

**MINUTES OF THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF CHATHAM COUNTY, GEORGIA, HELD ON FRIDAY, OCTOBER 21, 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, October 21, 2005.

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**II. INVOCATION**

Chairman Liakakis said, Commissioner Thomas has a family member that has a medical problem and she will not be here today, but for the invocation we will call on Reverend Thurmond Tillman, who pastors one of the top religious bodies in our community. In fact, it is one of the oldest, if not the oldest, African-American Churches in America. We're glad to have you here, Reverend Tillman.

Reverend Thurmond N. Tillman, Pastor of the First African Baptist Church, gave the Invocation.

Commissioner Gellatly said, if I can, I'd also like to make a point that Reverend Tillman is also a long time and very distinguished Police Chaplain. Chairman Liakakis said, thank you.

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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 Acting Clerk called the roll.

- Present:           Pete Liakakis, Chairman
- B. Dean Kicklighter, Chairman Pro Tem, District Seven
- Helen L. Stone, District One
- James J. Holmes, District Two

Patrick Shay, District Three  
Patrick K. Farrell, District Four  
Harris Odell, Jr., District Five  
David M. Gellatly, District Six

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

Also present: Russell Abolt, County Manager  
Jonathan Hart, County Attorney  
Sybil E. Tillman, County Clerk

Chairman Liakakis called for a motion to excuse the absence of Commissioner Thomas from this meeting. Commissioner Stone said, so moved. Commissioner Farrell said, second. Chairman Liakakis said, go on the board. The motion carried unanimously. [NOTE: Commissioners Shay, Kicklighter and Thomas were not present.] Chairman Liakakis said, the motion passes.

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**YOUTH COMMISSIONERS**

Chairman Liakakis welcomed the following Youth Commissioners who were in attendance: Kevina Bland, a Senior at Savannah High School, Knicera Boddie, a Junior at Beach High School, and Logan Bryan, a Senior at St. Vincent’s Academy.

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**V. PROCLAMATIONS AND SPECIAL PRESENTATIONS**

**1. RECOGNITION OF E-RECYCLING EFFORTS OF DEPARTMENT OF PUBLIC WORKS AND PARK SERVICES.**

Chairman Liakakis said, I’d like to call on Robert Drewry, who is head of our Public Works and Park Services, for the recycling efforts of Chatham County.

Mr. Robert Drewry said, good morning. First of all, I want to thank Russ Abolt for putting this on the agenda. This is a significant event that I appreciate his willingness to put this on the agenda. Sometime in late Summer we were approached by Molam International, which is the State’s contractor for electronic recycling. They wanted to do an event here in Chatham County, a one-day event for electronic recycling, or referred to as e-recycling. I contacted our Environmental Coordinator David Nash, who had only been on the job at the time probably three months, maybe four months, and at first we thought this was just going to be a one-day event, no active participation. Word got out, largely responsible to David’s leadership and MPC’s assistance,

Jackie Jackson. It well exceeded our expectations. The event was enormous. We collected over four and a half tractor-trailer loads of electronic material. Phenomenal, it was just phenomenal. The numbers would astound you. Over 45,000 pounds of monitors, 10,000 pounds of PC's, 8,200 pounds of just miscellaneous electronic equipment — well over 100,000 pounds of electronic recycling material. I just want to kind of give you an idea of the magnitude of this. It was expanded with Pooler's assistance, Bloomingdale's assistance, Tybee Island, Thunderbolt, City of Savannah, Garden City, Port Wentworth, Board of Education, Armstrong Atlantic, and Hunter Army Airfield. And the coordination of all those jurisdictions was complex at that, and I just wanted to publicly thank David Nash for his leadership because he pulled it all together with Jackie's help, and it just exceed our expectations, and I just wanted y'all to know that. David, if you don't mind standing, and Jackie. If y'all don't mind, give them a round of applause for their efforts. [Applause.]

Mr. David Nash said, I just want to tell you, I want to publicly thank the counties —, not counties, but cities and municipalities. CEMA really got the word out to all of our businesses and areas and Jackie helped out a lot with her coordination. So, it's just a great event all the way around. I really appreciate it and it was a good experience.

Chairman Liakakis said, thank you very much and, Robert [Drewry], we thank you and your staff for the great job that you do for the County residents, and of course lately we're getting some e-mails and all about some additional recycling and all. It's something to look at, Mr. County Manager, to see that because I saw a note that came in from one of the magazines that they are looking for some additional paper, for recycling paper and all, and if there's something that we can work with that because we can save ourselves —, make some money on it and help the recycling program. Thank each and every one of you for your participation.

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## **2. PRESENTATION OF \$5,000 CHECK FROM STATE FARM TO THE CHATHAM COUNTY YOUTH COMMISSION TO PROVIDE A SAFE TEEN DRIVING PROGRAM FOR THE YOUTH OF CHATHAM COUNTY.**

Mr. Van Johnson said, good morning, Mr. Chairman, Commissioner Stone, Gentleman. This is certainly a wonderful opportunity for the Chatham County Youth Commissioners, as you well know; and I wish Dr. Thomas could be here, but obviously she could not, but this is just part of her continuing vision to be able to empower and protect the youth of this community. We have obviously and for the last 12 years been in a very policymaking advisory role and oftentimes in that sometimes community needs and we find ways to be able to fill it. Such is the case with the grant that we will receive today, which is a partnership with the Chatham County Youth Commission and State Farm Insurance, which will allow the Youth Commission to be able to spearhead safe teen driving activities in this community opening next year. As we well know, there are certainly many, many tragedies that have occurred, particularly young people, and if you have young people in terms of being insured with you, and I'm bless not to, but if they are on

your insurance you know the liabilities that occur and how you cringe every time they go out and take your keys and go riding out on the road. So this will be a way for us to be able to enforce safe driving habits, to be able to educate parents, and hopefully be able to get a reduction on auto insurance by the successful completion of the program. So from State Farm we have this morning State Farm Agents Verdell Jones and Lynn Walker and we have also the Chairperson of the Chatham County Youth Commission Chantel Flowers.

Ms. Verdell Jones said, good morning, Chairman and Commissioners. I'm State Farm Agent Verdell Jones and this is a true story. Y'all didn't catch that. True State Farm clients do catch that. That's our tag line for State Farm agents. It's my pleasure to be here this morning along with Mr. Walker. He can share if he'd like to. I'd just kind of like to tell you how this all happened. I was in my office one day, one of my clients came in, brought his 16-year-old new-driving son, and for me, as his agent, to talk to him about safe teen driving. Through the course of that conversation I began to ask him what do you do at school, how are your grades, what are you going to do after school, and what are you involved in in the community, and he began to share with me about Mr. Van Johnson and the Youth Council [sic]. At that point I asked him to ask Mr. Johnson to give me a call, which he did like the next day, and talked to him about State Farm and their foundation and how we look around the community and try to find people that are doing positive things with our youth in the community and support them. As a result of that, he submitted a package to us and we submitted it to the Public Affairs at corporate and we have this check for \$5,000. This is actually the third donation we've given in the City of Savannah this year. One was to the Southside Youth Y.M.C.A. and another was to an organization called TMAC. It's males advocating change here in Savannah. So we at State Farm, we are happy to be able to do this. We want you to really know that we do live where you live, and on behalf of State Farm I'd like to give you this check for \$5,000, and we look forward to doing a lot more work with you.

Youth Commissioner Chantel Flowers said, good morning. In this world kids sometimes get looked over, but with the help of the Chatham County Commissioners that never happens. In life, everyone gets to the stage when driving is the number one thing that happens at the age of 16. When a child is behind the wheel, there's no telling what could and will happen. Because of this, Georgia has a high rate of teenage risks that has also meant for an increase in the death rate. Luckily, we have someone who cares. That's why State Farm is there. We at the Chatham County Youth Commission would like to thank them for their generous contribution, and again we would like to thank Lynn Walker and Verdell Jones for their 100% support. It's glad to know that our neighbors are there. Thank you.

Mr. Lynn Walker said, I don't have any prepared remarks, but I do want to thank Mr. Johnson for his work and sincerity of helping this young people, and with that type of devotion and courage, why we expect to see improvements on the road and make our roadways a little bit safer place to be. Thank you.

Chairman Liakakis said, thank you very much. On behalf of the Chatham County Commission, I'd like to thank both you State Farm representatives, Walker and Jones, for participating in this, and of course we see over the years that State Farm Insurance has been involved in a lot of

community and charitable and safety issues here as well as around the country, and we really do appreciate your participation in the help in the community.

Youth Commissioner Kevina Bland said, on behalf of the Chatham County Youth Commission we would like to invite the Commissioners to our Youth Tower meetings sponsored by the Chatham County on Wednesday, October 26<sup>th</sup>, from 9:00 to 11:00 at the Savannah Civic Center.

Chairman Liakakis said, thank you. Thank you very much. We appreciate it. You want to turn around. Fred [Thompson] wants to get some good pictures of you.

Mr. Johnson said, we certainly also want to thank the Chairman of the [inaudible] with the State Farm Public Affairs Officer in Atlanta, Georgia. He could not make it today, but we certainly want to thank her as well for her assistance to this project. Chairman Liakakis said, thank you.

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**VI. CHAIRMAN'S ITEMS**

**1. RESOLUTION REGARDING RAILROAD CROSSINGS.**

Chairman Liakakis said, we added something in our pre-meeting. There's been a concern around the community at a lot of the railroad crossings —. County Manager Abolt said, Mr. Chairman, you need a motion to officially add that to your agenda. Chairman Liakakis said, okay. I'd like a motion on the floor to add the railroad resolution.

Commissioner Kicklighter said, I so move. Commissioner Stone said, second. Chairman Liakakis said, go on the board. The motion carried unanimously. [NOTE: Commissioner Thomas was not present.] Chairman Liakakis said, the motion passes.

Chairman Liakakis said, what has occurred, as I was mentioning earlier, around our City and County areas there are a number of railroad crossings that are really bad, in bad shape. They're deteriorating and they're causing a lot of problems with our citizens' vehicles, and one of those particular ones that are in —, that is in atrocious shape is the one on Bourne Avenue. It's where Dean Forest turns into Bourne Avenue. I went over there myself and watched numerous trucks and vehicles go over that and the impact that was done to those vehicles was really bad, and so we have a resolution right now. I will read it and I'm going to ask the County Commissioners to adopt this, and this is a legal situation that if the railroad has not responded to a regular request to repair a railroad crossing or something that has to do with the railroad, the State has set up a legal process that you go through, and we're starting out now with a resolution here that we're going to send to the railroad.

**WHEREAS**, the Chatham County Board of Commissioners met at its regular meeting on this 21st day of October, 2005; and

**WHEREAS**, the Board of Commissioners of Chatham County is charged with the responsibility for the health, safety and welfare of the citizens of Chatham County; and

**WHEREAS**, the Board of Commissioners are responsible to ensure that the roads of Chatham County which are part of the County road system are maintained for the safe and reasonable passage to public traffic; and

**WHEREAS**, it has come to the attention of County officials that numerous complaints have been made by citizens as to the condition of railroad crossings over Bourne Avenue in Chatham County so as to impede the safe and reasonable passage to public traffic and avoid damage to motorized passenger vehicles traversing said crossing.

**NOW THEREFORE**, be it resolved that this Resolution and Order is passed to place on notice the Norfolk Southern Railroad as to the condition of their railroad crossing on Bourne Avenue. The Commission finds that the maintenance of grade and separation of structures by improperly maintained concrete and asphalt render the crossing to be in the condition that would inhibit the necessary safe and reasonable passage of traffic and that such maintenance is the responsibility of the railroad at said crossing on Bourne Avenue.

The condition of the grade is such that it is elevated in its approaches above the railroad track so as to create a drop in driving surface. The condition of concrete and asphalt between the first and second track are in a condition so as to be "crowned" above the railroad tracks and road creating an increase and decrease in elevation resulting in a speed bump at said location. The crossing has dual tracks and the asphalt and concrete between the first track and the second track is "crowned" so as to have an elevation of abrupt increase and decrease so as to render the surface to be a second speed bump. The concrete and asphalt located between rails of the second track is "crowned" so as to cause a rapid increase and decrease in elevation so as to render the surface to be a third speed bump. The uneven and increased elevation in the road surface beyond the tracks result in a fourth bump.

The County Engineering Department has inspected the approach and crossings of said location and have determined that the condition of the crossing is not suited for the reasonable passage of public traffic. The maintenance needs to be performed at said location including but not limited to milling of the north and south approaches to the railroad track so as to make the surface even with the railroad tracks and that the concrete and asphalt should be

removed and replaced to the extent necessary in order to smooth the crowning effect between the dual rails and avoid sudden increases and decreases in elevation creating uneven road surfaces resulting in vehicular damage and impediments to traversing said crossing.

The railroad crossing for which the governing authority of Chatham County desires maintenance for the safe and reasonable passage of the public is the Norfolk Southern Railroad crossing located on Bourne Avenue, Chatham County, Georgia and bearing an identification number 855067U and containing signage which states *"Norfolk Southern - To report signal malfunction call 1 (800)946-4744, Refer to crossing number as 855067U located on Bourne Road"*.

It is hereby ordered by the governing authority of Chatham County that Norfolk Southern Railroad is to take all steps necessary to complete the maintenance and grade improvements upon said crossing and that notice of the adoption of this Resolution will be send by certified mail and/or statutory overnight delivery return receipt requested.

It is further ordered that should the railroad fail to remedy and comply with such notice and order within thirty (30) days of receipt of this order, that the County Attorney be directed to request in writing a review of this matter by the Georgia Department of Transportation accompanied with the \$500 per grade filing fee and a copy of the Order herein, and request that the matter be investigated and said Department of Transportation issue an order requiring the railroad to take those necessary steps to remedy repair and maintain said railroad crossing and request that the Department of Transportation, should the railroad fail, to request the appropriate legal action including, but not limited to, a \$500 per day civil penalty.

**BE IT RESOLVED**, that the foregoing Resolution and Order has been read, considered, and unanimously passed, this 21<sup>st</sup> day of October, 2005.

Chairman Liakakis asked, do I hear a motion on the floor to adopt this resolution? Commissioner Stone said, so moved. Commissioner Kicklighter said, second. Chairman Liakakis said, we have a motion on the floor and a second. Discussion?

Commissioner Kicklighter said, I just want to thank you, Mr. Chairman, for taking the lead on this and once again setting, I guess, the example and showing the citizens as well as the business people, which are citizens also, but showing them that this Commission supports and promotes a balance. We believe, and I believe this shows, we believe in supporting the growth of the businesses but in a logical, respectful manner to the people that live in this County, and for too

long now we —, we being just some of the businesses, especially in some of the industrial areas, have definitely promoted that growth without any care or consideration towards maintaining them, the structure that was in place, or improving it. I appreciate this. This is something that —, and I appreciate your knowledge because I've wondered for years how to actually be able to take a bite out of the railroad, and I don't know if this is a new law or what, but I applaud you and Jon Hart, our attorney there, for finding a way to get something done there, and I also want to —, all of the citizens to know out in —, especially in the Garden City and Port Wentworth area where there's a hundred more deplorable railroad tracks —, what has to take place as the cities will have to actually initiate this same type of action to get those railroads fixed. And Jon Hart, with the Chairman's permission and the Commission's permission this morning, is going to be sending a letter out to them in case —, just in case they didn't know. I don't know —, is this is a new law, Jon [Hart]? County Attorney Hart said, yeah, it was passed the last term of the Legislature. Commissioner Kicklighter said, well, it's wonderful. So Jon [Hart] will be notifying all of the cities so, you know, hopefully before long we can take care of the railroads, and we plan on taking care of the railroads in the unincorporated areas, but most of those out on the Westside in my district are sitting in Garden City or Port Wentworth. So they're going to have to initiate the same type process, and again I thank you, Mr. Chairman, for taking the lead on this, and I thank staff also.

Chairman Liakakis recognized Commissioner Odell.

Commissioner Odell said, Jon [Hart], just for clarification, in the resolution we have such details as by certified or registered mail, query: there's no time for response. Is a time for response —. County Attorney Hart said, if they do not respond —, excuse me. Commissioner Odell said, go ahead. County Attorney Hart said, if they do not respond within 30 days, then we'll trigger the provision where we notice the Department of Transportation, we'll have to pay a \$500 inspection fee and then that triggers the Department of Transportation to do something. I apologize for the wordiness of this resolution but the statute's very specific. You have to outline in detail what is defective and what the remedy is, so that's why it's —. Commissioner Odell said, in the resolution, Jon [Hart], did we also say that they must respond within 30 days, because I don't recall hearing it. If we have it in there, good. If we don't have it in there, I would think that the statute would require that we have it in there because it's kind of like unliquidated demand, the language is similar to an unliquidated demand, and the statutory provision from my understanding is that you advise of the 30-day notice. If we have it in there, good; if we don't have it in there, my recommendation is that we amend and place it in there. County Attorney Hart said, we can do that.

Chairman Liakakis said, all right. Do you want to make a motion to amend that to add the 30-day in there? Commissioner Stone said, I made the motion and I accept the amendment. Commissioner Kicklighter said, I made the second and I'll accept. Chairman Liakakis said, all right. We have that amendment also on this resolution for the railroad. Something —, you know, the railroads are an important part of our city or county or state or country, and they do good things. They help the economy and all, but unfortunately in our area over the last number of some 20 years the railroad has failed to respond in a timely fashion to repair railroad crossings. I remember being on the City Council talking to them on Wheaton Street and, before this law came into effect, to threaten them, you know, that we would have to go to court, you know, to force them

because a lot of vehicles had been damaged by going over these railroad crossings that are in bad shape, and hopefully now once they get this resolution they will respond to that and the citizens can see that we're concerned, as well as all the other cities are, to get this done in a timely fashion.

Commissioner Kicklighter said, Mr. Chairman, if I can say on that in a timely fashion, five years ago I wrote a letter to the editor outlining the problems on the railroad tracks and I was assured by one of the railroad companies at that time they met out there that it would be fixed. Five years later, they still haven't made it over there to fix that one. So I applaud the State for getting us a law with a little bite and you for taking the lead. I appreciate it.

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

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**VII. COMMISSIONERS' ITEMS**

None.

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**VIII. TABLED/RECONSIDERED 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 (\*).

None.

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**IX. ITEMS FOR INDIVIDUAL ACTION**

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

1. **REQUEST BOARD APPROVAL OF THE FOLLOWING: (1) AN AMENDMENT TO THE SPECIAL SERVICE DISTRICT FUND TO INCREASE CHARGES FOR SERVICES REVENUE BY \$360,000, INCREASE PUBLIC SAFETY APPROPRIATIONS BY \$60,000 AND REDUCE THE FUND**

**BALANCE APPROPRIATION BY \$300,000, (2) AN AMENDMENT TO THE GENERAL FUND M&O TO INCREASE INTEREST REVENUE BY \$100,000 AND APPROPRIATE \$100,000 TO TRANSFER OUT TO THE CAPITAL IMPROVEMENT PROGRAM FUND, (3) AN AMENDMENT TO THE CAPITAL IMPROVEMENT PROGRAM FUND TO RECOGNIZE THE TRANSFER IN FROM THE GENERAL FUND M&O AND APPROPRIATE \$100,000 FOR THE SKIDAWAY NARROWS EMERGENCY CROSSING PROJECT, (4) A TRANSFER OF \$80,000 FROM GENERAL FUND M&O CONTINGENCY TO THE DISTRICT ATTORNEY'S BUDGET, (5) AN AMENDMENT TO THE STREET LIGHTING FUND TO INCREASE REVENUE AND EXPENDITURES BY \$11,920 FOR GRAYS SUBDIVISION, (6) A TRANSFER WITHIN SALES TAX IV OF \$250,000 FROM THE BENTON BOULEVARD EXTENSION PROJECT FOR SHERIFF'S JAIL ROADS, (7) APPROVAL OF \$37,500 INCREMENTAL FUNDING FOR THE TEMPORARY POOL, AND (8) APPROVAL OF A STRATEGY TO INCREMENTALLY FUND THE TEMPORARY POOL FOR THE BALANCE OF THE FISCAL YEAR AS FUNDS ARE IDENTIFIED.**

Chairman Liakakis asked, do we have a motion on the floor? Commissioner Odell said, move for approval. Chairman Liakakis asked, do we have a second? Commissioner Gellatly said, second. Is there any discussion on this? Okay, let's go on the board. The motion carried unanimously. [NOTE: Commissioner Thomas was not present.]

Commissioner Stone said, I have a comment, and I don't know how the rest of the Board feels, but when you go through and read this information and members of the department signed their names, sometimes it's very difficult to read their signatures, and I didn't know if it would be important for their names to be printed here so that if we ever need to get back to see who signed off on these there would be a legible name.

Chairman Liakakis asked, did you take note of that, Mr. County Manager? County Manager Abolt said, yes. If you'd tell me —, show me where that's the case. Commissioner Kicklighter said, and a fingerprint on controversial issues. County Manager Abolt asked, can you show me a signature without the name underneath it? Commissioner Stone said, I'll show you after the meeting.

Chairman Liakakis said, Commissioner Stone said, after the meeting Commissioner Stone will get with you on that so that they'll know who to refer to. One of the things on here so that —, I mean, this is good for Commissioner Farrell's district over there where amendment to the Capital Improvement Fund to recognize the transfer in from the General Fund M&O to appropriate that money for the Skidaway Narrows Emergency Crossing Project, so that you can give them that message over there because our County Engineer's doing an excellent job in coming in there so that for the safety of the citizens of, you know, those people that live on Skidaway Island because

there's one bridge, you know, for evacuation if a disaster was to happen and it's important that we get that on the road, and we thank Al Bungard, our County Engineer, who always does a good job to put this into operation for us.

**ACTION OF THE BOARD:**

Commissioner Odell moved that the Board approve the following: (1) An amendment to the Special Service District Fund to increase charges for services revenue by \$360,000, increase Public Safety appropriations by \$60,000 and reduce the fund balance appropriation by \$300,000, (2) an amendment to the General Fund M&O to increase interest revenue by \$100,000 and appropriate \$100,000 to transfer out to the Capital Improvement Program fund, (3) an amendment to the Capital Improvement Program fund to recognize the transfer in from the General Fund M&O and appropriate \$100,000 for the Skidaway Narrows Emergency Crossing Project, (4) a transfer of \$80,000 from General Fund M&O contingency to the District Attorney's budget, (5) an amendment to the Street Lighting Fund to increase revenue and expenditures by \$11,920 for Grays Subdivision, (6) a transfer within Sales Tax IV of \$250,000 from the Benton Boulevard Extension project for Sheriff's Jail Roads, (7) approval of \$37,500 incremental funding for the Temporary Pool and (8) approval of a strategy to incrementally fund the Temporary Pool for the balance of the fiscal year as funds are identified. Commissioner Gellatly seconded the motion and it carried unanimously. [NOTE: Commissioner Thomas was not present.]

**AGENDA ITEM: IX-1**  
**AGENDA DATE: October 21, 2005**

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

**ISSUE:** To request approval of the following: (1) an amendment to the Special Service District Fund to increase charges for services revenue by \$360,000, increase Public Safety appropriations by \$60,000 and reduce the fund balance appropriation by \$300,000, (2) an amendment to the General Fund M&O to increase interest revenue by \$100,000 and appropriate \$100,000 to transfer out to the Capital Improvement Program fund, (3) an amendment to the Capital Improvement Program fund to recognize the transfer in from the General Fund M&O and appropriate \$100,000 for the Skidaway Narrows Emergency Crossing Project, (4) a transfer of \$80,000 from General Fund M&O contingency to the District Attorney's budget, (5) an amendment to the Street Lighting Fund to increase revenue and expenditures by \$11,920 for Grays Subdivision, (6) a transfer within

Sales Tax IV of \$250,000 from the Benton Boulevard Extension project for Sheriff's Jail Roads, (7) approval of \$37,500 incremental funding for the Temporary Pool and (8) approval of a strategy to incrementally fund the Temporary Pool for the balance of the fiscal year as funds are identified.

**BACKGROUND:**

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

**FACTS AND FINDINGS:**

1. The FY2006 adopted budget shows development fees (MPC Fees) of \$360,000 in the enterprise fund, Building Safety and Regulatory Services. However, recent discussions between the department head and the County's independent auditor have determined that this revenue is not related to permitting activities and instead should be included in the Special Service District Fund. Therefore, the amended resolution for the Special Service District increases charges for services revenue by \$360,000 with a corresponding offset to the fund balance appropriation of \$300,000. Use of the remaining \$60,000 is discussed in item 2 below.
2. The attached correspondence from the Savannah-Chatham Metropolitan Police Department points out unbudgeted maintenance needs at the County's police facilities. The SSD Police Department budget will be adjusted to add \$60,000 for repairs and maintenance needs at County-owned buildings.
3. The County Engineer has requested project funding for an emergency landing site near the Skidaway Narrows boat ramp. Increased investment rates as well as higher cash levels in the General Fund M&O should produce sufficient interest earnings during the fiscal year to absorb the cost of this project. A resolution to increase interest revenue by \$100,000 and appropriate \$100,000 to transfer out to the Capital Improvement Program fund has been prepared. A corresponding amendment to the Capital Improvement Program fund recognizing the transfer in from the General Fund M&O has also been prepared. A copy of correspondence is attached.
4. The Board of Commissioners approved funding for the Elder Abuse Decision Package for the District Attorney's office at the October 7, 2005 meeting. Funding in the amount of \$80,000

will be provided by a transfer from General Fund M&O contingency.

5. The County Engineer has requested Board approval for a street lighting plan and assessment rate district within the existing neighborhood of Grays Subdivision. An amendment to the Street Lighting Fund to increase revenue and expenditures by \$11,920 is in order. A copy of the staff report is attached.
6. The County Engineer has requested a transfer within Sales Tax IV of \$250,000 from the Benton Boulevard Extension project for Sheriff's Jail Roads. A copy of correspondence is attached.
7. The adopted budget for the General Fund M&O included funding for the temporary pool based on salary savings above the original projection of \$500,000. Finance department staff has developed a strategy of incremental funding to transfer funds in to the Temporary Pool quarterly. Funds in the amount of \$37,500 were transferred for the first quarter. Approval of a transfer of \$37,500 for the second quarter is requested. Also, staff would request Board approval of this strategy to transfer funds quarterly and at year end in to the Temporary Pool as sufficient salary savings are identified. Current projections indicate that salary savings in for the current year will be more than sufficient to fund the Temporary Pool at the original projection of \$150,000.

**FUNDING:**

Funds are available within the Sales Tax IV Fund, in the General Fund M&O contingency, and projected salary savings for the transfers. The budget amendments will establish funding in the General Fund M&O, the Special Service District Fund, the Capital Improvement Program Fund, and the Street Lighting Fund.

**ALTERNATIVES:**

- (1) That the Board approve the following:

**SPECIAL SERVICE DISTRICT FUND**

a budget amendment to increase charges for services revenue by \$360,000, increase Public Safety appropriations by \$60,000 and reduce the fund balance appropriation by \$300,000.

**ONE PERCENT SALES TAX IV (2003-2008) FUND**

a transfer of \$250,000 from the Benton Boulevard Extension project for Sheriff's Jail Roads.

**GENERAL FUND M&O**

- a) an amendment to increase interest revenue by \$100,000 and appropriate \$100,000 to transfer out to the Capital Improvement Program fund.
- b) a transfer of \$80,000 from contingency to the District Attorney's budget.
- c) approval of \$37,500 incremental funding for the Temporary Pool.
- d) approval of a strategy to incrementally fund the Temporary Pool for the balance of the fiscal year as funds are identified.

**CAPITAL IMPROVEMENT PROGRAM FUND**

- a) a budget amendment to recognize the transfer in from the General Fund M&O and appropriate \$100,000 for the Skidaway Narrows Emergency Crossing Project.

**STREET LIGHTING FUND**

an amendment to increase revenue and expenditures by \$11,920 for Grays Subdivision

- 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. REQUEST BOARD APPROVAL OF THE UPDATED TRAVEL POLICY WHICH ADDS A PROVISION TO TIE THE MILEAGE REIMBURSEMENT RATE TO THE IRS RATE AND ADDS THE IRS PER DIEM RATES FOR TRAVEL OUTSIDE THE CONTINENTAL UNITED STATES.**

Chairman Liakakis recognized County Manager Abolt.

County Manager Abolt said, yes sir. This is one I —.

Commissioner Odell said, I'm prepared to make a motion to approve. County Manager Abolt said, the Chairman is the one who brought it to our attention. Commissioner Odell said, I think it's a good idea. The Chairman is really —, he spends so much time here and he's done an excellent job, not just because I'm sitting next to him and he's a Black Belt, but I'm prepared to make a motion for approval of Item 2. Commissioner Farrell said, I second that.

Chairman Liakakis asked, any discussion? Let's go on the board. The motion carried unanimously. [NOTE: Commissioner Thomas was not present.]

**ACTION OF THE BOARD:**

Commissioner Odell moved to approve the Updated Travel Policy, which adds a provision to tie the mileage reimbursement rate to the IRS rate of \$0.485 per mile effective November 1, 2005, and adds the IRS per diem rates for travel outside the continental United States that are updated each April and October. Commissioner Farrell seconded the motion and it carried unanimously. [NOTE: Commissioner Thomas was not present.]

**AGENDA ITEM: IX-2**  
**AGENDA DATE: October 21, 2005**

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

**ISSUE:**

To request approval of the updated Travel Policy which adds a provision to tie the mileage reimbursement rate to the IRS rate and adds the IRS per diem rates for travel outside the continental United States.

**FACTS AND FINDINGS:**

- 1) The Travel Policy was last updated and approved by the County Commission on November 5, 2004.
- 2) The IRS currently allows a reimbursement rate of \$0.485 per mile for business travel. The County's reimbursement rate is currently \$0.33 per mile.

- 3) The State of Georgia enacted legislation effective July 1, 2005 to follow the IRS mileage rate.
- 4) An advisory to all departments will be issued any time that the IRS changes the published mileage reimbursement rate. An advisory will be issued anytime the IRS changes the per diem rates for the continental United States and in October and April for the per diem rates outside the continental United States.
- 5) The updated Travel Policy will be effective November 1, 2005.

**FUNDING:**

Each department is responsible for funding travel related activities from their approved budget. Current travel budgets would not change.

**ALTERNATIVES:**

- 1) That the Board approve the updated Travel Policy as presented; or
- 2) That the Board deny approval and provide other direction.

**POLICY ANALYSIS:**

The Board has the authority to set policies for the internal operations of the County.

**RECOMMENDATIONS:**

That the Board approve Alternative 1.

Prepared by: Cheryl N. Deariso

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**3. REQUEST BOARD APPROVE BEST VALUE CONSTRUCTION PROGRAM INCLUDING SCORECARD.**

Chairman Liakakis said, and what we'll have now is —, I'll ask, do you want to preface that, Mr. County Manager?

County Manager Abolt said, you really have your preference last time. Mr. James made a PowerPoint presentation. He committed to come back. Commissioner Odell had some

suggestions. I'd ask Mr. James, who's very reluctant now I guess to get up to the microphone, to answer your questions, but there will be no surprises and hopefully you'll adopt this.

Commissioner Odell said, I'll make a motion to approve. Chairman Liakakis asked, do we have a second? Commissioner Holmes said, second. Commissioner Stone said, second.

Commissioner Kicklighter asked, could I ask one question? Chairman Liakakis said, yes, we're going to go into a number of things. Go ahead. Commissioner Kicklighter said, on number —, under Permissible Best Value Contracting Criteria —. Mr. Robert James said, yes sir. Commissioner Kicklighter said, — Number 7, Adherence to County MWBE Subcontracting Goals. What's MWBE stand for? Mr. James said, Minority/Women Business Enterprise, and I'll be making a more detailed presentation on the MWBE Program next month.

Chairman Liakakis said, one of the things for the audience here who might not know this —, well, Kevina (Bland), and then —, go ahead.

Youth Commissioner Boddie said, I was just about —, oh, good morning, by the way. Can you explain the Best Value Construction Program?

Chairman Liakakis said, Knicera [Boddie], since we've got Mr. James here, who has that big firm that does this kind of work, he can answer that for you.

Mr. James said, yes ma'am. The Best Value Contracting Program is designed to help the County better decide to hire as contractors on major construction jobs and the idea is to look at issues other than just simply the price, but also look at the overall values. I'll give you an example. Sometimes when you go shopping, the thing that you're buying, you don't necessarily want to buy the cheapest thing because that's not necessarily going to last you the longest and it's not necessarily going to be the best value overall, so you might want to spend —, you may in some circumstances want to look at things other than just cost. You want to look at quality and you want to look at the experience of the person who's providing you with the service or the goods, and so really that's —, this program is designed to allow for the County to kind of look at some issues other than just strictly cost.

Commissioner Odell said, let me just trail on that. It was the Commission's position when we spend money for major construction, just as we did with the Trade Center, we learned from some mistakes and those mistakes were that they brought in many outside contractors who brought employees up from Memphis and Texas — not saying that there's anything wrong with Memphis and Texas —, but when there were people in the tri-county area who could perform the services and the impact of what they're doing that was that a lot of these contractors did not provide health insurance, so when people got sick —, a lot of the workers brought their families here —, they got sick or their family members got sick, they went to our institutions, and our institutions are Memorial, Candler, St. Joe's. They ran up that cost, so ultimately the taxpayers are boring those costs. The purpose of Best Value is not just look at price because price is not the only factor. If

I were to have a heart attack right now, I would not say open heart surgery about \$100,000, but I can get it done for \$10,000 by someone who is Mr. Medical Malpractice. You can make some adjustments based on quality, based on the rippling effect of the cost, and those things need to be considered. Whether or not they have —, the implication is to get the biggest bang for your buck, and how you do that is if you have a Best Value Program and you use local craftsmen, like the carpenters, like the steelworkers, like the electrical people, and those people get part of the contract, they have an apprentice program which train people in this area. So not only what we're doing is spending taxpayers' dollars to get a fair value, but we are helping our economy and attempting to keep as much money in the community as possible.

Chairman Liakakis said, I want to comment on this also. One of the reasons for this also — I know from personal experience being involved when I was part of another elected body —, is that there was a construction project on Lathrop Avenue, and to let you know what occurred they were the lowest bidder. An out-of-town construction company, and this has happened many times in the past. They come in, they win the contract because they're the lowest bidders. So what happened on that particular contract? Well, they went out and they were not paying withholding taxes, they weren't paying Social Security, they weren't paying what was required by the law for them to do on the Federal level, and so —, and then they gave —, a lot of those employees were paid low wages to begin with, and some of them —, they came —, most of them were from out-of-town and none of them said much about that situation that was going on, but some of our people in organized labor found out about it, went over there and saw checks that were disbursed with no monies taken out like they should have been. Those people had no benefits and some of them got sick and went to the emergency room and consequently what that cost the taxpayers of Chatham County a bunch of money. So that has happened on numerous occasions and some of these contractors they come in from out of town — not all of them —, but some of them do shoddy work, and what happens is that you have to bring somebody else in that's skilled to repair the work that they did shoddy workmanship on, costing the taxpayers again more money. So what we need to do is look at and be fair to our citizens, our construction companies, and our County, not only the construction, but our labor force, so that they have the ability to be able to bid on these jobs, but we want those contractors that come in here for them to follow the rules and regulations, and a number of them in the past has not done that. I remember a huge company that came to one of the big industries out on the east side of town one time and every vehicle that was there was an out-of-town tag on it and a number of them went to the hospital and run up, you know, a few hundred thousand dollar hospital bill that the taxpayers again paid for that in Chatham County. So it's a situation that we're looking at to be fair with our people and that we get good construction so that we are not having to pay an overage on that. That's just part of it.

Commissioner Kicklighter said, the part that I like about it — and correct me if I'm wrong on this —, but it will allow us to actually look at their past performance, their history, because in the past we've had people come in and where the Chairman said, and they'll go, knowing right off the bat, they'll do a low bid and we'll have change order after change order, after change order, until they're so much higher than any of the other bids that's it ridiculous, and then we'll have terrible work at times, and now we'll be able to take a look at what they've done to us in the past, take all

that into account and, you know, what initially unless you the really look into it, it looks like it may cost more for the taxpayers, it probably most likely will save a lot of money in the future as well as we will be able to get quality work for here on out because I can think of a few road projects right now that I personally, if they get graded in this manner, I don't think they'll get too many more contracts in this area, but we didn't have the mechanism in place before to not utilize their services, but now with this we'll be able to say no to the people that's come in low bids and does terrible work.

Chairman Liakakis asked, do we have a motion on the floor to approve this? Commissioner Odell said, move for approval. Commissioner Stone said, second. Chairman Liakakis said, all right, we have a motion on the floor and a second. Let's go on the board. The motion carried unanimously. [NOTE: Commissioner Thomas was not present.] Chairman Liakakis said, the motion passes unanimously, and I'd like to thank those representatives from our labor — the labor leaders in this community for their attendance today. They worked hard and done a lot for the people in the community in and out of the organizations. Thank you very much.

Commissioner Odell said, and, Mr. Chairman, they have been working on this for years trying to bring this kind of program to the forefront. You know, it's been said that, and having been a former personnel manager, I support the union effort and believe that that literally raises all votes, and they brought to our attention some major mistakes we made in the Trade Center and we had to come to these guys to correct. We went all over the country and the solution was right here in this Chatham County area, and I'm personally grateful to the guys and, as you know, the election is four years off. It is not an election speech.

Chairman Liakakis recognized Youth Commissioner Bland.

Youth Commissioner Bland asked, how long has this program been in place, the County has been using it? Chairman Liakakis said, this is a new program that we are looking at, the Best Value, so that we can put into a process that when people when we have construction jobs and all, that they adhere to the recommendations that's here. It's a whole list of things, you know. Some of them were mentioned by the other Commissioner that we go through that, and then it is scored by points on each one of those particular items and then the County will look at the scoring and then they will select a construction company from that scoring. Okay. Well, thank you very much. I appreciate it.

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

Commissioner Odell made a motion to approve the Best Value Construction Program, including the Best Value Scorecard and evaluation procedure to utilize in assessing the qualifications of bidders on County projects. Commissioner Stone and Commissioner Holmes seconded the motion and it carried unanimously. [NOTE: Commissioner Thomas was not present.]

AGENDA ITEM: IX-3  
AGENDA DATE: October 21, 2005

**MEMORANDUM**

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

**FROM:** Diversiplex, Inc.  
Robert E. James, II, Chatham County MWBE Engagement Manager

**RE:** Best Value Contracting Pilot Program Recommendation

**DATE:** October 7, 2005

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**Commission Resolution**

On April 16, 2004, the Commission voted to develop a pilot Best Value Contracting bid evaluation procedure to be: (1) implemented on the upcoming Chatham County Courthouse renovation project, and (2) recommended to the Live Oak Public Libraries Board of Trustees for their use on an upcoming construction project. County staff, with our assistance, has developed a "Best Value Scorecard" and evaluation procedure to utilize in assessing the qualifications of bidders on the project.

**Permissible Best Value Contracting Criteria**

Pursuant to O.C.G.A. § 34-4-3.1, the following items are permitted to be included in the County's Pilot Best Value Contracting Scorecard:

1. On-the-Job Training
2. Employee Safety Training Program
3. Employee Drug Testing
4. Qualifications/Past Performance
5. Bonding Capability
6. Utilization of Local Labor
7. Adherence to County MWBE Subcontracting Goals

Each of the above categories has been included in a scorecard that is one step in a three step evaluation process, as described below.

### **Proposed Best Value Contracting Scoring Process**

We propose a three step process for evaluating bidders using the best value contracting criteria outlined above. The proposed process is as follows:

#### **Step One: Pass/Fail Criterial for Responsibility**

In order to be judged “responsible”, a bidder must achieve all of the following criteria.

- Bidder must:
  - Make Good Faith Effort toward MWBE Goals
  - Post Required Bid Bond
  - Sign Drug Free Workplace Certification
  - Sign Promise of Non-Discrimination in Employment
  - Sign GA D.O.L. Prevailing Wage Certification
- Failure to meet any of the above disqualifies bid

#### **Step Two: Scored Criteria**

- Qualifications/Past Performance: 40 Points
  - Completed 1 Project of Similar Size: 6 pts
  - Completed 2 Projects of Similar Size: 6 pts
  - Completed 3 Projects of Similar Size: 6 pts
  - Completed 1<sup>st</sup> Project On Time: 4 pts
  - Completed 2<sup>nd</sup> Project on Time: 4 pts
  - Completed 3<sup>rd</sup> Project On Time: 4 pts
  - Kept 1<sup>st</sup> Project within 5% of Bid: 4 pts
  - Kept 2<sup>nd</sup> Project within 5% of Bid: 4 pts
  - Kept 3<sup>rd</sup> Project within 5% of Bid: 4 pts
    - Contractor can submit mitigating circumstances
- Local Labor Utilization: 30 points
  - Chatham Residents at least 25% of workforce: 9 pts
    - Current Employees: 5 pts
    - Project Employees: 4 pts
  - Chatham Residents at least 50% of workforce: 9 pts
    - Current Employees: 5 pts

- Project Employees: 4 pts
- Chatham Residents at least 75% of workforce: 12 pts
  - Current Employees: 7 pts
  - Project Employees: 5 pts
- Documented Training or Apprenticeship Program: 10 pts
- Workplace Safety
  - Written Safety Manual: 4 pts
  - On-Site Safety Coordinator: 2 pts
  - Employees Complete 10 Hour Training Program: 3 pts
  - Meets all Safety Notice Requirements: 1 pt
- Drug Testing Program: 10 points

Step Three: Price Consideration

Once a bidder has been judged responsible and their scorecard has been completed, the bid evaluation team should open their pricing proposals and rank the bidders according to price and score. The evaluation team will then present the results to the Board of Commissioners for final award determination, along with a recommendation of the bidder whose combination of price and score would provide the best value for the County.

**Enforcement & Penalties**

The winning bidder will be required to agree to meet the standards set forth in their bid during the contract period. Enforcement mechanisms will be a combination of:

- County Job-Site Audits & Worker Surveys
- Citizen/Subcontractor Reports & Tips

If contractor deviates from scores:

- Additional 10% retainage
- Possible contract termination

Attachments

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#### 4. BOARD CONSIDERATION OF PHASE-IN PROGRAM FOR PUBLIC DEFENDER'S OFFICE.

Chairman Liakakis said, Michael [Edwards].

Mr. Bill Lewis said, good morning, Mr. Chairman, members of the Commission. For those who don't know me, I'm actually Bill Lewis. Michael [Edwards] is starting a death penalty case this morning and could not be here. I'm the Chief Assistant Public Defender in that office and he asked me to cover —. Commissioner Odell asked, what's that name again? Mr. Lewis said, Bill Lewis. Harris [Odell] and I went to school together. William S. Lewis in the phone book, Harris [Odell]. I appreciate this time to come to you. The reason we're here today is to ask for your support and approval of the Public Defender's office supplemental budget request for one-half of phase two of our three-part phase-in plan, and by way of a brief background, you will recall that we began these operations in January of this year. We had previously submitted a three-part phase-in plan. The Commission adopted phase one, it was implemented at the time of our opening. We are grateful to the Commission for your support in that step. We are now at the phase two point, and we've amended that phase to request four buyers, one investigator, and two administrative assistants. This is a reduction from the original second phase request of eight lawyers, two investigators, and three administrative staff.

Mr. Lewis said, from a fiscal point of view, the amended plan has a bi-annual cost of \$235,504.77 as compared to the original second phase-in bi-annual cost of \$466,720.98. The annual costs will be \$471,009.55. In summary, the amended request is one-half of the original request, and for your information I did make copies for everybody of this proposal that I'm talking from.

It is important that you understand what we're asking for and why. Presently, we have combined state and local funding for twelve lawyers. We have six superior court judges and three juvenile court judges. In addition, we have three recorder's court judges who hear felony preliminary hearings. There are roughly 30 DA's handling these courts. Our present funding request will permit us to have a full-time Early Intervention Program assistant public defender who will work with two ADA's to streamline certain cases identified from the earliest possible moment, which will rapidly move these cases through the system and off the court dockets. Moreover, DIP carries the potential to substantially reduce pre-trial detention time in the Chatham County jail.

Another assistant public defender will be assigned to juvenile court where we currently have one assistant public defender attempting to manage three full-time courts presided over by three full-time judges assisted by three full-time DA's. This will likewise streamline the process by minimizing scheduling conflicts, which cause delays and continuances. One administrative assistant will be assigned to split duties between the EIP and juvenile court. This budget request is not a redundancy plan — it is an effort to move closer to the proper and necessary full staffing level.

A couple of points of note: We recently returned almost \$150,000 to the County in residual funds from the 2004-2005 budget. As we said before, the residual was made possible through our fiscal responsibility. The amended phase-in request is another example of how seriously we take that charge. Also, we are in discussions with staff and the recorder's court about some funding possibilities that would be very beneficial to all interest parties. Those discussions have been very productive and are ongoing.

Mr. Lewis said, we have demonstrated our fiscal resolve and will continue to do so. Necessary to that goal is full staffing. The present amended request continues our move toward that goal. This is the efficiency and cost effectiveness prong, neither of which mean a great deal without effective representation. The skill levels and dedication of our lawyers are beyond question. What we need is proper staffing so that we have the necessary human resources to provide our clients with effective assistance of counsel. While the paramount reason to do this is compliance with our constitutional and statutory mandate, it also minimizes the costs of retrials, habeas proceedings and watchdog complaints, and we urge you to approve this amended plan.

Chairman Liakakis said, okay, Bill —. Excuse me. Logan [Bryan]?

Youth Commissioner Bryan said, I just wanted to know what that proposal is for again. Mr. Lewis said, to fund the second phase of the Public Defender's office which came into effect in January of this year.

Chairman Liakakis said, Logan [Bryan], this is the Public Defender's office. Before the counties around the State we had attorneys that were appointed to defend people that didn't have the funds for an attorney, but what they've done now as in many other states, they passed a law last year setting up a public defender's office, so instead of individual attorneys, you know, just getting them to either volunteer or make them appointed to cases, the public defender has a structured office now and they, along with some others, will be assigning the attorneys, the public defender attorneys, to cases where people cannot afford an attorney. That's basically what it is. Youth Commissioner said, thank you.

Commissioner Odell said, Mr. Chairman, I have a motion and the motion is that we approve the request contingent upon the staff's review and request that staff come back to this Commission on or about the December 16<sup>th</sup>, 2005, with the funding structure. The gist of my motion is: where's the money, and on December 16<sup>th</sup> hopefully the staff will tell us. I move for that approval.

Chairman Liakakis asked, Mr. County Manager, you make note of that? County Manager Abolt said, yes sir. It's a good motion, sir. Okay, good. Commissioner Odell said, we need a second. Commissioner Holmes said, second. Chairman Liakakis said, okay. Now, Commissioner —.

Commissioner Gellatly said, I had my hand up and I have just a little bit different twist on it. In Linda's [Cramer] memo it says there's no funding that has been identified, and I guess I would have said it a little bit differently. This isn't something we have to vote on today, and I'd prefer to

see where the funds are going to come from before I vote on it. Chairman Liakakis said, he just made the motion, you know, for the —. Commissioner Gellatly said, I understand. Chairman Liakakis said, staff to bring that back. To tell us if the funding —. Commissioner Gellatly asked, you indicate that we should vote on it? Are we saying the same thing? I don't know.

Commissioner Odell said, similar, but it needs to —, I think our concerns are the same. Our concerns are we don't have the money. Commissioner Gellatly said, yeah. Commissioner Odell said, and my motion seeks to have staff to return on December 16<sup>th</sup> to show the funding where we will get the money. Commissioner Gellatly asked, could we vote on it then when they show us? Supposing they can't show us. Commissioner Odell said, if they can't show us, you can't buy it if you ain't got the money. What you're saying is that we should not approve it until we have the money. Commissioner Gellatly said, yes. That's the way I run my household. Commissioner Odell said, that's the way I do it too, David [Gellatly].

Chairman Liakakis recognized Commissioner Kicklighter.

Commissioner Kicklighter said, thank you. A few questions. Can your office legally contract people to —, like they do in the other courts —, contract attorneys to go out and defend these people. Mr. Lewis said, what we do is we hire attorneys in our office. Commissioner Kicklighter said, I know that, I know that, but my question is instead of hiring additional lawyers, can you do as we do for the other courts and actually contract some out rather than having to hire in staff and have secretaries and this, that and the other, can you have your base staff that does what you're doing and start, in order to save money, start contracting others out like we do for the other court systems? Mr. Lewis said, that's similar to what you're doing now, which is what you're trying to change. Commissioner Kicklighter said, yeah, I know. I'm asking you a legal question. Legally, can you contract out? Mr. Lewis said, no.

County Attorney Hart said, we're going to be required to comply with the state and public defender requirements, the regulations set by them, and they have certain minimum standards within their office that we must meet. The amount of people that will work there will vary on a number of cases and they've got guidelines about how many people you have to have for every so many cases. We will have a separate system, kind of a dual system, to cover state court, recorder's court, juvenile court for the time being because that wasn't covered in the state legislation. The question will come once in the next year or two when we get a little more comfortable with the cost numbers comparing this outside system to the public defender system as to whether you want to roll all that into the public defender's office and do away with the other system. We could contract with the public defender to do the other courtrooms, but right now I don't think we know and have enough number-wise to really make an intelligent decision on that, so what the Commission's has opted to do is to fund this in accordance with the State requirements and then kind of let's see where we go from here.

Commissioner Kicklighter said, well, my next question is currently does the public defender's attorneys make more money than the district attorneys, the prosecutors of this County? Mr. Lewis said, I do not believe so.

Commissioner Odell asked, what was the question? Commissioner Kicklighter asked, does the public defender's attorneys make more money than the prosecutors —, the prosecuting attorneys? Commissioner Odell said, unequivocally no. They make substantially less.

Commissioner Kicklighter said, okay, because I know before that was said that some areas they were, so I didn't know if —. Commissioner Odell said, and what Senator Johnson was referring to is a situation that happened in —, is it Ware County? No, Wayne County, Jesup, Georgia, when they were told you have to have a public defender, basically what they did they went to the DA and cut his budget in half and gave half of the funds —, so basically what happens in that major cases like rape, aggravated assault, and I still that kind of work, those cases, rather than being tried timely, you've got cases that's going on two, three years old because they don't have any staff. Commissioner Kicklighter said, okay. I just —, I want a —, I'll finish —, wrap this up that basically that's fine. You know, everyone has a right to have a defense attorney and, you know, I support what has to be done here, but I agree with Commissioner Gellatly that we need to know where the funding is going to come from before we approve it. And, you know, I have no problem if we need to identify the [inaudible].

Mr. Lewis asked, may I make a brief comment? Commissioner Kicklighter said, yes. Mr. Lewis said, I've been coming to these things for 10 months myself since I got involved in the process and I had many of the same concerns that I see everybody struggling with about is this more cost effective than the way we were doing it before, is it going to save us money in the future, and all of those things, and I don't think that it's going to be a situation of saving money, but it's going to be a situation of cost effectiveness. The Best Value that you talked about previously. I can give you an example personally for myself. In the last month I tried two felony trials, and I had those cases in private practice. They were court appointed cases, but I would have probably billed the County maybe eight or nine or ten thousand dollars for those two felony cases because they were big cases. They lasted several days. Well, while I was working for the public defender's office, not only was I handling those cases, I was handling other cases, I was training new lawyers, I was going to seminars, I was getting a new system in place that's going to have regular costs. If you know what you're getting and how much you're paying for, when those two cases went to some other lawyer, what they would have built you for it, and that's the unknown part that's going to be eliminated eventually by the system.

Commissioner Kicklighter said, I hope I didn't mislead you. I appreciate you and the job you're doing and your staff. I just had some questions that I needed to be answered. So, I appreciate your effort.

Chairman Liakakis recognized Youth Commissioner Boddie.

Youth Commissioner Boddie said, actually I have a comment and a question. This is the —, I don't think —, I don't know how to come across it, but this shouldn't be an issue of saving money, it should be an issue of saving lives. If we don't have adequate defenders, how can we in time save money if the people who we are paying to do these jobs cannot adequately do these jobs because there's not enough said.

Chairman Liakakis said, Knicera [Boddie], let me answer part of that for you. We're required by law to provide indigent care people that cannot afford that, and we have before the public defender's office even came into office, the County was spending two, three million dollars a year for attorney to defend. It was not a public defender's office, but basically they were doing public defending work, but they were individual attorneys who did that. So we were giving attorneys the go ahead if there was somebody who brought before the court that they were unable to pay for an attorney to defend them, so we haven't had anybody turned away. The only time that might somebody had been turned away is that if somebody that they knew of with work that they were making \$100,000 a year and they had all of these assets and all, and so the court would say that you have the funding to do that, but you can look over the history of Chatham County over the years since we've had this program going, they have had attorneys to defend them in court. And what the State did last year, they set up public defender's because they wanted to go more in depth to make sure that's a more of a structured organized situation, as opposed to the way it was done before. So, we're not turned anybody's down. In fact, their budget right now is about \$1.3 million and the panel of attorneys that are defending other people is about \$2.4 million. So, see, we've got over \$3.5 million paying for people that do not have attorneys in our community now. So it's not a matter of us abandoning anybody to do that. It's what they're talking about right now is that they want to get this additional staff, and what we have to do is look at to do that, but nobody's going to be turned around from not having legal, you know, representation if they qualify for it.

Commissioner Odell said, and for just in the real world it is about the money. I mean, every decision we made is about money. What we're trying to determine here is the best way that we can get the biggest bang for our money. It's not that people are being left behind, deserving. It is you have ultimate programs, how best to spend the money to achieve those results. The public defender was not a creation of Chatham County, it was the creation of the State of Georgia. The State of Georgia had not participated in years past and funded indigent care except on certain cases. We had borne that responsibility. They came in. When they said that they contributed \$60,000,000, that is a false number. You take it from the counties and then you give it back. It's a false number. My only position is that you cannot be law and order if you don't support the law. This program is the law. It's not if we're going to go to public defender, we are. My question, as fiscal responsible Commissioners, is how best do we do this. My motion, which I will amend —, and Russ [Abolt] —, my motion I believe stated that it be approved subject to a funding stream on December 16<sup>th</sup>. With the approval of the second, I would have the funding be determined and that it appear on the agenda in December. The difference is the difference between giving tacit approval now and reserving the approval until we know where the money is. And I think that

clears up David [Gellatly] and Dean's [Kicklighter] concerns and everyone's concerns. I'm torn in-between because what we've got here, this isn't optional, you know, and let us not believe that this is optional. We didn't put us here. The State of Arizona put us here when a little guy named Maranda, they beat him half of the night and forced a confession, and they said that he was entitled to an attorney, and that set off a stream of cases which says that because you live here in America, there's certain things that if you're placed in jeopardy, you must have an attorney to do. So it's not optional. And this guy and I have known one another before we were gray and old, and we were just youngsters and went to school together, and when I saw that he was the Chief Deputy, I'm very confident because this is an excellent lawyer. Not only excellent as to the law, but excellent as to caring about the people he represents. My motion is to amend; we will take up the funding decision on December 16<sup>th</sup> and County staff is instructed to tell us where it's to be on or before December 16<sup>th</sup>. Hopefully, you can get with Mr. Lewis and Mr. Edwards prior to this so that we are one county. We're not multiple counties. This is us. It's not them. Bill [Lewis] and Michael [Edwards], you're part of us, the us of Chatham County. I'd like to see those issues resolved before we come back here.

Chairman Liakakis said, okay, Commissioner Farrell.

Commissioner Farrell said, I had one question that —.

Commissioner Kicklighter asked, did they amend their second, whoever was the second? Chairman Liakakis said, the second —. Commissioner Holmes said, yeah, I'd like to amend the second also because I was the second on that.

Commissioner Farrell said, my one question for Mr. Lewis or Mr. Monahan, is as we are implementing the new system of public defender, how much is the corresponding reduction in the cost to the [inaudible]. County Attorney Hart said, currently there is no reduction. As a matter of fact, there's somewhat of an increase in that we think that those factors are, and as we phase out some of the cost —, some of the cases being handled by those, that we have received a lot of back billing that we have staggered out over a period of time, late last year we started received a lot of catch-up billing. People were no longer going to be doing that, so that go back in their files and bill. So I think we had an initial spike. I would assume that that's going to come down, but I don't know that we need to be overly optimistic about that because there's been another case that's come out which basically said that anybody that has —, is charged with some type of misdemeanor or a felony in which there's potential for jail time has the right to an attorney if they cannot afford one, and that includes your recorder's court cases. Commissioner Odell raises a super important issue there that includes the juvenile court, and if you go out and sit at the docket of the juvenile court these days you'll see they're handling some pretty serious stuff out there, and they have three judges and they have a full day every day. So, I don't know that when you factor those in we're going to be assuming new costs that you're necessarily going to see a huge reduction in the panel. Now the public defender has taken on more and more of the existing case load that we were seeing before all these changes occurred, so I think it's helped.

Commissioner Odell said, may I just follow Jon's [Hart] answer? It's an answer to Pat's [Farrell] question. Chairman Liakakis said, go ahead then. If you assume that the law is static and you're measuring apples to apples, then there's been no increase, but the law has not been static, but [inaudible] more people to obtain greater representation, so we are now having to deal with that factor.

Commissioner Farrell said, we've got two situations here. We're changing the system and we're increasing the amount of people that are eligible to receive assistance. Commissioner Odell said, and the impact is it's going to take us another six months at least to understand the implications and sort through this because we're in a crazy cycle which we're just [inaudible].

Chairman Liakakis recognized Commissioner Holmes.

Commissioner Holmes said, thank you. Mr. Lewis, I don't think it's a question of whether you want to approve that fund, but I think the question is when we're going to give it. I can't give you a penny in my pocket if I don't have it. But you made a statement just now that when you come to these things, I don't really get what you mentioned about when you say come to these things, because when I wake up in the morning and come to these things, this is a meeting, and your choice of words it doesn't constitute coming to these things. So I'd like for you to clarify that for me what you mean by that. Mr. Lewis said, well, maybe I did misstate. I've been coming to these meetings since January. Commissioner Holmes said, thank you, sir.

Chairman Liakakis recognized Commissioner Shay.

Commissioner Shay asked, is the concept that someday we will be funding the public defender's office and not the panel attorneys? County Attorney Hart said, that remains to be seen and that is a decision that this Commission is going to have to make. Okay? When the PD was originally set up, it was envisioned that it would handle superior court cases because of a funding situation in the creation. Ultimately, I think the vision from the state level and in the public defender's office is that they will eventually handle all the criminal cases, including those in recorder's court and whatever. If that were the case, that would relieve us of the panel. Commissioner Odell said, but you knew about the conflicts —. County Attorney Hart said, well, you've still got a —, well, they've got a conflicts thing set up within the PD's office that would farm those out to another section. Okay. For example, the PD's office will handle all capital cases now, and they even have a capital case section to do that, which is, you know, pretty good for us because it relieves you of the substantial cost. Ultimately, y'all are going to be facing a situation in 12 to 18 months of deciding what's the most cost effective way of handling this —, expand the public defender's office to include coverage for juvenile court. If we do, they're obviously going to need more resources and those resources cost money versus continuing with the current panel system that we're using to cover those, and it's going to be an ultimate value judgment that will need to be made from the policymaking body. Commissioner Shay said, I'm concerned that even if we come up with the money on December 16<sup>th</sup>, which I have no doubt we'll have to do, the question is where we're

going to take the money, but by not having a sort of an exit strategy from the panel attorney's program, or at least try to reduce that significantly, that we might end up, you know, creating a whole other department and not reducing our cost for the work that they're doing, which theoretically reduces somehow the work that's being done by the panel of attorneys. I'm not an attorney so maybe I don't —. County Attorney Hart said, that's your —, that's the issue. That's the issue that you guys are going to have to decide. At some point there's going to be some statistics that's going to say we handle so many felony cases, so many misdemeanor cases and we do this with a panel and we dispose of those and if you average out the cost we do it for \$500, and then they'll do the same thing on the public defender side and theirs might be \$400 or \$525, so I think ultimately you're going to have to try to get something to make that value [inaudible].

Commissioner Shay asked, at the present time the panel of attorneys, how is that advanced. I mean, like you're saying that, you know, the folks are now seeing that maybe they're not going to be able to, you know, do this kind of work anymore, they're going back and cleaning out their files and finding there's a few hours that they haven't billed in the past. It strikes me, is there —, what process is being used so as to make sure that we're not —, you know, that we're getting —. County Attorney Hart said, the way the systems work is that the courts have made the determination of judicial guidelines as whether somebody qualifies for appointed assistance. The court has also got a panel of people who are accepting court appointed cases. The more experienced you are the more you move up on the panel. If it's, you know, a minor misdemeanor, they would give that to one of the younger, less experienced people. If it was a capital felony case, they'd give it to somebody that obviously has got a lot of maturity and tried a lot of cases. Those people bill us on an hourly basis and an hourly rate is pretty reasonable. When they send their bill in, that bill is either paid by somebody who reviews that bill and finds it to be well within the guidelines. Commissioner Shay asked, who is that? County Attorney Hart said, there's a Tripartite Committee that is made up of some lawyers and —. Commissioner Odell said, it's appointed by the Superior Court and we appoint, and they have guidelines. If your bill falls out of the guidelines, then that's automatically an exception and that is reviewed. You have to come in and explain why your burglary was so much more complex than the 5,000 others. County Attorney Hart said, and that's the way that system has generally functioned. It's functioned fairly good. Commissioner Shay said, so [inaudible] must have a public defender's office since we would have more direct management, control and responsibility —. County Attorney Hart said, sure. Commissioner Shay said, — all that money could spend —. County Attorney Hart said, well, you wouldn't —. Commissioner Shay said, and say we've got one member on the Tripartite Committee. I'm just saying that, you know, we would have a little bit more authority —. County Attorney Hart said, budget authority. Commissioner Shay said, budget authority. County Attorney Hart said, okay, and the issue there that is always going to be the issue is the people are going to say, well, the public defender's office is a lot more expensive than it really is because they have to have secretaries and paralegals and all that is rolled into a private attorney's fee. In other words, his rent for his office and his equipment and his secretaries are all in that fee, and it's very difficult to compare one to the other.

Chairman Liakakis recognized Commissioner Kicklighter.

Commissioner Kicklighter said, thank you, Mr. Chairman. I think we can just pretty much take care of this where they can move on. We could approve this today and direct staff to bring us three funding alternatives at our next meeting with the understanding that as a last resort we would use some of the reserves to fund it this go around. This is a State mandate, we can't get around it, so as a last resort we just get four or five more million dollars in reserves, we can pay \$235,000 as the State tells us we have to do. Let's approve it and ask staff just to bring the money —, bring us some alternatives and we know that we have the money. If they don't produce something, we —.

Chairman Liakakis said, that is not the motion that we have on the floor. Commissioner Kicklighter said, I know but I make that suggestion. Chairman Liakakis said, let's go ahead and vote on this motion and then you can —.

Commissioner Odell said, let me just say this in answer to Pat Shay's question. We're not going to save money. I can argue the position on both sides. Here's how we save money: reduce crime or let's get a better class of criminals who can hire private attorneys. These are people who —, I don't know. I still do criminal, but I haven't done court appointed criminal in 15 years. But where Bill [Lewis] was talking about if you have just a plea on a burglary, under the Tripartite it's like \$250 or \$300. Mr. Lewis asked, you wouldn't go to court for that, would you? Commissioner Odell said, I wouldn't. Commissioner Shay said, I'm not trying to [inaudible], I'm just trying to understand the process. Commissioner Odell said, the process is crazy because we've got the Feds, who are controlling us in part, we've got a solution that was fashioned by the State Legislature, we've got us being 99% of the money, and it's going to increase the money. So, did you understand my motion? It isn't that we approve this today, but my motion is that we approve the staff returning —. I don't need three alternatives. You tell me where the money is on December 16<sup>th</sup> and at that point we'll be prepared to vote up or down. That's the motion that's on the floor, and I call for the question.

Chairman Liakakis said, all right. Let's go on the board. The motion carried unanimously. [NOTE: Commissioner Thomas was not present.] Chairman Liakakis said, the motion passes. Bill [Lewis], the staff will come back to us. You know either you or Mike [Edwards] will come back up here and then we can, you know, see how they're going to approach that. Mr. Lewis said, and we will work with them. Chairman Liakakis said, yeah, that's good. Thank you very much, Bill [Lewis]. We appreciate that. And, listen, we had Russ Abolt, our County Manager, had to leave and, so we've got the Assistant County Manager, our able Assistant County Manager. He's done a good job for us, Patrick Monahan, and I see he's trying to be a style setter here. He's got on some white shoes. Is that a summer thing that you've got there, Mr. Monahan? Mr. Monahan said, no sir, I was meeting my running group at 6:15 this morning and I left my dress shoes at home. I normally wouldn't come to work without them, but you've got to admit now with a

fashionable blue racing stripe he goes nice with the outfit. Chairman Liakakis said, yeah, right.

Commissioner Farrell said, with those shoes you could really move around from department to department. Mr. Monahan said, that was my second thought.

**ACTION OF THE BOARD:**

Commissioner Odell made a motion to approve that staff review the request of the Public Defender and determine a funding structure and present it to the Commission at its meeting on December 16<sup>th</sup>, 2005. Commissioner Holmes seconded the motion and it carried unanimously. [NOTE: Commissioner Thomas was not present.]

**AGENDA ITEM: IX-4**  
**AGENDA DATE: October 21, 2005**

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

**ISSUE:** The Office of the Public Defender began operations on January 1, 2005. During the fiscal 2006 budget process, the Public Defender presented a decision package to the Board for the second phase of its staffing plan. The decision package was not funded upon budget adoption.

**FACTS AND FINDINGS:**

- 1) On January 1, 2005 the Public Defender's office began operations under the first step of a proposed three-step staffing plan.
- 2) On January 31, 2005 the County entered into an agreement with the Public Defender to facilitate the first phase of the staffing plan. Under the current agreement, the County reimburses the Public Defender's office for the salaries and benefits of nine staff members. An administrative fee is also paid to fund computers, travel, training and on-line research costs.
- 3) The decision package submitted by the Public Defender during the fiscal 2006 budget process is attached. It

requested 13 new positions and added expenses of \$387,687 in the General Fund M&O and \$79,035 in the Special Service District with a January 1, 2006 implementation date. On an annual basis, the costs of this plan were \$775,374 in the General Fund M&O and \$158,070 in the Special Service District.

- 4) The Public Defender has revised his decision package to utilize a decreased level of staffing with an implementation date of January 1, 2006. The total cost of the revised request is \$235,505 for fiscal 2006. On an annual basis, this plan would provide annual recurring costs of \$471,010. Four attorneys, one investigator and two administrative assistants would be added under the revised plan. The Public Defender has expressed his desire to return to original phase-in plan levels with the fiscal 2007 budget (as shown in item 3).

**FUNDING:**

No funding is currently available to implement phase two of the Public Defender’s plan.

**ALTERNATIVES:**

- 1) That the Board approve the Public Defender’s revised decision package and authorize staff to identify funding sources for implementation effective January 1, 2006.
- 2) That the Board amend or deny the Public Defender’s request.

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

**RECOMMENDATION:** For Board consideration.

**Office of the Public Defender  
 Supplemental Budget Request  
 Phase in 01/06  
 (6 month budget request)**

1 Asst. Public Defender III	\$ 89,674.72 (incl. benefits)
2 Asst. Public Defender I	\$ 62,372.66 (incl. benefits)
1 Investigator	\$ 30,229.52 (incl. benefits)
2 Administrative Asst.	<u>\$ 46,831.02</u> (incl. benefits)

	\$220,097.92
7% Admin. Fee	<u>\$ 15,406.85</u>
<b>TOTAL</b>	<b>\$235,504.77</b>

Note 1: One APD III would be assigned to Early Intervention Program ("EIP") to facilitate early resolution of cases through Recorder's Court and the Superior Court EIP docket.

Note 2: One APD I would be assigned to Juvenile Court to support the single APD presently handling the 3 juvenile courtrooms.

Note 3: One Administrative assistant would be assigned to split time between Juvenile Court and EIP, neither of which presently has any assigned support.

Note 4: Investigator would be assigned to Juvenile Court ½ time or as needed.

Note 5: 7% administrative fee pays for computers, mileage costs, training and on-line research costs for staff.

Note 6: Employee benefits calculation based upon state rate of 31%.

Note 7: Proposal reflects ½ of original phase 2. Second ½ of phase 2 will be submitted for 2006-2007 budget.

**Office of the Public Defender  
Supplemental Budget Request  
Phase in 01/06  
(Annualized Costs)**

2 Asst. Public Defender III	\$161,349.44 (incl. benefits)
2 Asst. Public Defender I	\$124,745.32 (incl. benefits)
1 Investigator	\$ 60,459.04 (incl. benefits)
2 Administrative Asst.	<u>\$ 93,442.04 (incl. benefits)</u>
	\$440,195.84
7% Admin. Fee	<u>\$ 30,813.71</u>
<b>TOTAL</b>	<b>\$471,009.55</b>

Note 1: One APD III would be assigned to Early Intervention Program ("EIP") to facilitate early resolution of cases through Recorder's Court and the Superior Court EIP docket.

Note 2: One APD I would be assigned to Juvenile Court to support the single APD presently handling the 3 juvenile courtrooms.

Note 3: One Administrative assistant would be assigned to split time between Juvenile Court and EIP, neither of which presently has any assigned support.

Note 4: Investigator would be assigned to Juvenile Court 1/2 time or as needed.

Note 5: 7% administrative fee pays for computers, mileage costs, training and on-line research costs for staff.

Note 6: Employee benefits calculation based upon state rate of 31%.

Note 7: Proposal reflects 1/2 of original phase 2. Second 1/2 of phase 2 will be submitted for 2006-2007 budget.

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Chairman Liakakis said, I'd like to recognize our Sheriff Al St. Lawrence, who's in the back, and, you know, we've got some good department heads and staff that do an excellent job with us, and I see in the audience Greg Anderson, who heads up our Inspections Department, and Linda Cramer, who heads up our Financial Department. You know, it's good to have them because they are hard working and come to check on items specifically that's on the agenda and, too, we can call on them if we need them.

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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 asked, are there any specific items on this calendar that anybody wants to discuss? Could we have a motion on the floor to approve all items, Items 1 through 12.

Commissioner Farrell said, so moved. Commissioner Stone said, second. Chairman Liakakis said, we have a motion on the floor and a second to approve all 12 items on the Action Calendar. Let's go on the board. The motion carried unanimously. [NOTE: Commissioners Holmes, Odell, Gellatly and Thomas were not present.]

**ACTION OF THE BOARD:**

Commissioner Farrell made a motion to approve Items 1 through 12-F. Commissioner Stone seconded the motion and it carried unanimously. [NOTE: Commissioners Holmes, Odell, Gellatly and Thomas were not present.]

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

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**1. APPROVAL OF THE MINUTES FOR THE PRE-MEETING AND REGULAR MEETING OF OCTOBER 7, 2005, AS MAILED.**

**ACTION OF THE BOARD:**

Commission Farrell moved to approve the minutes of the regular meeting of October 7, 2005. Commissioner Stone seconded the motion and it carried unanimously. [NOTE: Commissioners Holmes, Odell, Gellatly and Thomas were not present.]

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**2. CLAIMS VS. CHATHAM COUNTY FOR THE PERIOD SEPTEMBER 29 THROUGH OCTOBER 12, 2005.**

**ACTION OF THE BOARD:**

Commissioner Farrell moved to authorize the Finance Director to pay the claims against the County for the period September 29, 2005, through October 12, 2005, in the amount of 8,356,411. Commissioner Stone seconded the motion and it carried unanimously. [NOTE: Commissioners Holmes, Odell, Gellatly and Thomas were not present.]

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### 3. REQUEST BOARD APPROVAL OF A PARAMETERS RESOLUTION FOR THE SERIES 2005A DOWNTOWN SAVANNAH AUTHORITY BONDS.

#### ACTION OF THE BOARD:

Commissioner Farrell moved to approve a parameters resolution for the Series 2005A downtown Savannah Authority Bonds to allow the County to take advantage of favorable market conditions. Commissioner Stone seconded the motion and it carried unanimously. [NOTE: Commissioners Holmes, Odell, Gellatly and Thomas were not present.]

**AGENDA ITEM:** X-3  
**AGENDA DATE:** October 21, 2005

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

**ISSUE:** To request approval of a parameters resolution for the Series 2005A Downtown Savannah Authority Bonds.

**BACKGROUND:** The County's financial advisor, A. G. Edwards & Sons, has analyzed debt service payments on the county's 1999 bond issue and has concluded that current market interest rates would provide savings to the County if the debt were refinanced. The Board granted conceptual approval to the refunding on September 23, 2005.

#### FACTS AND FINDINGS:

1. The County issued \$9.3 million in revenue bonds through the Downtown Savannah Authority (DSA) in 1999. Approximately \$7.8 million of this issue remains outstanding with final maturity on January 1, 2020. The bonds pay interest between 5.1% and 5.875%, depending on their maturity date.
2. The County has the ability to refund bonds totaling \$5,845,000 from the 1999 bond issue. The rest of the bonds are not callable at this time. The bonds would be refunded through a bond series entitled "Downtown Savannah Authority (Georgia), Revenue Refunding Bonds, (Chatham County Projects), Series 2005A".
3. Interest rates are now lower than the 1999 rates, allowing the County to take advantage of favorable market conditions.

Preliminary analysis by the financial advisor has indicated a potential debt service savings of approximately \$450,000. The refunded bonds would pay interest between 3% and 4%.

4. The savings would be spread out over the life of the bonds. Annual savings would be between \$15,000 and \$33,000 per year.
5. The attached parameters resolution has been prepared by the County's bond counsel, Oliver Maner & Gray, and requires adoption by the Board. The resolution provides direction for the Downtown Savannah Authority to follow during the competitive sale on November 3, 2005. It authorizes the DSA to offer the Series 2005A bonds at a competitive sale and to accept the best bid for the bonds on the County's behalf. It also sets a floor for minimum interest cost savings. The Board of Commissioners would ratify the sale of the bonds the next day at the November 4, 2005 County Commission.

**FUNDING:** Debt service funding is provided in the county's General Fund M&O budget.

**POLICY ANALYSIS:** Chatham County has previously restructured bond debt to take advantage of lower interest rates, and this plan would provide similar benefits by lowering annual debt service payments.

**ALTERNATIVES:**

1. That the Board approve the attached parameters resolution.
2. That the Board provide staff with other direction.

**RECOMMENDATION:** Alternative #1.

**BOARD OF COMMISSIONERS OF CHATHAM COUNTY  
RESOLUTION**

**Downtown Savannah Authority (Georgia)  
Revenue Refunding Bonds  
(Chatham County Projects), Series 2005A**

**WHEREAS**, the Board of Commissioners of Chatham County, Georgia (the "Board of Commissioners") has requested the Downtown Savannah Authority (the "Authority") to issue its Downtown Savannah

authority (Georgia) Revenue Refunding Bonds (Chatham County Projects), Series 2005A (the "Bonds") in an aggregate principal amount not to exceed \$7,000,000, to provide funds to finance the cost of (i) advance refunding and redeeming on January 1, 2010 \$5,845,000 in principal amount of the outstanding Downtown Savannah Authority (Georgia) Revenue Bonds (Chatham County Projects), Series 1999 (the "Refunded Bonds"), in order to achieve interest cost savings, which Refunded Bonds mature on January 1 in the years 2011 through 2017 and 2020, and (ii) paying the expenses to be incurred in connection with the issuance and delivery of the Bonds; and

**WHEREAS**, as security for the Bonds, it is necessary that Chatham County (the "County") and the Authority enter into an intergovernmental contract, to be dated as of November 1, 2005 (the "Contract"), under the terms of which the County will make payments to the Authority sufficient to pay, when due, the principal of, premium, if any, and interest of the Bonds; and

**WHEREAS**, the Board of Commissioners wishes to authorize the Authority to offer the Bonds at a competitive sale to be held on or about November 3, 2005 and to receive bids and accept the best bid for the Bonds that conforms with the requirements of the notice of sale, subject to the requirement as to interest cost savings set forth below.

**NOW, THEREFORE, BE IT RESOLVED**, as follows:

**Section 1. Authorization of Acceptance of Bid for Purchase of Bonds.** The Board of Commissioners hereby authorizes the Authority to offer the Bonds at a competitive sale to be held on or about November 3, 2005 and to accept, on behalf of the County, the best bid that conforms with the requirements of the notice of sale, and results in an interest cost savings of not less than three percent of the principal amount of (i) the Bonds and (ii) the Refunded Bonds.

**Section 2. Ratification of Sale of Bonds.** Following the acceptance of the best bid for the Bonds by the Authority, the Board of Commissioners, on or about November 4, 2005, will adopt a resolution ratifying the sale of the Bonds, authorizing the execution and delivery of the Contract and making such other authorizations and approvals as may be required for the issuance of the Bonds.

ADOPTED this October 21, 2005.

**Board of Commissioners  
Of Chatham County**

(SEAL)

By: \_\_\_\_\_  
Chairman

Attest: \_\_\_\_\_  
Clerk

CLERK'S CERTIFICATE

I, the undersigned Clerk of the Board of Commissioners of Chatham County, keeper of the records and seal thereof, hereby certify that the foregoing is a true and correct copy of a resolution approved and adopted by the governing body of said political subdivision in public meeting assembled on October 21, 2005, the original of which resolution has been entered in the official records of said political subdivision under my supervision and is in my official possession, custody and control.

I further certify that the meeting was held in conformity with the requirements of Title 50, Chapter 14 of the Official Code of Georgia Annotated.

(SEAL)

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Clerk  
Board of Commissioners of Chatham County

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- 4. **REQUEST FROM THOMAS AND HUTTON, ENGINEER FOR GENESIS DESIGNER HOMES, TO RECORD THE SUBDIVISION PLAT FOR STONEBRIDGE, PHASE 4A, INITIATE THE WARRANTY PERIOD, ACCEPT THE SUBDIVISION AGREEMENT AND FINANCIAL GUARANTEE AND RECOMBINE THIS PHASE INTO THE EXISTING STREETLIGHT ASSESSMENT DISTRICT.  
[DISTRICT 7.]**

**ACTION OF THE BOARD:**

Commissioner Farrell moved to approve a request from Thomas and Hutton, Engineer for Genesis Designer Homes, to record the Subdivision Plat for Stonebridge, Phase 4A, initiate the warranty period, accept the Subdivision agreement and financial Guarantee, and recombine this phase into the existing streetlight Assessment district. Commissioner Stone seconded the motion and it carried unanimously. [NOTE: Commissioners Holmes, Odell, Gellatly and Thomas were not present.]

**AGENDA ITEM: X-4**  
**AGENDA DATE: October 21, 2005**

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

**ISSUE:** To record the subdivision plat for Stonebridge, Phase 4A, initiate the warranty period, accept the subdivision agreement and financial guarantee and recombine this phase into the existing streetlight assessment district.

**BACKGROUND:** The engineer, Thomas & Hutton, for the developer, Genesis Designer Homes, requests that the County approve the final plat for recording, initiate the warranty period, accept the subdivision agreement and financial guarantee and recombine this phase into the existing streetlight assessment district.

**FACTS AND FINDINGS:**

- 1. Stonebridge is a single-family residential subdivision located within the Berwick Plantation development on Highway 17. This phase of Stonebridge consists of 45 lots on 18.372 acres.

Paving, drainage, and streetlight energy costs will be maintained by the County. Water and sewer will be maintained by Consolidated Utilities, Inc.

- 2. Staff approved construction plans and issued a permit. Construction of the improvements is complete.
- 3. The developer has submitted a letter of credit issued by First National Bank of Nassau County in the amount of \$135,618, which is 50% of the cost of dedicated improvements (paving and drainage).
- 4. Streetlights are installed, as required by the Streetlight Ordinance, by Savannah Electric at the developer's expense. This phase of Stonebridge will be combined with the existing Stonebridge streetlight assessment district. The annual streetlight assessment of the Stonebridge streetlight assessment district is \$54 per lot.
- 5. An Environmental Site Assessment was previously conducted on the subdivision in accordance with the Subdivision Ordinance. No environmentally unsafe conditions were found on the site.

**ALTERNATIVES:**

- 1. To approve the recording of the subdivision plat for Stonebridge, Phase 4A, initiate the warranty period, accept the subdivision agreement and financial guarantee, and to recombine this phase into the existing streetlight assessment district.
- 2. Do not approve the request.

**POLICY ANALYSIS:** This action is consistent with the Subdivision Regulations 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. **REQUEST FROM DOWNER DAVIS, ENGINEER FOR H&L DEVELOPERS, LLC, TO RECORD THE SUBDIVISION PLAT FOR MOSSWOOD SUBDIVISION, PHASE 1B, ACCEPT THE SUBDIVISION AGREEMENT AND FINANCIAL GUARANTEE AND WAIVE THE REQUIREMENT FOR A STREETLIGHT ASSESSMENT DISTRICT.  
[DISTRICT 7.]**

**ACTION OF THE BOARD:**

Commissioner Farrell moved to approve a request from Downer Davis, Engineer for H&L Developers, LLC, to record the Subdivision Plat for Mosswood Subdivision, Phase 1B, accept the Subdivision Agreement and Financial Guarantee and waive the requirement for a streetlight assessment district. Commissioner Stone seconded the motion and it carried unanimously. [NOTE: Commissioners Holmes, Odell, Gellatly and Thomas were not present.]

**AGENDA ITEM: X-5**  
**AGENDA DATE: October 21, 2005**

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

**ISSUE:** To record the subdivision plat for Mosswood Subdivision, Phase 1B, accept the subdivision agreement and financial guarantee and waive the requirement for a streetlight assessment district.

**BACKGROUND:** The engineer, Downer Davis, for the developer, H&L Developers, LLC, requests that the County approve the final plat for recording, accept the subdivision agreement and financial guarantee and waive the requirement for a streetlight assessment district.

**FACTS AND FINDINGS:**

1. Mosswood Subdivision is a new subdivision located on Burton Road. This phase of Mosswood Subdivision consists of 32 lots on 12.25 acres. Paving and drainage improvements will be maintained by the Mosswood Homeowners' Association.

Water and sewer will be maintained by Consolidated Utilities, Inc.

- 2. Staff approved construction plans and issued a permit. Construction of the improvements is underway.
- 3. The developer has submitted a letter of credit issued by Darby Bank & Trust Company in the amount of \$600,000, which is 100% of the cost of improvements.
- 4. The developer has requested that the Board waive the requirement for a streetlight assessment district. The Homeowners' Association will maintain the streetlights.
- 5. An Environmental Site Assessment was previously conducted on the subdivision in accordance with the Subdivision Ordinance. No environmentally unsafe conditions were found on the site.

**ALTERNATIVES:**

- 1. To approve the recording of the subdivision plat for Mosswood Subdivision, Phase 1B, accept the subdivision agreement and financial guarantee, and waive the requirement for a streetlight assessment district.
- 2. Do not approve the request.

**POLICY ANALYSIS:** This action is consistent with the subdivision regulations 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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**6. REQUEST BOARD APPROVE A STREETLIGHTING PLAN AND ASSESSMENT RATE DISTRICT CONSISTING OF WILMA, TARA, REITA, JUANITA, DEBBIE, LORA, CHARLENE AND CHERYL STREETS AND OLD**

**OATLAND ISLAND ROAD WITHIN THE EXISTING NEIGHBORHOOD OF GRAYS SUBDIVISION.  
[DISTRICT 4.]**

**ACTION OF THE BOARD:**

Commissioner Farrell moved to approve a streetlighting plan and Assessment Rate District consisting of Wilma, Tara, Reita, Juanita, Debbie, Lora, Charlene and Cheryl Streets and Old Oatland Island Road within the existing neighborhood of Grays Subdivision. Commissioner Stone seconded the motion and it carried unanimously. [NOTE: Commissioners Holmes, Odell, Gellatly and Thomas were not present.]

**AGENDA ITEM: X-6**  
**AGENDA DATE: October 21, 2005**

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

**ISSUE:** To obtain Board approval for a streetlighting plan and assessment rate district consisting of Wilma, Tara, Reita, Juanita, Debbie, Lora, Charlene and Cheryl Streets and Old Oatland Island Road within the existing neighborhood of Grays Subdivision.

**BACKGROUND:** A majority of the property owners in Grays Subdivision voted in favor of installing streetlights after reviewing the streetlight layout and annual assessment rate of \$40.00.

**FACTS AND FINDINGS:**

1. The proposed district is composed of 298 tax parcels located within Grays Subdivision on Whitemarsh Island.
2. Savannah Electric's charge to the County at current rates will be \$968.18 per month for 93 150 watt high power sodium (HPS) streetlights and 80 35-foot tall timber poles using overhead feed. Please see the attached map showing the district boundaries shown in yellow.

3. Each tax parcel will be assessed at rate of \$40.00 per year based on the rate structure approved by the Board.

**ALTERNATIVES:**

1. That the Board authorize establishing a streetlight district in Grays Subdivision as petitioned by the property owners.

2. To not authorize the streetlight district.

**FUNDING:** Funding for these streetlights is available in SSD - Engineering and will be reimbursed by the tax assessment as established in the Streetlighting Ordinance.

**POLICY ANALYSIS:** That the Board must approve establishing streetlight districts in Unincorporated Chatham County.

**RECOMMENDATION:** That the Board approve Alternative No. 1.

District 4

Prepared By: Michael Blakely, Civil Engineer

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**7. REQUEST BOARD APPROVE A REQUEST FROM INTERNATIONAL PAPER REALTY FOR THE COUNTY TO DECLARE A RIGHT-OF-WAY ON THEIR PROPERTY ON U.S. HIGHWAY 17, KNOWN AS BERWICK PLANTATION COMMERCIAL TRACT, AS SURPLUS AND TO QUITCLAIM THE PROPERTY.  
[DISTRICT 7.]**

**ACTION OF THE BOARD:**

Commissioner Farrell moved to approve a request from International Paper Realty for the County to declare a right-of-way on their property on U. S. Highway 17, known as Berwick Plantation Commercial Tract, as surplus and to Quitclaim the property. Commissioner Stone seconded the motion and it carried unanimously. [NOTE: Commissioners Holmes, Odell, Gellatly and Thomas were not present.]

**AGENDA ITEM: X-7**  
**AGENDA DATE: October 21, 2005**

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

**ISSUE:** To present to the Board a request from International Paper Realty for the County to declare a right-of-way on their property on U.S. Hwy. 17, known as Berwick Plantation Commercial Tract, as surplus and to quitclaim the property.

**BACKGROUND:** The petitioner owns properties (Parcels: 1-1008-02-037 & 62) on U.S. Hwy. 17. The 60 foot wide drainage right-of-way (ROW) is 2.1 acres in size and divides the two parcels. The ROW has not been maintained by the County.

**FACTS & FINDINGS:**

1. The location of the requested ROW is shown on the attached plat.
2. The ROW contains a shallow ditch that is now obsolete by virtue of construction of new drainage by the owner as part of the Berwick Plantation. Staff has confirmed that there is no future County need or use for this ROW>
3. There are no other adjacent property owners.
4. if approved, the petitioners must pay the County the fair market value for the ROW to be determined by a professional appraisal, and provide the necessary appraisals, deeds, and plats at their expense. The appraiser is selected by the petitioner and must be certified as a professional appraiser by the State of Georgia.
5. Staff reviews the submitted appraisals, deeds and plats for completeness and reasonableness before the deed is sent to the County Clerk for processing and the fair market value payment check is deposited.

**FUNDING:** N/A

**ALTERNATIVES:**

1. Declare the requested 2.1 acres of 60 foot wide ROW as surplus and quitclaim the ROW to International Paper Realty. The petitioners must pay the County the ROW's fair market value to be determined by a professional appraisal, and provide the necessary appraisals, deeds, and plats at their expense.
2. Do not approve the request.

**POLICY ANALYSIS:** The Board must declare County property surplus and approve all quitclaim actions.

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

District 7

Prepared by: Vincent Grevemberg

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**8. REQUEST BOARD APPROVE A COUNTY CONTRACT WITH GEORGIA DEPARTMENT OF TRANSPORTATION (GDOT) TO PAVE DULANY ROAD AND AUTHORIZE THE CHAIRMAN, COUNTY ATTORNEY, COUNTY ENGINEER AND COUNTY CLERK TO SIGN THE FORMS NECESSARY TO IMPLEMENT THE PROJECT WHICH INCLUDES THE GDOT FORM 532, A UTILITY AGREEMENT, A LOCAL GOVERNMENT PROJECT AGREEMENT AND THE RIGHT-OF-WAY CERTIFICATION.**

**ACTION OF THE BOARD:**

Commissioner Farrell moved to approve a County contract with Georgia Department of Transportation (GDOT) to pave Dulany Road and authorize the Chairman, County Attorney, County Engineer and County Clerk to sign the forms necessary to implement the project which includes the GDOT Form 532, a Utility Agreement, a Local Government Project Agreement and the Right-of-Way Certification. Commissioner Stone seconded the motion and it carried unanimously. [NOTE: Commissioners Holmes, Odell, Gellatly and Thomas were not present.]

AGENDA ITEM: X-8  
AGENDA DATE: October 21, 2005

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

**ISSUE:** That the Board approve a request for County Contract with the Georgia Department of Transportation (GDOT) to pave Dulany Road and authorize the Chairman, County Attorney, County Engineer and County Clerk to sign the forms necessary to implement the project which includes the GDOT Form 532, a Utility Agreement, a Local Government Project Agreement (LGPA) and the Right-of-Way (ROW) Certification.

**BACKGROUND:** The purpose of the project is to pave Dulany Road which is on the list of unpaved roads in the unincorporated area of Chatham County.

**FACTS AND FINDINGS:**

1. The GDOT should commit to participation in a County Contract for the project.
2. As with all County Contracts with the GDOT, the Department will reimburse the County for its participation upon satisfactory completion of the contract. The GDOT will provide contract inspection and administration for the contract.

**ALTERNATIVES:**

1. That the Board authorize a request for a County Contract with the GDOT to pave Dulany Road and authorize the Chairman, County Attorney, County Engineer and County Clerk to sign the forms necessary to implement the project which includes the GDOT Form 532, the Utility Agreement, the LGPA and the ROW Certification.
2. That the Board not authorize the County Contract.

**FUNDING:** No funds are required to approve the request.

**POLICY ANALYSIS:** That the Board must authorize intergovernmental agreements.

**RECOMMENDATION:** That the Board approve Alternative No. 1.

District 2

Prepared by Kirk Thomas

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- 9. **REQUEST BOARD APPROVE A COUNTY CONTRACT WITH GEORGIA DEPARTMENT OF TRANSPORTATION (GDOT) TO PAVE OLD PINE BARREN ROAD AND AUTHORIZE THE CHAIRMAN, COUNTY ATTORNEY, COUNTY ENGINEER AND COUNTY CLERK TO SIGN THE FORMS NECESSARY TO IMPLEMENT THE PROJECT WHICH INCLUDES THE GDOT FORM 532, A UTILITY AGREEMENT, A LOCAL GOVERNMENT PROJECT AGREEMENT AND THE RIGHT-OF-WAY CERTIFICATION. [DISTRICT 7.]**

**ACTION OF THE BOARD:**

Commissioner Farrell moved to approve a County contract with Georgia Department of Transportation (GDOT) to pave Old Pine Barren Road and authorize the Chairman, County Attorney, County Engineer and County Clerk to sign the forms necessary to implement the project which includes the GDOT Form 532, a Utility Agreement, a Local Government Project Agreement and the Right-of-Way Certification. Commissioner Stone seconded the motion and it carried unanimously. [NOTE: Commissioners Holmes, Odell, Gellatly and Thomas were not present.]

**AGENDA ITEM: X-9**  
**AGENDA DATE: October 21, 2005**

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

**ISSUE:** That the Board approve a request for County Contract with the Georgia Department of Transportation (GDOT) to pave Old Pine Barren Road and authorize the Chairman, County Attorney, County Engineer and County Clerk to sign the forms necessary to implement

the project which includes the GDOT Form 532, a Utility Agreement, a Local Government Project Agreement (LGPA) and the Right-of-Way (ROW) Certification.

**BACKGROUND:** The purpose of the project is to pave Old Pine Barren Road which is on the list of unpaved roads in the unincorporated area of Chatham County.

**FACTS AND FINDINGS:**

1. The GDOT should commit to participation in a County Contract for the project.
2. As with all County Contracts with the GDOT, the Department will reimburse the County for its participation upon satisfactory completion of the contract. The GDOT will provide contract inspection and administration for the contract.

**ALTERNATIVES:**

1. That the Board authorize a request for a County Contract with the GDOT to pave Old Pine Barren Road and authorize the Chairman, County Attorney, County Engineer and County Clerk to sign the forms necessary to implement the project which includes the GDOT Form 532, the Utility Agreement, the LGPA and the ROW Certification.
2. That the Board not authorize the County Contract.

**FUNDING:** No funds are required to approve the request.

**POLICY ANALYSIS:** That the Board must authorize intergovernmental agreements.

**RECOMMENDATION:** That the Board approve Alternative No. 1.

District 2

Prepared by Kirk Thomas

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**10. REQUEST FOR RENEWAL OF SUNDAY SALES OF BEER AND WINE POURING LICENSE FOR 2005. PETITIONER: LI ZHANGWN, D/B/A YUMMY HOUSE, LOCATED AT 111 JAZIE DRIVE, SUITE B. [DISTRICT 4.]**

**ACTION OF THE BOARD:**

Commissioner Farrell moved to approve the petition of Li Zhangwn, d/b/a Yummy House, located at 111 Jazie Drive, Suite B, for renewal of Sunday sales of beer and wine pouring license for 2005. Commissioner Stone seconded the motion and it carried unanimously. [NOTE: Commissioners Holmes, Odell, Gellatly and Thomas were not present.]

**AGENDA ITEM: X-10**  
**AGENDA DATE: October 21, 2005**

TO: BOARD OF COMMISSIONERS

THROUGH: R.E. ABOLT, COUNTY MANAGER

FROM: GREGORI S. ANDERSON, DIRECTOR OF BUILDING SAFETY  
AND REGULATORY SERVICES  
DANIEL W. FLYNN, POLICE CHIEF

ISSUE

Request for renewal of Sunday sales of beer and wine pouring for 2005. Li Zhangwn, d/b/a Yummy House, located at 111 Jazie Drive, Suite B.

BACKGROUND

Mr. Zhangwn requests approval for renewal of Sunday sales of beer & wine pouring license in connection with an existing restaurant.

FACTS AND FINDINGS

1. The application was reviewed by Zoning and then sent to the Police Department for compliance of the applicant and site distance requirements and approved.
2. The returned application was reviewed by Regulatory Services. The County Fire Marshal inspected the site for compliance with the safety codes and commercial kitchen requirements and approved the facility.

- 3. The establishment is in compliance with all requirements.
- 4. The applicant has been notified in writing of the time and date of the hearing.

RECOMMENDATION

The County Police Department and Regulatory Services recommend approval.

District 4

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**11. REQUEST FOR TRANSFER BEER AND WINE RETAIL PACKAGE LICENSE FOR 2005. PETITIONER: MILIN PATEL, D/B/A QUICK STOP #94, LOCATED AT 4801 OGEECHEE ROAD. [DISTRICT 7.]**

**ACTION OF THE BOARD:**

Commissioner Farrell moved to approve the petition of Milin Patel, d/b/a Quick Stop #94, located at 4801 Ogeechee Road, for the transfer of a beer and wine retail package license for 2005. Commissioner Stone seconded the motion and it carried unanimously. [NOTE: Commissioners Holmes, Odell, Gellatly and Thomas were not present.]

**AGENDA ITEM: X-11**  
**AGENDA DATE: October 21, 2005**

TO: BOARD OF COMMISSIONERS

THROUGH: R.E. ABOLT, COUNTY MANAGER

FROM: GREGORI S. ANDERSON, DIRECTOR OF BUILDING SAFETY  
AND REGULATORY SERVICES  
DANIEL W. FLYNN, POLICE CHIEF

ISSUE

Request for transfer of beer and wine pouring retail package license for 2005, Milin Patel d/b/a Quick Stop #94, located at 4801 Ogeechee Road.

BACKGROUND

Mr. Patel requests approval for transfer of beer & wine retail package license in connection with an existing convenience store. The business at this location meets the requirements of the Chatham County Alcoholic Beverage Ordinance.

FACTS AND FINDINGS

1. The application was reviewed by the Police Department for compliance of the applicant and site distance requirements and approved.
2. The returned application was reviewed by Building Safety. The County Fire Marshal inspected the site for compliance with the current safety codes and approved the facility.
3. The application is in compliance with all requirements.
4. The applicant has been notified of the meeting date and time.

RECOMMENDATION

The Savannah/Chatham Metropolitan Police Department and Building Safety recommend approval.

District 7

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12. **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. 46 Hewlett Packard Compaq workstations for Live Oak Public Libraries	SPLOST	Hewlett Packard	\$43,424	SPLOST (1998-2003) - Library (Tech) - Equipment
B. Reject proposal for Consultant to develop a logistics and Resources Recovery Plan for CEMA	CEMA	Ms. Deb Kinney, Consultant	N/A	No funding required at this time
C. Personal services contract for project scheduling, cost, estimating , and project accounting	SPLOST	Richard Coleman	\$40/hour not to exceed \$10,000	SPLOST (2003-2008) - Courthouse Project
D. Purchase and installation of a wireless emergency call system for the Montgomery Street Courthouse	Sheriff Department	Secure Tech Systems, Inc.	\$16,759	CIP - Old Jail Construction
E. Purchase and installation of metal studs, drywall, insulation and acoustical ceilings for Voter Registration in the Citizens Service Center on Eisenhower Drive	Voter Registration	Hendricks Interiors, Inc.	\$28,273	CIP - Old Jail Construction
F. Approval of a purchase order for site preparation for the Sheriff's Jail Roads Project	SPLOST	S & S Selective Lot Clearing (MBE)	\$15,700	SPLOST (2003-2008) - Unincorporated County Roads, Sheriff's Complex (Pending approval)

**ACTION OF THE BOARD:**

Commissioner Farrell moved to approve Items A through F, both inclusive. Commissioner Stone seconded the motion and it carried unanimously. [NOTE: Commissioners Holmes, Odell, Gellatly and Thomas were 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.

On first reading, presentation by MPC staff and discussion only by Commissioners will be heard.

Comments, discussion and debate from members of the public will be received only at the meeting at which a vote is to be taken on one of the following listed items.

- 1. THE PETITIONER HAROLD YELLIN, AGENT (FOR WILMINGTON ISLAND INVESTORS, LLC), IS REQUESTING THE REZONING OF 3,867 SQUARE FEET OF THE SUBJECT PROPERTY (7815 U.S. HIGHWAY 80 EAST) FROM AN R-1-C (ONE FAMILY RESIDENTIAL) ZONING CLASSIFICATION TO A PUD-MXU (PLANNED UNIT DEVELOPMENT-MIXED USE) CLASSIFICATION AND 4,096 SQUARE FEET OF THE SUBJECT PROPERTY FROM A PUD-MXU CLASSIFICATION TO AN R-1-C CLASSIFICATION, IN ASSOCIATION WITH A MASTER PLAN AMENDMENT (M-050818-58887-1). THE MPC RECOMMENDED APPROVAL.  
MPC FILE NO. Z-050817-61535-1  
[DISTRICT 4.]

**ACTION OF THE BOARD:**

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

**AGENDA ITEM: XI-1**  
**AGENDA DATE: October 21, 2005**

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

**Petition of Harold Yellin, Agent**  
**Wilmington Island Investors, LLC**  
**MPC File No. Z-050817-61535-1**

1. MPC recommends that the following described property be rezoned from its present R-1-C E/O (One Family Residential Environmental Overlay) zoning classification to a PUD-MXU E/O (Planned Unit Development-Mixed Use Environmental Overlay) classification.

**LEGAL DESCRIPTION**

Beginning at a point located on the centerline of U S Hwy 80 approximately 132 feet west of its intersection with the centerline of Blue Finn Drive, thence proceeding southerly along a line South 14 degrees 03 minutes 00 seconds West a distance of approximately 329 feet to a point, thence in a northerly direction along a line North 00 Degrees 42 minutes 00 seconds West to its intersection with the centerline of US Hwy 80, thence easterly along the centerline of U S Hwy 80 a distance of approximately 53 feet back to the point of beginning.

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

P.I.N.: Portion of 1-0055-03-006

2. MPC recommends that the following described property be rezoned from its present PUD-MXU/EO (Planned Unit Developmental Mixed Use Environmental Overlay) to R-1-C/EO (One Family Residential Environmental Overlay zoning classification).

**Legal Description**

Beginning at a point located on the centerline of U S Hwy 80 approximately 13 feet west of its intersection with the centerline of Blue Finn Drive, thence proceeding southerly along a line South 14 degrees 03 minutes 00 seconds West a distance of approximately 410 feet to a point, said point being the point of beginning, thence proceeding in a southerly direction along a line South 14 degrees 03 minutes 00 seconds West a distance of approximately 25 feet to a point, thence easterly along a line South 75 degrees 57 minutes 00 seconds East a distance of approximately 159 feet to a point,

thence northerly along a line North 38 degrees 19 minutes 28 seconds East a distance of approximately 28 feet to a point, thence proceeding westerly along a line North 75 degrees 57 minutes 00 second West back to the point of beginning.

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

P.I.N.: Portion of 1-0055-03-006

MPC File No. Z-050817-61535-1

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- 2. **AMEND THE CHATHAM COUNTY STREETLIGHTING ORDINANCE TO DECREASE THE NUMBER OF PROPERTIES IN A PROPOSED DISTRICT, TO REQUIRE THE SUBDIVISION DEVELOPER TO BE RESPONSIBLE FOR STREETLIGHTING COST DURING THE SUBDIVISION WARRANTY PERIOD, TO REVISE THE LIGHTING STANDARDS, AND TO REINSTATE A MANDATORY WAITING PERIOD FOR FAILED PETITIONS. [ALL DISTRICTS.]**

**ACTION OF THE BOARD:**

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

**AGENDA ITEM: XI-2**  
**AGENDA DATE: October 21, 2005**

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

**ISSUE:** To amend the Chatham County Streetlighting Ordinance to decrease the number of properties in a proposed district, to require the subdivision developer to be responsible for streetlighting cost during the subdivision warranty period, to revise the lighting

standards, and to reinstate a mandatory waiting period for failed petitions.

**BACKGROUND:** The Streetlighting Ordinance needs to be amended to allow smaller neighborhoods to participate in the County streetlighting assessment program and to require that the streetlight energy and maintenance costs in new subdivisions are the responsibility of the developer during the warranty period. The amended ordinance is attached.

**FACTS AND FINDINGS:**

1. The current ordinance requires that there be a minimum of fifty properties in a proposed district before a streetlighting petition can be considered for approval. The original intent of this limitation when the ordinance was first adopted was to avoid an overwhelming number of petitions. The proposed change is to reduce this number to twenty. See Section §12-1203.1 in the attached ordinance.
2. The energy and maintenance charges for streetlights in new subdivisions has always been the County's responsibility immediately upon the lighting being energized by Savannah Electric. The developer pays the streetlighting installation costs up front. The lighting is often energized before the County can legally assess the costs back on the new parcels, resulting in the County subsidizing the development. Savannah Electric advises us that none of the local municipalities pay the energy and maintenance costs during the subdivision warranty period. The proposed amendment (see Section §12-1203.1.a.5) stipulates that the developer is responsible for these costs until the developer satisfactorily completes the required warranty period. This is consistent with the traditional mode of subdivision development whereby the developer is responsible for all maintenance costs in the subdivision during the warranty period.
3. The lighting standards are being upgraded by requiring conformance with the Illuminating Engineering Society of North America (IESNA). A Georgia Professional Engineer must certify that the plans conform with IESNA standards. See Section §12-1204.

- 4. The December 17, 2004, ordinance amendment approved by the Board to deal with “undeliverable notices”, inadvertently deleted the mandatory waiting period for a failed petition. This clause (§12-1203.1.g) is being added back with the concurrence of the County Attorney.

**ALTERNATIVES:**

- 1. To approve the amendments to the County Streetlighting Ordinance to decrease the number of properties in a proposed district, to require the subdivision developer to be responsible for streetlighting cost during the subdivision warranty period, to revise the lighting standards, and to reinstate a mandatory waiting period for failed petitions.
- 2. To not approve the amendment.

**FUNDING:** No funding is required.

**POLICY ANALYSIS:** That the Board approve amendments to County ordinances.

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

All Districts

Prepared by Vincent Grevemberg

**XII. SECOND READINGS**

None.

**XIII. INFORMATION ITEMS**

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

**ACTION OF THE BOARD:**

A status report was attached for review.

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

**ACTION OF THE BOARD:**

A status report was attached for review.

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**EXECUTIVE SESSION**

Upon motion being made by Commissioner Farrell and seconded by Commissioner Odell, the board recessed at 10:50 a.m. to go into Executive Session for the purpose of discussing litigation, land acquisition and personnel. [NOTE: Commissioners Holmes, Gellatly and Thomas were not present.]

Following adjournment of the Executive Session, the meeting of the Board of Commissioners was reconvened at 11:30 a.m.

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**ITEMS FROM EXECUTIVE SESSION**

- 1. 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 Gellatly moved to approve a motion to authorize the Chairman to execute an Affidavit that the Executive Session was held in compliance with the Open Meetings Act. Commissioner Shay seconded the motion and it carried unanimously. [NOTE: Commissioners Holmes, Odell, Kicklighter and Thomas were not present.]

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FRIDAY

OCTOBER 21

2005

**ADJOURNMENT**

There being no further business, the Chairman declared the meeting adjourned at 11:31 a.m.

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

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

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BARBARA B. WRIGHT, ACTING CLERK  
FOR SYBIL E. TILLMAN, CLERK OF COMMISSION