. Commissioner Kicklighter said, okay. Chairman Liakakis said, all in favor go on the board. The motion carried unanimously. [NOTE: Commissioner Shay was not present.] Chairman Liakakis said, the motion passes.

Chairman Liakakis said, next item on that is the Board of Assessors, one Appraiser. Larry Lower is here, who is the Chairman of the Board of Oppress—, Appraisers [sic]. Commissioner Kicklighter said, Oppressors. Chairman Liakakis said, I didn't mean to say that. No, no, we've got —, Larry [Lower] has been doing a really good job up at the Appraisers' office. He's the Chairman that took over a couple of months ago, as you know, and he's been working hard trying to get everything fixed in the Board of Appraisers [sic]. Larry [Lower], do you want to tell us about your Board of Assessors where you need that additional appraiser? Mr. Lower said, well, it's a replacement and, you know, I really take exception to some of this and the fact that we fought this battle last year to get these appraisers and this is a turn-over position. It's one that resigned and we have to fill it. If we didn't need the appraiser, we wouldn't have had to bother you to begin with. We lost one two months ago and it's taken us two months to get here to this point to ask you to lift the freeze. Now we're in a critical situation at this particular time and the fact that we're in a digest time and this is costing you money. An average appraiser will appraise the property on about 30 properties a day. That equates to about \$270,000 a day. This position has been vacant since the 20<sup>th</sup> of February. That's \$9,000,000. Now you can go and if you've got \$9,000,000 that you can let go down the drain, keep going. We need the position. We lost an Appraiser II and now we're only going to get a [Appraiser] I back, which is going to give us additional problems.

Chairman Liakakis recognized Commissioner Odell.

Commissioner Odell asked, it's taken you two months to fill this position? Mr. Lower said, yeah, I've been jumping through the hoops. Commissioner Odell said, yeah. I don't accept responsibility for that. I don't see us as being the proximate cause of that. I pulled the position because I wanted to ask some questions. Approximately two years ago

we added five new positions to the Tax Assessors' office. They were absolutely necessary, millions, millions. I was of the impression that at some point we'd have a sunset on some of those positions once we had gotten through that work load. Mr. Lower said, those were all clerks. All clerks —. Commissioner Odell asked, not appraisers? Mr. Lower said, all clerks and two auditors for the personal property division and they have more than paid for themselves in excess of \$40,000,000 they have brought back in. They've paid for themselves. Commissioner Odell said, I'm not certain why we are being at odds. We shouldn't be at odds. If you could approve it directly, you wouldn't come to us. If we have the right of approval, then we have the right to ask questions. Mr. Lower said, yes. Commissioner Odell said, and I'm simply asking you questions. I voted and made the motion for the five additional positions, just as I had that right to make that motion. I don't apologize for asking you questions, sir, and I'm not trying to be antagonistic, but what I am trying to do is I needed to know if that was one of the five positions which we approved, which you've answered that it is not. Mr. Lower said, it is not. We have not hired a real property appraiser in four years. Commissioner Odell said, that's all the questions I've got. Thank you.

Commissioner Kicklighter said, I make a motion to approve the BOA's request to add one Appraiser I. Commissioner Farrell said, second. Commissioner Thomas said, second. Chairman Liakakis said, all right, go on the board. Chairman Liakakis and Commissioners Stone, Holmes, Farrell, Gellatly, Kicklighter and Thomas voted in favor of the motion. Commissioner Odell voted in opposition. The motion carried by a vote of seven to one. [NOTE: Commissioner Shay was not present.] Chairman Liakakis said, the motion passes.

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

1. Commissioner Kicklighter moved to waive the hiring freeze and authorize Human Resources to fill the following positions: District Attorney - one (1) Administrative Assistant I, one (1) Assistant District Attorney IV (County paid), and one (1) Assistant District Attorney IV (State paid, salary supplement only). Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioner Shay was not present.]
2. Commissioner Kicklighter moved to waive the hiring freeze and authorize Human Resources to fill the following position: Board of Assessors - one (1) Appraiser I. Commissioners Farrell and Thomas seconded the motion. Chairman Liakakis and Commissioners Stone, Holmes, Farrell, Gellatly, Kicklighter and Thomas voted in favor of the motion. Commissioner Odell voted in opposition. The motion carried by a vote of seven to one. [NOTE: Commissioner Shay was not present.]

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Chairman Liakakis said, I'd like to thank the Sheriff again for coming, Sheriff Al St. Lawrence, in our audience. You don't have anything on the agenda I see here, but thank you for coming, and of course we've got to —. Oh, do you? Sheriff St. Lawrence said, I do have something on the agenda [inaudible]. Chairman Liakakis said, oh, in the other second. All right, good. So you want to make sure that you could speak out. And I see that we have Ken Seymour, Col. Ken Seymour, who is retired from the Marine Corps and has been involved in many of our military activities and all in our community for many, many years helping our troops going overseas and coming back. And, of course, sitting next to him is Richard Barrow, who's a long time business person and works with the Manufacturer's Council in Chatham County. Thank you both for coming today. Commissioner Kicklighter said, former Industrial Man of the Year, I think. Chairman Liakakis said, yeah, that's right. He's done a lot to —, and especially being on the Savannah Economic Development Authority helping to secure more business and industry for the citizens of Chatham County. Commissioner Gellatly said, and a former Tybee Councilman. Chairman Liakakis said, yes. Okay, well, he has many titles. Commissioner Kicklighter said, and we must give a lot of credit for getting all that SPLOST money out there for Tybee Island. He did a good job there, too. Commissioner Stone said, he's a former MPC member as well.

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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, our next item is the Action Calendar. Are there any requests to hold out any of those specific items or do we have a motion to approve?

Commissioner Thomas said, motion to approve. Commissioner Gellatly said, second. Chairman Liakakis said, all in favor —.

Commissioner Odell said, let's not rush through this. Chairman Liakakis asked, did you have an item? Commissioner Odell said, I'll talk to the department head. Chairman Liakakis said, okay.

Commissioner Farrell said, I do have one question. Chairman Liakakis said, all right, go ahead. Commissioner Farrell said, on Item A, surplus heavy duty equipment to be sold at public auction, what —, could we have a little more detail on what we're selling and why? Mr. Stuart Chatham said, I'm Stuart Chatham, Fleet Manager. The equipment is two surplus trash compactors, surplus motor grader and a surplus wheel excavator. We just liquidated two bulldozers from Solid Waste a few weeks ago on the Internet. That was kind of our reconnaissance into that venue and it worked real well. These would be going the same direction.

Chairman Liakakis asked, how much did you receive on those bulldozers? Mr. Chatham said, the gross was \$124,000 altogether. It was about \$67,000 for one and I think \$55,000 for the other. Chairman Liakakis said, well, that's a good amount of money coming into our County treasury. We appreciate that and, you know, hopefully we'll get a lot more money or get monies for the ones that you want to surplus now. Mr. Chatham said, yes sir. Chairman Liakakis asked, any other —.

Commissioner Farrell said, these surplus ones, have you got new ones to replace them or —. Mr. Chatham said, the —. Commissioner Farrell asked, are you anticipating replacing them? Mr. Chatham said, the two trash compactors have been replaced. The new ones are in the field working now. The motor grader has become surplus because as the County paves roads, we go from motor graders to street sweepers. The street sweeper fleet gets bigger and the motor grader fleet gets smaller, and we have a primary motor grader that's doing all the work now that we can turn this thing loose. The wheel excavator was a pretty specific unit, a grade-all, a telescopic boom excavator that we have found its mission can be accomplished a lot more economical by mini-excavators, rubber track mini-excavators, so it's allowing us to get rid of this one. Commissioner Farrell asked, is this for drainage canal work? Mr. Chatham said, yes, roadside I think. Mr. Drewry could probably give you a little more detail, but generally speaking it's for working alongside the roads in the drainage management. County Manager Abolt said, it gives more flexibility plus the larger piece of equipment had the tendency to block the roadway. Mr. Chatham said, and break down. Commissioner Farrell said, some of our improvement projects, some of the canals are getting wider and have more capacity. Is this going to in any way lessen our ability to keep them cleared out in the future by using a smaller excavator? Mr. Chatham said, no sir, I don't believe it will. This large excavator that's going away wasn't very useful in the major canal management. It mostly was the smaller roadside activities that it did. Commissioner Farrell said, I was thinking specifically at the Ports Authority where there's all that work that's being done, it looks awful wide and if it got clogged up in the future, which it probably will, I just wanted to make sure that we're not dismissing a piece of equipment now and need another piece two or three years from now when that new canal —. Mr. Chatham said, the larger canals are maintained by a different type of equipment, the long-arm excavators, the 50, 60-foot reach pieces, and this is an entirely different animal. Commissioner Farrell said, thank you.

Chairman Liakakis recognized Commissioner Kicklighter.

Commissioner Kicklighter said, thank you, Mr. Chairman. I was going to question a different item if that was it, but did you have something on that? Chairman Liakakis asked, did you have a question on this, Helen [Stone]?

Commissioner Stone said, no, I had a statement if —, I don't know if she's here. Anita Adair [phonetic], wanted to speak for the Wymberley Garden Club, but I don't think she's in the audience, but if she walks in —. Chairman Liakakis said, okay. Dean [Kicklighter], go ahead. Commissioner Stone said, she wants to speak. I just wanted to make sure that she had the opportunity.

Commissioner Kicklighter said, yeah, I just want to state that we've had some problems at the Item G, Sharon Park Recycle/Drop Off, and if I could get the County Manager to just in brief state what this would do here on Item G. County Manager Abolt said, get rid of the bad apple. Commissioner Kicklighter said, so for all of you that have called and ran into some problems out there when trying to drop off your trash, we're straightening out the problem with this, and I thank staff for doing that, too. Commissioner Odell said, we're just getting rid of your bad apple. Commissioner Kicklighter said, we solved this and we solve the problem. That's it.

Chairman Liakakis said, okay, and we have a motion on the floor and a second for all the items on the Action Calendar. Go on the board. The motion carried unanimously. [NOTE: Commissioner Shay was not present.] Chairman Liakakis said, the item passes.

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

Commissioner Thomas moved that the Action Calendar be approved in its entirety. Commissioner Gellatly seconded the motion and it carried unanimously. [NOTE: Commissioner Shay was not present.]

**[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 SPECIAL-CALLED MEETING OF FEBRUARY 8, 2005, AND THE PRE-MEETING AND REGULAR MEETING OF APRIL 1, 2005, AS MAILED.**

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

Commissioner Thomas moved to approve the minutes for the special-called meeting of February 8, 2005, and the pre-meeting and regular meeting of April 1, 2005, as mailed. Commissioner Gellatly seconded the motion and it carried unanimously. [NOTE: Commissioner Shay was not present.]

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- 2. CLAIMS VS. CHATHAM COUNTY FOR THE PERIOD MARCH 24 THROUGH APRIL 7, 2005.**

**ACTION OF THE BOARD:**

Commissioner Thomas moved that the Finance Director is authorized to pay claims for the period March 24, 2005, through April 7, 2005, in the amount of \$3,755,512. Commissioner Gellatly seconded the motion and it carried unanimously. [NOTE: Commissioner Shay was not present.]

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- 3. REQUEST FROM KERN-COLEMAN, ENGINEER FOR COASTAL GEORGIA DEVELOPMENT GROUP, TO APPROVE THE CONSTRUCTED IMPROVEMENTS, INITIATE A TWELVE-MONTH WARRANTY PERIOD, AND REDUCE THE FINANCIAL GUARANTEE FOR MILLS RUN SUBDIVISION, PHASE 2.  
[DISTRICT 5.]**

**ACTION OF THE BOARD:**

Commissioner Thomas moved to approve a request from Kern-Coleman, engineer for Coastal Georgia Development Group, to approve the constructed improvements, initiate a twelve-month warranty period, and reduce the financial guarantee for Mills Run Subdivision, Phase 2. Commissioner Gellatly seconded the motion and it carried unanimously. [NOTE: Commissioner Shay was not present.]

AGENDA ITEM: X-3

DATE: April 15, 2005

**TO:** Board of Commissioners  
**THRU:** R. E. Abolt, County Manager  
**FROM:** A. G. Bungard, P.E., County Engineer

**ISSUE:** To approve the constructed improvements for Mills Run Subdivision, Phase 2, initiate the twelve-month warranty period, and reduce the financial guarantee.

**BACKGROUND:** Coastal Georgia Development Group, through their engineer, Kern-Coleman, requests that the County approve the constructed improvements, initiate the twelve-month warranty period, and reduce the financial guarantee.

**FACTS AND FINDINGS:**

1. Mills Run Subdivision is a single-family residential community. Phase 2, consists of 48 lots on 14.22 acres. It is located on Louis Mills Boulevard. Water and sanitary sewer will be maintained by the City of Savannah. Paving and drainage will be maintained by Chatham County.
2. The required site improvements are complete. They have been inspected and found to be without fault.
3. The developer previously submitted a letter of credit issued by Queensborough National Bank & Trust Company in the amount of \$482,710. The developer is requesting that the bond be reduced to \$112,470.60, which is 50% of the cost of dedicated improvements.

**ALTERNATIVES:**

1. To approve the constructed improvements for Mills Run Subdivision, Phase 2, initiate the warranty period, and reduce the financial guarantee.
2. Do not approve the request.

**POLICY ANALYSIS:** This action is consistent with the subdivision regulation regarding warranty of dedicated improvements.

**RECOMMENDATION:** That the Commissioners adopt Alternative No. 1.

District 5

**PREPARED BY:** Suzanne Cooler

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**4. REQUEST FROM KERN-COLEMAN, ENGINEER FOR NORTH GODLEY DEVELOPERS, INC., TO APPROVE THE CONSTRUCTED IMPROVEMENTS, INITIATE THE WARRANTY PERIOD, AND REDUCE THE FINANCIAL GUARANTEE FOR BERWICK PLANTATION TRACT D-3. [DISTRICT 7.]**

**ACTION OF THE BOARD:**

Commissioner Thomas moved to approve a request from Kern-Coleman, engineer for North Godley Developers, Inc., to approve the constructed improvements, initiate the warranty period, and reduce the financial guarantee for Berwick Plantation, Tract D-3. Commissioner Gellatly seconded the motion and it carried unanimously. [NOTE: Commissioner Shay was not present.]

AGENDA ITEM: X-4  
DATE: April 15, 2005

**TO:** Board of Commissioners  
**THRU:** R. E. Abolt, County Manager  
**FROM:** A. G. Bungard, P.E., County Engineer

**ISSUE:** To approve the constructed improvements for Berwick Plantation Tract D-3, initiate the warranty period, and reduce the financial guarantee.

**BACKGROUND:** The engineer, Kern-Coleman, for the developer, North Godley Developers, Inc., requests that the County approve the constructed improvements for Berwick Plantation Tract D-3, initiate the warranty period, and reduce the financial guarantee.

**FACTS AND FINDINGS:**

1. Berwick Plantation is located on Highway 17. This phase of Berwick Plantation consists of 100 lots on 40.69 acres. Paving and drainage improvements will be maintained by the County. Water and sewer will be maintained by Consolidated Utilities, Inc.
2. The required site improvements are complete. They have been inspected and found to be without fault.
3. The developer has submitted a letter of credit issued by BB&T in the amount of \$308,838, which is 50% of the cost of dedicated improvements.

**ALTERNATIVES:**

1. To approve the constructed improvements for Berwick Plantation Tract D-3, initiate the warranty period, and reduce the financial guarantee.
2. Do not approve the request.

**POLICY ANALYSIS:** This action is consistent with the subdivision regulation regarding the creation of lots through plat recording.

**RECOMMENDATION:** That the Commissioners adopt Alternative No. 1.

District 7

**PREPARED BY:** Suzanne Cooler

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**5. BOARD CONFIRMATION FOR THE CHAIRMAN TO SIGN SUPPLEMENTAL AGREEMENT NO. 1 WITH THE DEPARTMENT OF TRANSPORTATION EXTENDING THE CLOSING DATE OF GDOT TEA PROJECT STP-0000-00(538), P.I. NO. 0000538 COASTAL GEORGIA GREENWAY - MULTI-USE TRAIL, CHATHAM COUNTY AS SPONSOR, TO CONSTRUCT A TRAILHEAD AT US 17, RICEBORO CREEK AND CAY CREEK ROAD IN LIBERTY COUNTY.**

**ACTION OF THE BOARD:**

Commissioner Thomas moved to confirm for the Chairman to sign Supplemental Agreement No. 1 with the Department of Transportation extending the closing date of GDOT TEA Project STP-0000-00(538), P.I. No. 0000538 Coastal Georgia Greenway - Multi-Use Trail, Chatham County as Sponsor, to construct a Trailhead at US 17, Riceboro Creek and Cay Creek Road in Liberty County. Commissioner Gellatly seconded the motion and it carried unanimously. [NOTE: Commissioner Shay was not present.]

AGENDA ITEM: **X-5**  
 AGENDA DATE: April 15, 2005

**TO:** Board of Commissioners  
**THRU:** R. E. Abolt, County Manager  
**FROM:** Robert Drewry, Director, Public Works and Park Services

**ISSUE:**

Board confirmation for the Chairman to sign Supplemental Agreement No. 1 with the Department of Transportation extending the closing date of GDOT TEA Project STP-0000-00(538), P.I. No. 0000538 Coastal Georgia Greenway - Multi-Use Trail, Chatham County as Sponsor, to construct a Trailhead at US 17, Riceboro Creek and Cay Creek Road in Liberty County.

**BACKGROUND:**

The Board at its April 14, 2000 meeting approved executing a Memorandum of Understanding with GDOT in regards to the Transportation Enhancement (TE) Project STP-0000-00(538); Coastal Georgia Greenway Multi-Use Trails, Chatham County, P.I. No. 0000(538). The trails are created as an alternative transportation network to connect South Carolina and Florida through Coastal Georgia, linking historical/cultural centers, waterways, parks, and wildlife preserve for fostering local and regional economic development.

**FACTS & FINDING:**

1. The Supplemental Agreement is necessary to complete and close out the project under the terms of the agreement.
2. The new completion date for the project is December 31, 2006.
3. Problems in securing the necessary Rights-or-Ways, historical/environmental requirements delayed the project.
4. Chatham County as sponsor will have the responsibility of all requirements set forth in the Agreement.

**FUNDING:** N/A**ALTERNATIVE:**

1. Board confirm the execution of the Supplemental Agreement extending the completion date until December 31, 2006.
2. The Board provides staff other direction.

**RECOMMENDATION:** Board approve Alternative #1.

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**6. REQUEST BOARD APPROVE A SIGN PERMIT FEE WAIVER FOR WYMBERLEY GARDEN CLUB.**

**ACTION OF THE BOARD:**

Commissioner Thomas moved to approve a sign permit fee waiver for Wymberley Garden Club. Commissioner Gellatly seconded the motion and it carried unanimously. [NOTE: Commissioner Shay was not present.]

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**7. REQUEST FOR RENEWAL OF SUNDAY SALES OF BEER, WINE AND LIQUOR POURING LICENSE FOR 2005.**

- A. PETITIONER: CHARLES R. JONES D/B/A SILVER DOLLAR BAR & GRILL, LOCATED AT 2883 FORT ARGYLE ROAD. [DISTRICT 7.]
- B. PETITIONER: JIMMY C. HARVEY, JR. D/B/A SHAMROCK'S IRISH PUB, LOCATED AT 348 JOHNNY MERCER BOULEVARD. [DISTRICT 4.]

**ACTION OF THE BOARD:**

Commissioner Thomas moved to approve the following requests for renewal of Sunday sales of beer, wine and liquor pouring license for 2005: (A) Petitioner Charles R. Jones, d/b/a Silver Dollar Bar & Grill, located at 2883 Fort Argyle Road [District 7], and (B) Petitioner Jimmy C. Harvey, Jr., d/b/a Shamrock's Irish Pub, located at 348 Johnny Mercer Boulevard [District 4]. Commissioner Gellatly seconded the motion and it carried unanimously. [NOTE: Commissioner Shay was not present.]

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**8. REQUEST FOR NEW SUNDAY SALES OF BEER AND WINE POURING FOR 2005. PETITIONER: JOHN A. HENDERSON D/B/A COUSIN VINNIES PIZZA, LOCATED AT 7360 SKIDAWAY ROAD. [DISTRICT 3.]**

**ACTION OF THE BOARD:**

Commissioner Thomas moved to approve the following request for new Sunday sales of beer and wine pouring license for 2005: Petitioner John A. Henderson, d/b/a Cousin Vinnies Pizza, located at 7360 Skidaway Road. Commissioner Gellatly seconded the motion and it carried unanimously. [NOTE: Commissioner Shay was not present.]

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**9. REQUEST FOR BEER POURING AND SUNDAY SALES LICENSES IN CONNECTION WITH A SPECIAL EVENT. PETITIONER: MICHAEL JEROME HOGAN, SR., REPRESENTING THE TURNER'S CREEK BLESSING OF THE FLEET AND BOAT PARADE, INC., LOCATED AT HOGAN'S MARINA AT 36 WILMINGTON ISLAND ROAD. [DISTRICT 4.]**

**ACTION OF THE BOARD:**

Commissioner Thomas moved to approve the following petition for beer pouring and Sunday sales licenses in connection with a special event: Petitioner Michael Jerome Hogan, Sr., representing the Turner's Creek Blessing of the Fleet and Boat Parade, Inc., located at Hogan's Marina at 36 Wilmington Island Road. Commissioner Gellatly seconded the motion and it carried unanimously. [NOTE: Commissioner Shay was not present.]

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**10. 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. Declare as surplus heavy duty equipment and sell at public auction	Purchasing and Contracting	N/A	N/A	Revenue Producing
B Software licenses	I.C.S.	Software House International (Sole Source) (MBE)	\$16,177	General Fund M/O - I.C.S.
C. Confirmation of emergency construction contract for the repair and upgrade of the box culvert crossing for the Springfield Canal under perimeter Road on Hunter Army Airfield	Engineering	The Industrial Company (TIC)	\$80,000	Ricemill/Georgetown, Miscellaneous, Louis Mills/Redgate Canal, and Other Changes/Miscellaneous M&O CIP Funds (Pending Transfer)

<u>ITEM</u>	<u>DEPT.</u>	<u>SOURCE</u>	<u>AMOUNT</u>	<u>FUNDING</u>
D. Professional service contract with automatic renewals for two (2) additional one-year terms, for the instruction and supervision of youth under jurisdiction of Juvenile Court in a Community Service Work Program	Juvenile Court	•Scott Brown •Barbara Davis •Brenda Davis •Jerome Davis •Crystal Houston •Christa Roberson •Phillip Thompson •Daniel Walker •Tanya Lewis	\$14.00/Hour to \$22.50/Hour	Supervision Fees Collected by Juvenile Court
E. Annual contract with automatic renewals for four (4) additional one-year terms for Electrical Maintenance and Repair Services	Various	•Godbee & Rimes (WBE) •All Electric and Specialty Company (WBE)	Varies by service provided	•General Fund/M&O - Various •SSD-Various •CIP-Various
F. Extend for an additional one-year term, the annual contract for Delinquent Real and Personnel Property Tax Collection Services	Tax Commissioner	Delinquent Tax Solutions, Inc. (DTSi)	N/A	N/A
G. Terminate the annual contract for attendant services at the Sharon Park Recycle/Drop Off Center and issue Change Order No. 2 to the existing contract for attendant services to include this facility	Solid Waste Management	•Terminate: Mr. James Lexie  •Change Order: Mr. Jack Douglas	\$2,100 per month	Solid Waste Management
H. One large size sport utility vehicle	Sheriff	J. C. Lewis Ford	\$26,810	Grant Fund-Sheriff K-9
I. Design and engineering services contract for the Behavioral Health Center	2005 Health Revenue Issue	Hansen Associates	Not to exceed \$97,000	Bond Proceeds from the Health Facilities Bond - Revenue Issue 2005

**ACTION OF THE BOARD:**

Commissioner Thomas moved to approve Items 10-A through 10-I. Commissioner Gellatly seconded the motion and it carried unanimously. [NOTE: Commissioner Shay was not present.]

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**XI. FIRST READINGS**

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

- 1. AMEND THE CHATHAM COUNTY ZONING ORDINANCE, SECTION 4-6-97, PLANNED UNIT DEVELOPMENT (PUD-M) B. PERMITTED USES (2) AND (3) TO CHANGE THE BUILDING COVERAGE STANDARD FOR SINGLE FAMILY DETACHED LOTS WITHIN THE PLANNED UNIT DEVELOPMENT - COMMUNITY ZONING DISTRICT. THE MPC RECOMMENDS APPROVAL.  
MPC FILE NO. Z-050330-34322-1**

**ACTION OF THE BOARD:**

This item appeared on the agenda as the first reading.

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**XII. SECOND READINGS**

- 1. THE PETITIONER, HALO DEVELOPMENT, INC., (FOR KERN-COLEMAN AND COMPANY, AGENT) IS REQUESTING REZONING TWO PARCELS LOCATED SOUTH OF U.S. HIGHWAY**

**17 (OGEECHEE ROAD), APPROXIMATELY 1,800 FEET WEST OF HIGHWAY 204 (ABERCORN STREET) FROM AN R-A (RESIDENTIAL AGRICULTURE) TO A P-B-C (PLANNED COMMUNITY-BUSINESS) CLASSIFICATION. THE MPC RECOMMENDED APPROVAL.**

**[MPC FILE NO. Z-041217-50141-1.]**

**[DISTRICT 6.]**

Chairman Liakakis said, we have a representative from the MPC. State your name.

Ms. Charlotte Moore said, Charlotte Moore.

Commissioner Odell said, I make a motion to approve. Commissioner Thomas said, second.

Chairman Liakakis asked, no other discussion? We won't have to go into it. Go on the board. The motion carried unanimously. [NOTE: Commissioner Shay was not present.] Chairman Liakakis said, okay, the item passes.

**ACTION OF THE BOARD:**

Commissioner Odell moved to approve the petition of Halo Development, Inc. (for Kern-Coleman and Company, Agent), requesting rezoning two parcels located south of U.S. Highway 17 (Ogeechee Road), approximately 1,800 feet west of Highway 204 (Abercorn Street) from an R-A (Residential-Agriculture) to a P-B-C (Planned Community-Business) classification. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Shay was not present.]

**Petition of HALO Development, Inc., Petitioner  
Kern-Coleman and Company, Agent  
MPC File No. Z-041217-50141-1**

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

**LEGAL DESCRIPTION**

Starting on a point located at the intersection of the centerline of Chevis Road and Ogeechee Road, thence proceeding easterly along the centerline of Ogeechee Road a distance of approximately 530 feet to its intersection with the centerline of an unnamed canal, thence southerly along the centerline of said unnamed canal a distance of approximately 448 feet to the point of beginning; thence proceeding southerly along the centerline of said unnamed canal a distance of approximately 393 feet to a point, thence north-easterly along a line North 47 degrees 32 minutes East a distance of approximately 834 feet to a point, thence along a line North 35 degrees 12 minutes West a distance of approximately 132 feet to a point, thence southwesterly along a line South 72 degrees 48 minutes West for a distance of approximately 437 feet to a point, thence southerly along a line South 17 degrees 30 minutes West a distance of approximately 196 feet to a point, thence in a northerly direction along a line North 43 degrees 10 minutes West a distance of approximately 80 feet to a point, thence in a southwesterly direction along a line South 73 degrees 05 minutes West back to the point of beginning.

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

P.I.N.: 1-1029B-01-002A; 1-1029B091-01-004A

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**2. AMEND SECTION 5, EXCEPTIONS AND MODIFICATIONS, SUBSECTION 5-4, SUBSTANDARD LOTS AND RECORD, OF THE CHATHAM COUNTY ZONING ORDINANCE TO PROVIDE A METHOD TO DETERMINE THE MAXIMUM LOT AREA COVERAGE FOR EXISTING SINGLE FAMILY DETACHED LOTS THAT DO NOT COMPLY WITH THE MINIMUM LOT AREA REQUIREMENT FOR THE ZONING DISTRICT IN WHICH THEY ARE LOCATED. THE MPC RECOMMENDS APPROVAL.**

**[MPC FILE NO. Z-050228-59697-1.]**

**[NO DISTRICT - TEXT AMENDMENT.]**

Commissioner Kicklighter said, motion to approve. Commissioner Odell said, second.

Chairman Liakakis asked, questions?

Commissioner Stone said, I just want to make sure this is just for residential and not commercial. Ms. Charlotte Moore said, it is. Commissioner Stone said, thank you.

Chairman Liakakis said, okay, let's go on the board. The motion carried unanimously. [NOTE: Commissioner Shay was not present.] Chairman Liakakis said, the item passes.

**ACTION OF THE BOARD:**

Commissioner Kicklighter moved to amend Section 5, Exceptions and Modifications, Subsection 5-4, Substandard Lots and Record, of the Chatham County Zoning Ordinance to provide a method to determine the maximum lot area coverage for existing single family detached lots that do not comply with the minimum lot area requirement for the zoning district in which they are located. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioner Shay was not present.]

**RE: AMENDMENT TO SECTION 5,  
EXCEPTIONS AND MODIFICATIONS  
SUBSECTION 5-4, SUBSTANDARD  
LOTS OF RECORD,  
CHATHAM COUNTY ZONING ORDINANCE  
MPC FILE NO. Z-050228-59697-1**

The MPC and Director of Building Safety and Regulatory Services recommend APPROVAL to amend Section 5, Exceptions and Modifications, Subsection 5-4, as follows:

ENACT

§ 5-4.4 Maximum Lot Area Coverage for Existing Single Family Substandard Lots

For existing single family detached lots less than 6,000 square feet in size, the maximum lot area coverage may be increased by the percentage difference between 6,000 square feet and the smaller lot (Example: 6,000 S.F. – 4,000 S.F. – Percentage Difference is 33.3%).

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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.

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- 3. INFORMATION ABOUT THE 2005 8<sup>TH</sup> ANNUAL YOUTH COMMISSION COUNTY-WIDE YOUTH RALLY ON APRIL 16, 2005.**

**ACTION OF THE BOARD:**

A written report was received as information.

**AGENDA ITEM: XIII-3**  
**AGENDA DATE: April 15, 2005;**

**TO** : Board of Commissioners  
**THRU** : R. E. Abolt, County Manager  
**FROM** : Michael A. Kaigler, Human Resources Director  
Van R. Johnson, II, Employee Services and Training Manager

**ISSUE:**

To inform the Board about the 2005 8<sup>th</sup> Annual Youth Commission County-Wide Youth Rally on April 16, 2005.

**BACKGROUND:**

The Chatham County Youth Commission will be sponsoring its 8<sup>th</sup> Annual Youth Rally on April 16, 2005 at the Savannah Civic Center and at Rousakis Plaza on River Street. The Youth Commission developed this Rally as a means to bring youth together from all over Chatham County to enjoy music, food and educational information.

**FACTS AND FINDINGS:**

1. The Rally will be held on Saturday, April 16, 2005 from 1p.m. - 6p.m. at the Savannah Civic Center and Rousakis Plaza on River Street.
2. The first segment of the Rally will be a forum sponsored with the 2005 Beach Institute Lecture Series on the influence of Hip Hop music featuring national experts and local panelists.
3. The second segment of the Rally will be entertainment event featuring a national recording artist, bands and step teams.
4. The first seven (7) rallies were held at Lake Mayer with an average attendance of 1,000 young people
5. The Savannah-Chatham Metropolitan Police Department and the Chatham County Sheriff's Department have been asked to be present during this event.
6. Funding for this Rally will come from the Youth Commission budget and corporate donations.

**POLICY ANALYSIS:**

As the Chatham County Youth Commission has become a national model as well as a source of pride and goodwill for the Chatham County Commission activities such as this provide an opportunity for diverse, productive, county-wide fellowship for the youth of Chatham County.

**RECOMMENDATION:**

For information only.

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**EXECUTIVE SESSION**

Upon motion being made by Commissioner Odell, seconded by Commissioner Thomas and unanimously approved, the Board recessed at 10:58 a.m., to go into Executive Session for the purpose of discussing litigation and personnel.

Following adjournment of the Executive Session, the meeting of the Board of Commissioners was reconvened at 11:40 a.m.

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**ITEMS FROM EXECUTIVE SESSION**

**1. REQUEST BOARD CONSIDERATION OF INCREASE IN COUNTY MANAGER’S CAR ALLOWANCE.**

**ACTION OF THE BOARD:**

Commissioner Odell moved to increase the County Manager’s car allowance to \$500.00 a month. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Shay was not present.]

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**2. REQUEST BOARD INCREASE THE AMOUNT OF AUTHORITY OF THE COUNTY ATTORNEY FOR THE SETTLEMENT OF CLAIMS (JONATHAN HART).**

**ACTION OF THE BOARD:**

Commissioner Odell moved to raise the amount of authority of the County Attorney for the settlement of claims from \$5,000 per claim to \$10,000 per claim. Commissioners Kicklighter and Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Shay was not present.]

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**3. REQUEST BOARD ACCEPT SETTLEMENT OF SUBROGATION CLAIM REGARDING SORRELL MOBLEY (JONATHAN HART).**

**ACTION OF THE BOARD:**

- 1. Commissioner Kicklighter moved that Commissioner Odell be recused from voting because in his law practice he represents the family of Mr. Sorrell Mobley. Commissioner Gellatly seconded the motion and it carried the motion carried unanimously. [NOTE: Commissioner Odell did not vote on this motion; Commissioner Shay was not present.]
- 2. Commissioner Kicklighter moved to accept \$3,000.00 in the subrogation claim regarding Mr. Sorrell Mobley. Commissioner Holmes seconded the motion and it carried unanimously. [NOTE: Commissioner Odell was recused from voting; Commissioner Shay was not present.]

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

**ACTION OF THE BOARD:**

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

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**APPOINTMENTS**

**1. MILITARY LIAISON**

**ACTION OF THE BOARD:**

Commissioner Kicklighter moved to appoint Colonel Kenneth Seymour as the Military Liaison for Chatham County for a period of four years ending April 15, 2009. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Shay was not present.]

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**2. PORT INDUSTRY AND BUSINESS LIAISON**

**ACTION OF THE BOARD:**

Commissioner Thomas moved to appoint Mr. Richard Barrow as the Port Industry and Business Liaison for Chatham County for a period of four years ending April 15, 2009. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Commissioner Shay was not present.]

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**3. TRIPARTITE COMMITTEE**

**ACTION OF THE BOARD:**

Commissioner Thomas moved to appoint Mr. Charles Bell and Ms. Diane McLeod to the re-organized Tripartite Committee for a term of two years. Commissioner Holmes seconded the motion and it carried unanimously. [NOTE: Commissioner Shay was not present.]

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**ADJOURNMENT**

Upon a motion being made by Commissioner Kicklighter, seconded by Commissioner Gellatly and unanimously approved, the meeting was adjourned at 11:45 a.m.

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

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

\_\_\_\_\_  
SYBIL E. TILLMAN, COUNTY CLERK