

MINUTES OF THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF CHATHAM COUNTY, GEORGIA, HELD ON FRIDAY, NOVEMBER 18, 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 9:25 a.m., Friday, November 18, 2005.

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II. INVOCATION

County Manager Russ Abolt gave the Invocation.

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III. PLEDGE OF ALLEGIANCE

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

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IV. ROLL CALL

The Clerk called the roll.

Present: Pete Liakakis, Chairman
 Dr. Priscilla D. Thomas, Vice Chairman, District Eight
 B. Dean Kicklighter, Chairman Pro Tem, District Seven
 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: Helen L. Stone, District One

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

Chairman Liakakis requested that a motion be approved excusing Commissioner Stone from attending the meeting. Commissioner Odell said, so moved. Commissioner Thomas said, second. Chairman Liakakis said, go on the board. The motion carried unanimously. [NOTE: Commissioner Stone was not present when this vote was taken.]

Chairman Liakakis stated that Commissioner Odell would have to be leaving at 9:45 a.m., to try a case in court and asked for a motion to excuse his absence. Commissioner Shay said, so moved. Commissioner Farrell said, second. Chairman Liakakis said, go on the board. The motion carried unanimously. [NOTE: Commissioner Stone was not present when this vote was taken.]

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YOUTH COMMISSIONERS

Chairman Liakakis welcomed the following Youth Commissioners who were in attendance: N'Gia Conyers, a Junior at Johnson High School, and Stephen Watson, a Senior at Romana Riley School.

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V. PROCLAMATIONS AND SPECIAL PRESENTATIONS

1. CONGRESSIONAL YOUTH LEADERSHIP COUNCIL RECOGNITION – JOEL PATTERSON (COMMISSIONER THOMAS).

Chairman Liakakis said, this is really a great honor today for Joel Patterson and I'd like to call on Vice Chairman Priscilla Thomas to present this certificate to him.

Commissioner Thomas said, good morning. Mr. Chairman, fellow Commissioners, ladies and gentlemen, I am thrilled to share with you a recent nomination of one of Summer Bonanza's students, who was nominated to attend the Junior National Young Leaders Conference this fall in Washington, DC, Joel Patterson, who is sitting with his mother and his pastor, Elder Ferrell. Joel is a seventh grader attending DeRenne Middle School. He was nominated by his teacher, Ms. Lisa Phillips, who recognized him as one of a select group of students with the scholastic merit, maturity and responsibility to represent DeRenne Middle School at this unique leadership program. This program is for exceptional rising sixth and seventh graders. The young leaders nominated have the blessings of the over 400 members of Congress who serve on the Honorary Congressional Board of Advisors of the Junior National Young Leaders Conference. Upon Joel's official acceptance into this program, his United States Representatives and Senators will be notified, as well as the media. After his successful completion of this conference, he will receive the Official Junior National Young Leaders Conference Certificate of Merit. And so today we'd like to congratulate not only his teacher, Ms. Phillips, his [inaudible], but we want to congratulate him and his parents as well as his pastor, Elder Willie Ferrell of the Royal Church of Christ, because this is where he attends church, and at this time I would like to have Joel, his parents, and his pastor to come forward please. We're just so excited about this nomination and we think it's wonderful and we want to present this certificate to you to say how proud we are of you, and it comes from the Chatham County Commission.

Certificate of Merit

Presented to

Joel Patterson

In recognition of academic achievement and leadership potential, the Chatham County Board of Commissioners do hereby decree Friday, November 18, 2005 as:

Joel Patterson Day

in Chatham County and extend best wishes for his continued success.

/s/ Pete Liakakis, Chairman
Chatham County Commission

/s/ Dr. Priscilla D. Thomas
Vice Chairman, 8th District Commissioner

Commissioner Thomas said, and Founder of Summer Bonanza.

Mr. Joel Patterson said, thank you for this award, and I had a really great time on my trip, and if you know anyone that's selected, please encourage them to go because it was a great program.

Elder Ferrell said, I want to thank Dr. Thomas for her support and I'd also like to thank this Commission for the stand that it takes, the cutting edge of supporting our youth in such a time, and I was telling Dr. Thomas that if there's ever been a time we need to continue to encourage our young people, now is the now. Again, to this Commission, thank you so much for doing what you do best and that is serve our citizens.

Chairman Liakakis said, Elder Ferrell, we thank you very much, not only the preaching of the Word in your church, but the outreach programs that you're involved all over the community. We do really appreciate that very much because it makes a difference. Elder Ferrell said, thank you. Chairman Liakakis said, you're welcome.

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VI. CHAIRMAN'S ITEMS

None.

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VII. COMMISSIONERS' ITEMS

1. RESTORING GEORGIA'S ENVIRONMENTAL TRUST FUNDS (COMMISSIONER SHAY).

Vice Chairman Thomas recognized Commissioner Shay.

Commissioner Shay said, thank you, Madam Chairman. I was contacted a couple of weeks ago by Ms. McIntosh from the Georgia Conservancy and she brought to my attention something that alluded me to this point, a letter from the Director — Executive Director of ACCG regarding a request for all counties to pass a resolution asking the State to continue to reestablish full funding for the Environmental Trust Funds that are used to remediate environmentally contaminated sites. Apparently, that's one of the things that has suffered during the lean years of a couple of prior years budgets, and although I don't believe Chatham County is one of the counties that has actually been sort of sort changed, I did want to ask the Commission to go ahead and pass this resolution. A lot of times we ask our other brother and sister counties to pass resolutions for issues that affect us just proportionately and now I'd just like to ask that we adopt the body of the resolution letter that was sent as a guideline and then authorize the Chairman to go ahead and execute this resolution at a later date.

Vice Chairman Thomas asked, is there any discussion? No discussion. Hearing none, may I have a motion to entertain —. Commissioner Shay said, I'll make that motion. Commissioner Farrell said, second. Vice Chairman Thomas said, we have a second. All in favor of the motion, please vote and opposes. The motion carried unanimously. [NOTE: Chairman Liakakis and Commissioner Stone were not present when this vote was taken.]

ACTION OF THE BOARD:

Commissioner Shay moved to pass a resolution supporting a request for the restoration of Georgia's Environmental Trust Funds. Commissioner Farrell seconded the motion and it carried unanimously. [NOTE: Chairman Liakakis and Commissioner Stone were not present when this vote was taken.]

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF
CHATHAM COUNTY, GEORGIA, EXPRESSING SUPPORT
FOR FULL FUNDING OF STATE AND LOCAL EFFORTS TO
CLEANUP HAZARDOUS AND SOLID WASTE SITES,
PROPERLY ADDRESS WASTE-RELATED ACTIVITIES, AND
CONTROL EROSION AND SEDIMENTATION; TO STRONGLY
URGE THAT ALL PROCEEDS GENERATED THROUGH
STATUTORILY-DEDICATED FEES FOR CRITICAL STATE
AND LOCAL ENVIRONMENTAL INITIATIVES BE
APPROPRIATED ONLY TO THOSE USES FOR WHICH THE
FUNDS WERE CREATED; AND FOR OTHER PURPOSES**

WHEREAS, in order to protect public health and the environment and enhance the quality of life for Georgians, state and local governments must properly control threats posed by hazardous and solid waste sites and activities, and sources of erosion and sedimentation; and

WHEREAS, Chatham County believes that effective and efficient cleanup of hazardous and solid waste sites and control of erosion and sedimentation relies on a cooperative approach between the state and local governments, utilizing established tools and funds designed for these purposes; and

WHEREAS, success in protecting public health and our environment, as well as improvements in the quality of life, are directly tied to adequate funding for cleanup of hazardous waste and solid waste sites, mitigation of waste-related activities, and erosion and sedimentation control programs; and

WHEREAS, recognizing the importance of these duties, state law establishes dedicated funding sources through fees and fines to assist in addressing hazardous and solid waste sites, waste-related activities, and erosion and sedimentation; and

WHEREAS, the Georgia General Assembly has substantially redirected these fees' proceeds for other uses in recent years, rendering state and local efforts to cleanup hazardous and solid waste sites, address waste-related activities, and control erosion and sedimentation significantly understaffed and unsatisfactorily funded; and

WHEREAS, the redirection of fee proceeds collected specifically for management of these critical environmental programs negatively impacts Georgia's communities, public health, and environment.

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

SECTION 1. The Board of Commissioners steadfastly supports the full utilization of all dedicated environmental revenues for state and local efforts to cleanup hazardous and solid waste sites, properly address waste-related activities, and control erosion and sedimentation.

SECTION 2. The Board of Commissioners, on behalf of the citizens of Chatham County, strongly urges the Governor to recommend a budget that appropriates all proceeds generated through statutorily-dedicated fees for these critical environmental initiatives only to those uses for which the funds were set aside, and that the General Assembly's appropriations reflect such dedication.

SECTION 3. The Board of Commissioners urges that any future fees and funds collected for specific environmental programs be directed only to those purposes for which they are statutorily authorized.

SECTION 4. A copy of this resolution shall be provided to the Governor, each member of the Georgia General Assembly representing any portion of Chatham County, and to the Association County Commissioners of Georgia.

This _____ day of _____, 2005.

CHATHAM COUNTY, GEORGIA

By: _____
Pete Liakakis
Chairman

ATTEST:

Sybil E. Tillman
County Clerk

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2. REFUND OF TAXES PAID BY SAVANNAH PRESBYTERY (COMMISSIONER KICKLIGHTER).

Vice Chairman Thomas recognized Commissioner Kicklighter.

Commissioner Kicklighter said, thank you, Dr. Thomas. I'll ask the County Manager Russ Abolt to give us the status of this.

County Manager Abolt said, this is identical to matters you've addressed in the past where your action would allow the righting of a way in which taxes are assigned to a parcel. In this case, under the of the Savannah Presbytery Incorporation organization we would ask that you make a motion to forgive \$19,452.80 of taxes paid for 2004 by this organization. Commissioner Kicklighter said, and one comment. I'd like to commend Mr. Dick Falcone for his leadership on this to recoup the money for his church. Commissioner Farrell said, second.

Vice Chairman Thomas said, all in favor —, further discussion?

Commissioner Shay said, Madame Chairman, I'd like to ask the Commission to recuse me from voting on this because I've been engaged by that church to do some planning studies for how to best move forward with their project in Dean's [Kicklighter] district.

Commissioner Odell said, so moved. Commissioner Kicklighter said, second. Commissioner Thomas said, okay. Please vote first on the recusal. The motion carried unanimously. [NOTE: Chairman Liakakis and Commissioner Stone were not present when this vote was taken.] Commissioner Thomas said, the motion is carried.

Commissioner Thomas said, now we'll go into the vote on the original motion. The motion carried unanimously. [NOTE: Commissioner Shay was recused from voting; Commissioner Stone was not present when this vote was taken.]

ACTION OF THE BOARD:

1. Commissioner Kicklighter moved to recuse Commissioner Shay from voting on this issue because of an agreement to perform work for Savannah Presbytery, Inc. seconded the motion and it carried unanimously. [NOTE: Chairman Liakakis and Commissioner Stone were not present when this vote was taken.]
2. Commissioner Kicklighter moved to refund Savannah Presbytery, Inc., the sum of \$19,452.80 paid for tax year 2004. Commissioner Farrell seconded the motion and it carried unanimously. [NOTE: Commissioner Shay was recused from voting; Commissioner Stone was not present when this vote was taken.]

AGENDA ITEM: VII-2

AGENDA DATE: November 18, 2005

MEMORANDUM

TO: Jon Hart, Esq., County Attorney

FROM: Abda Quillian, Esq., Attorney for Chatham County Board of Assessors

ISSUE:

To consider whether the County Commission will forgive taxes paid by Savannah Presbytery Inc., Pin# 5-1009-01-37 for tax year 2004. The Commission has earlier taken similar action for Risen Savior Lutheran Church located next to this property.

BACKGROUND:

Savannah Presbytery Inc. is located in West Chatham County. The church paid \$19,452.80 in taxes for tax year 2004.

FACTS AND FINDINGS:

1. The Savannah Presbytery Inc. is a religious organization and as such is entitled to exemptions granted in OCGA 48-5-41(a)(2.1)(A).

2. The Board of Assessors upon receipt of an application for exemption for tax year 2005 granted said exemption.
3. OCGA 48-5-380 provides county governing authority to forgive or refund taxes.

FUNDING:

Delinquent collections of the Tax Commissioner's office.

ALTERNATIVES:

1. The Commission should forgive \$19,452.80 paid by Savannah Presbytery Inc. for tax year 2004.
2. The Commission should not forgive \$19,452.80 paid by Savannah Presbytery Inc. for tax year 2004.

RECOMMENDATION:

Alternative 1.

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3. HIGHWAY 17 PROJECT (COMMISSIONER GELLATLY).

Chairman Liakakis said, I'd like to call on Commissioner Dave Gellatly.

Commissioner Gellatly said, thank you, Mr. Chairman. You know, when I became I Commissioner almost five years ago one of the things we did was have an opening ceremony for the new Walmart Store on 17 Highway, and it was advertised at the time being the largest Walmart Store in the country, and also during that time we were told that there were going to be considerable road improvements along 17 Highway and that they recognized the fact that there was a lot of businesses growing in that area and it was absolutely critical to increase that road to a four-lane divided highway during that —, up and during that particular area, the area being specifically from 204 to Love's Restaurant. During that time there have been what I'd call some feeble attempts by the State to make some improvements in that area. The area between Love's Restaurant and the new schools roughly on 17 Highway, they've made an attempt to four-lane that. I understand that the construction company that was working on that has gone belly-up and it's —, they've pretty well taken their equipment back and it's just nothing happening there. From the new schools to 204 several years ago they went in there, they tore up ditches, they put drainage pipe —, not in, just stacked it up and put these beautiful orange barrels — orange and white striped barrels up. There's probably several hundred of them up, and that's the only landscaping that exists from the State in that entire area, and the area's pretty well tore up. The cars that travel, they have to travel over dusty roads and a lot of times you go there and there's a lot of dust and debris. Absolutely no construction work going on at all. Over —, well over a year ago I asked the County Manager to check on the progress from DOT as to what was going on in that area, and again I'm specifically talking from 204 to where our two new schools are, and DOT at that time roughly told us that they were having some problems with design problems, a drainage issue or maybe even some funding problems, but that they for sure were going to get started on it this October. Well, you know, October's come and gone, absolutely nothing has happened. We've contacted the State again and they tell us that they're having problems to get anyone to do the work, and I don't —, I personally think that if we check very closely that the area in question, particularly at Walmart to 204, it's probably not even a funded project. It's certainly

one that —, there's no action being taken on it. It's particularly concerning to me, and probably that intersection at Walmart and 17 Highway is probably the busiest intersection certainly in this County as far as 17 Highway is concerned and Bryan County.

Commissioner Gellatly said, so —, and also I want to announce to the public that Chatham —, that is not a Chatham County road project. You know, I hate to —, I like to go out to visit Keller's Flea Market from time to time, but I don't go out there anymore because every fourth person out there wants to know when the County's going to do something about that road project. Well, I want to take the opportunity today to tell you that road project has nothing to do with Chatham County, there's nothing that's not going on out in that area that is due to any action by Chatham County, and I have —, I'm very concerned about that. This lack of activity, you know, we're having the lack of activity at the same time there's tremendous growth on in that area to include in Bryan County, and if you go out there in the morning or you go out there in the evening, it's a literal—, literally a parking lot of people that just can't move. There's in gridlock. It's causing a lot of serious traffic congestion. The traffic accidents over the last couple of years have gone up well over a hundred percent, stalled vehicles that have to wait because they can't move because of the lack of proper laning out there, it wastes thousands of gallons of gas every day out there. I think also that the lack of action based on the DOT — and I'm sure they have a good reason for it —, but I think it also shows a lack of respect for the citizens of this County. We're good enough to send our tax dollars to Atlanta, and I expect to get some results right here in Chatham County as far as our road construction is concerned. What I'd like to —, and I'm not even going to talk about Middleground Road, and again for the citizens that keep on asking me about it, that is not a Chatham County road project, that is a Department —, a State DOT project and if you drive down there you can see again they've gone in there and tore up all the roads, put again those beautiful orange and white striped barrels out there —, that's the only landscaping out there —, and they've got drainage pipes stacked two or three high with weeds that have grown six feet over the drain pipes with absolutely no activity concerned, going on. And I'd also like to tell you it's my understanding that the construction company that's working on that is the same one that brought us Stephenson Avenue, if you remember that fiasco. For the life of me I can't understand why the State would enter into a contract after they got through seeing what they did on Stephenson Avenue. I don't know about you, but if someone screws up my — repairing my roof, I don't hire them to paint my house. That's basically just exactly what's occurred out there. What I'm requesting is that, with the assistance of the County Manager and staff, I would like to see if we can set up some type of video conferencing with the Commissioner of DOT. It might be a good idea to invite the elected —, some of the elected officials that have shown concern from Bryan County to that conference, and to have our key people there, and I would like to go ahead and discuss that. I have discussed this problem with our State Reps and they're just as upset about it as I am and as we are, and they want something done also but someone just absolutely has to get off the dime and start doing something out there. Also, I'd like to have the option, if necessary, after the video conference and if we need to send a resolution to the State or something like that, probably to the Governor would be better than to the Commissioner of DOT, and they absolutely have to get moving and as far as I'm concerned this lack of activity out here is a slap in the face to the citizens of our County and we're not going to put up with it. Thank you.

Chairman Liakakis said, you're welcome. I've received some letters concerning this from the Mayor over in Bryan County, Richmond Hill some other elected officials have been complaining, and one of the things that was brought to my attention that a number of residents of Bryan County, they come in to spend money, to shop in Chatham County, and a number of them are getting frustrated because of that bottleneck that we have in that particular location. There have been many phone calls that have come

to me also in regards to that, and that Triangle Construction Company, I think, we are if I'm correct is, Mr. County Manager, the State, the GDOT is asking their bonding company to come in and to pay for that. County Manager Abolt said, yes sir. Chairman Liakakis said, you know, because that's really important, and what I'd like to see also occur is that we place more of a daily penalty on construction projects like that. The fiasco that was on Stephenson Avenue was only a \$300 a day penalty, which they call liquidated damages, and I feel if we raise that for \$500 or \$1,000 penalty on a daily basis, that will give the incentive of these construction companies, you know, to move on and not to prolong it like they have. Now APAC is the company that did it on Stephenson Avenue. When the County started in January, our Engineer's Department did a good job and they started monitoring for twice a day. That got them on the road and, guess what? The project was completed in a short period of time and we would not give them any money. They were way behind in that Stephenson Avenue. Unfortunately, as Commissioner Gellatly was talking about, is that the State that awarded the one on Stephenson Avenue to APAC awarded the one to Middleground Road, and what I have done, I have talked to the Mayor, the City Manager and Assistant City Manager and recommended to them that they might want to do the same type of monitoring that we had on APAC because one of the excuses that they're making right now, they're waiting on the utility companies to do their work before they start in. Actually, they can move in some areas. They can actually do construction work, but we hear that same, you know, kind of information that they gave us a bunch of malarkey on Stephenson Avenue, but hopefully that will take care of itself in the very near future. Mr. County Manager, you heard the suggestion by Commissioner Gellatly. If we could get that going in the very near future.

County Manager said, very quickly, sir, and we hope to have the conference occur between now and your next Commission meeting.

Chairman Liakakis said, okay. Thank you.

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Chairman Liakakis recognized Youth Commissioner Conyers.

Youth Commissioner Conyers said, I just want to go back to the Highway 17 project, and I wanted to ask Mr. Gellatly that we already paying — taxpayers already money for other projects and stuff, and before we start on this plan is it possible that we could finish the other projects because I just want to know where we were going to get the money to do Highway 17 project.

Commissioner Gellatly said, well, this would be both a combination of funds, State funds, Federal funds, it's kind of a complicated formula how they put it all together, but they have budgeted every year to do so many miles of paving and construction per year, and the problem is not so much the funding, but that could be a huge problem if the money wasn't there. The problem is that they hire construction companies that for various reasons just can't do the job. You know, in other words, they get started. The one out on 17 Highway, for instance, is getting ready —, when I say belly up means they're going bankrupt. They just don't have any money to pay their workers any more, so the State is going —, they had to submit some type of a bond before they did that work and the State's going to pull that bond and hire another construction company to do that. But that's a real problem, and when I pointed out on Middleground Road that they have a similar program where they have the road all tore up and they tear the road up and then they don't do anything, and my problem with that is that this again is a State project. We had a project before that on Stephenson Avenue, if you remember, that was all messed up and it

took forever to complete it. I'm very frustrated with the fact that the State would turn around after —, knowing that this company can't do the job and then turn around and give them another contract, and they're not doing the job there too, and that's a real frustration I have. That's when I used the example of if I paid someone to fix my roof and it leaked really bad after they got through and I paid them a lot of money, I wouldn't pay them to come back and paint my house. But essentially that's exactly what the State of Georgia is doing.

ACTION OF THE BOARD:

Commissioner Gellatly suggested that the County Manager schedule a video conference to be held with the Commissioner of the DOT or the Governor of the State of Georgia, representatives of the Chatham County Commission, and representatives of the Bryan County Commission, and report on the conferencing to the Commission.

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4. POLICE DISCUSSION (COMMISSIONER KICKLIGHTER).

Chairman Liakakis recognized Commissioner Kicklighter.

Commissioner Kicklighter said, thank you, Mr. Chairman. I know placing this item on the agenda today probably put concern with some of the —, possibly some of our members. I've heard that, you know, this Board put together, I guess, a committee that will start negotiations with the City of Savannah concerning the merged police department, and I know that my boldness probably put some fear as to what I would say as to possibly figuring the negotiations, but in fact I'm going to quite the opposite here. I'm going to actually —, I'll start out by commending the former Mayor of Savannah Floyd Adams, Michael Brown and all of the Aldermen for the City of Savannah that took part in structuring and passing the merger agreement. I don't blame, fault or resent the City of Savannah for anything concerning the operations of the merged police department. In fact, it was truly a brilliant plan as far as Savannah's concerned and as far as protecting the residents and all. It was brilliant work by the Mayor and Aldermen for the City of Savannah at the time to pass this agreement. However, on the flip side, it was one of the worst mistakes, in my opinion, in the history of Chatham County as far as protecting and representing the residents of the unincorporated area. For this body to have been swayed into such an agreement is a mistake that we now need to correct. You can look out there and I truly believe, if an attorney would take it on, the structure of it — of the merged department is taxation without representation for the unincorporated residents. Now the newspaper editorial board can put into the paper today that it's not and they can give a little example of when this committee is formed, it's supposed to be formed. This so-called committee is no more than a smokescreen of authority. Once and if ever in place with the current structure of this agreement, all this committee will do is be a recommending body as far as policies, procedures and hiring or whatever, but ultimately the way this merger is structured is the Chief of Police is a City employee. He falls under the City Manager Michael Brown and the Mayor and Council of Savannah. Ultimately any and all hirings and firings, the way this agreement is structured right now is up to the Manager of the City of Savannah, and this group — and I stated back then with this also that right now, to put it, I guess, plain for the people in the unincorporated areas, right now if you contact anyone of us about a problem with the police department, as far as the structure of this police department, the legalities of it, we hold absolutely zero authority over the police department. I would then —,

if you call me, I would then call the County Manager, a great man, does a great job for us. Mr. Abolt would then call the Chief of Police, who at one point or is currently Chief Flynn, but he's leaving. Chief Flynn is a good man. Chief Flynn would then act, not because he had to because we didn't structure it that way, but because he's a good man and he did the right thing. He would then respond to our concerns, but by the structure of this merger, Chief Flynn didn't have to do one thing that our County Manager asked of him or anyone of us up here, so ultimately everyone in the unincorporated area, you're paying your taxes and you have no elected representation. You cannot vote for or against the Mayor or Aldermen for the City of Savannah if you live in the unincorporated area. They are the boss — bosses of Michael Brown. They dictate to Mr. Brown what happens. He then tells the Chief what happens, and that's where we stand today. The structure was followed to the tee by Mr. Michael Brown and the Mayor and Aldermen of the City of Savannah. They did an outstanding job recently following that structure. The structure says that any personnel decisions shouldn't have any consultation, but they should have a consultation with Russ Abolt. That was done. It does not say that he has to take into consider and utilize the opinion of the County Manager. He has to confer — consult with him. Basically, you know, there's no legal definition. That could probably qualify as an e-mail: Mr. Abolt, I'm firing so and so. There's your consultation, or walking in a door and saying it, and what I'm asking is for this group in the negotiations to absolutely not settle for anything less than equal authority. Let's not bleed because an editorial's board wants to write that this committee over that —, that would right the wrong? No, that's bull. It won't. All they would be is a recommending board. The County Manager from Savannah he will not answer to them. He will take part on that committee, but that board cannot fire him. They cannot dictate the way he will go with the structure of this agreement. The only people that can do that is the Mayor and Aldermen of Savannah. So I asked this group, this Board, which I believe the negotiating team will be Commissioner Gellatly, Dr. Thomas and the Chairman, I believe, to please in the negotiation settle for nothing less than equal authority. Yes, I was the one person that opposed this back when it took place. I stated this as the very example of what could happen. Back then I stated that, that well yeah, it'd probably work right now because we have a good manager over here, we have a good manager over there, we have a good police chief. Things will probably happen, but I said what happens when one day when we're not all around and you have a new chief, a new this, that and the other, elected officials? Well, you know, here we go. I believe that, you know —, and I'm not commenting on retirement or anything, but I believe that as far as this Board was concerned, I believe we were satisfied with the services of the police chief and I believe we had no say-so, but again I do not fault the City of Savannah whatsoever. They followed that agreement that they had with this County to merge a police department, then take total control, increase the budget for the unincorporated areas residents to expand this police department when the unincorporated area had no huge crime problem at the time. The unincorporated residents are now paying much more for this police department that we have no control over that we paid back then, and ultimately what I see —, and I'll just lay it all out there now —, I see this as a total smokescreen of what took place to give a false perception of a safer Savannah. The Chief stood in front of us not too long ago and told us of one of the largest crime reductions in the history. You know, just wonderful, 25% reduction in crime, and I asked at that point, if you remember, I said are you including the areas that you brought in in the merger, the unincorporated areas? Uh, yeah. I said, well, what was your reduction in the City of Savannah in crime? Well, it reduced but not anything —. That's the huge benefit there, and when I'm walking down the streets in Savannah, I don't want false crime statistics, I want to be safe. I want my kids to be safe when they go to school, I want to have a safe community, and the way to do that is to always be a straight shooter. We realize now —, I hope everyone on this Board realizes —, we made a mistake and I admire anyone that supported it in the past, realizing that it was a mistake. Admitting it, that takes a much larger person to admit it, and then move

forward and right the wrong, and no editorial staff of *Savannah Morning News*. I'm not saying unmerge. That costs too much money. That goes into the taxation without representation. You can hire a fire department to protect their area and let the rest of us pay, then that's fine. So, yeah, you can hire the police department to do it, but when we merged this thing, when the groups merged, they knew at that point that it would cost so much money to merge it that virtually it would never be able to unmerge. And that is what puts it in that taxation without representation range because it's an agreement that's almost impossible to cancel it, and I say almost because the City of Savannah needs to sit with us and allow equal authority, and that should be done as proposed back then with a committee established that oversees the hiring and firing of the police chief. It needs to be combined with the City of Savannah, Chatham County, this committee will just solely oversee this person, this chief, his employment, and then they will answer —, that Chief will answer to an unbiased committee, and that's how we get equal representation and I would settle for no less. Thank you.

Commissioner Kicklighter said, I want to end one thing by saying again, Savannah, brilliant work;. I hold nothing against you. I —, hey, it was great work, and you've done a good job and you upheld the policies that was in place with the recent occurrences in the police department. You did nothing wrong in what you did.

Youth Commissioner Stephen Watson asked, can I ask what are some of those unincorporated areas that you were speaking of?

Commissioner Kicklighter said, yes sir. Out in the entire basically Islands area —. Commissioner Farrell said, Wilmington Island, Skidaway Island, Isle of Hope, Burnside Island, all the islands outside of Montgomery Crossroad they will be described as unincorporated. Commissioner Kicklighter said, my district now probably has the largest unincorporated area because we recently redistricted, which is just an unbelievable area of western Chatham County, and the —, to answer that is their bill, basically tax bill, their cost for police department increased because of the merger and they lost all elected representation in doing so. So basically they paid more money and have no voice in their police protection.

Chairman Liakakis recognized Commissioner Gellatly.

Commissioner Gellatly said, thank you, Mr. Chairman. I share many of Commissioner Kicklighter's frustrations, but I have a different twist on some of it. I think that the events that have occurred in the last couple of weeks, that they were improperly handled by the City of Savannah and the City Manager in particular; however, after saying that, I want to make some observations, okay. I take exception when I read a letter or heard something where the Mayor of the City of Savannah had indicated that he thought what we had done, what we had signed amounted to contracting for police services with the City of Savannah. I don't think anything like that, anything such as that could be further from the truth. You know, about 30 years ago the City of Savannah contracted police services with the City of Vernonburg. That was a contract. In other words, we agreed at that time to provide police services for the City of Vernonburg and there was no merger. The Mayor of Vernonburg has absolutely no say-so as to how the police activity occurs within the City of Vernonburg. The merger was different. The merger was different in that if you look on the shoulder patches and you look on the badges, you look on the police cars, it says Metropolitan Police. The City police department does not exist. The County police department does not exist. They're no more. That's part of our history. Unlike Vernonburg. Vernonburg

still contracts for police services and have no say-so. I also make an observation, having worked in law enforcement for 40 years and 20 years in this area, that there were things that were occurring in Chatham County. To begin with, the County's growing and every place you look around, why, they're a city annex and more and more land. What does that mean? That means that if we had continued with our County police department, it would be difficult —, it would be difficult —, I could not recommend to my son and daughter that he or she should join the County police department because in 10, 15 years, they may not have a job. They would certainly have no career opportunities because that's a department that would naturally get smaller and smaller and smaller. As cities grow it becomes less and less necessary to maintain the same size police department. The same would be true with hiring a Chief of Police. You'd pretty much be dealing with someone that's retired that wants a five-year job because anyone that has 10 years of career left in them would not want to be the Chief of Police of our County because they'd eventually be working themselves out of a job that certainly gets smaller and smaller. So the pool of capable candidates that would want the job, in my opinion, would lessen considerably.

Commissioner Gellatly said, also, since the merger, I think the merger —, it's here, I voted for it. I'm not ashamed of that. I think that there are more police in that unincorporated area now patrolling than there ever was. I think that the Chief's attention and his Captains and Assistant Chief's attention to the needs in this County have been superb. Everything that we have asked them to do, they've done and they've done it immediately and they've responded without any question or any problems. You're soon going to have a precinct built on the Islands. I question whether that would have occurred if we had continued to be a county police department. Certainly not as fast as it is right now. There is going to be a police department in our area, Commissioner, and that's a good thing. So I personally think that the metro police department is good, but I think that we have a committee that we're going to talk about that part of the agreement calls for a committee to be appoint, which it has not occurred but I have every notion that it will occur rather promptly, and that committee will have input, and we should have input. With a metro police department it can't just hang out there in Never-Neverland. It has to belong. Someone has to have hiring and firing authority, you know, and the Chief of Police cannot report two people. Okay? But after saying that, the way it was set up and the way it was intentioned was that our County Manager would have an equal voice in the hiring, firing, disciplining matters that occur as far as the Chief of Police is concerned or the direction of the police department. Obviously, there can only be one person that can make a final decision, but I think that I have ever confidence in the future with all the noise that we're making right now. To begin with, the Chief has come before this Board on several occasions and we have unanimously endorsed the police department and unanimously endorsed and approved Chief Flynn's work, and I think that we're proud of that. We don't have a problem with him and we think he's done a good job. I think that a metropolitan police department concept, and this is not unique or unusual, it's being tried and it's worked in counties and cities all over this country. It is a process that's not without pain. It does take awhile to come together and to get it organized properly, but it can be done, and I think that in the future that we're going to make sure we, being these nine Commissioners here, that our Manager has full and absolute access to decisions that are pertinent to the unincorporated areas and to some extent we represent the incorporated areas of the City of Savannah also and, Dean [Kicklighter] and Pat [Farrell], and the unincorporated areas, you certainly represent the communities there also. So I think that the Metropolitan Police Department can work, it will work, and actually it has worked. We're zeroing in on problems that it's had, but you could also make a rather long list of it's successes so far. So, we do want our Manager to have his lawful input as to the operation and policies that govern the Metropolitan Police Department. Thank you.

Chairman Liakakis recognized Commissioner Farrell.

Commissioner Farrell said, thank you, Mr. Chairman. I, too, would like to take this opportunity to voice my concern that the citizens in the unincorporated areas of Chatham County, the Islands, the Westside, are under-represented by their elected officials at the decision making table of the Metropolitan Police Department. I believe that the current policy needs to be revisited with the express goal of increased meaningful participation of County Commission on the Metropolitan Police Department's policy and procedures. There is no continuous conduit from the citizens of the unincorporated area to the police leadership. There is a break in that chain. This was supposed to be a merger, not a buyout, and I would like to see those items revisited, and I am optimistic that the City and the County can work together to continue to build a strong and effective Metropolitan Planning —, Metropolitan Police Department. Thank you.

Chairman Liakakis recognized Commissioner Shay.

Commissioner Shay said, a couple of months ago I had the opportunity to attend a neighborhood association meeting in my district and I had several neighborhoods that I represent that include both the unincorporated area and the incorporated area at the same time, and the questions that were being asked at that time were about the aftermath of Katrina, the storm in New Orleans, and people were asking, and they said, gee, you know, we look at what's going on down there in New Orleans and the problems that they are having with their first responders down there and their overall situation, can you give us any type of assurance that we're not going to have the same kind of a situation here in Savannah. At that time I was very confident in saying, look, the difference as far as I can tell between what we're going to have to bring to bear under such a circumstance is we have all very skilled professional people that are leading the various agencies that we don't have a pattern of patronage or cronyism or things like that, that seem to hamstring some of the things that should have gone on down in the wake of Hurricane Katrina. Well, a month later I was back at the same neighborhood association and the question was what's up with the police department, that the Chief just retired, and they weren't thinking the same thing that I was at the time, but what I'd like to just say is on a going forward basis the County Manager and those of you that are going to represent us with whatever representation that we have at the City of Savannah, let's focus on making sure that whoever it is that replaces and comes after Chief Flynn, who I think did a remarkably good job especially under the circumstances, that there —, the best qualified person that we can bring in. You know, let's not back slide into some kind of a pattern where somebody gets selected because of their political affiliation or whatever. We need to just make sure that our people that we represent can have great faith, and the people that work in the Metropolitan Police Department can have great faith that they're being led by the best qualified professional chief that we can find to stand in the shoes of Dan Flynn on a going forward basis, and if that happens then I think our constituents, whether they're in the unincorporated area or in the City of Savannah, are going to be well served. If it doesn't happen, then I think that will be the shame that falls on us. Thank you.

Chairman Liakakis recognized Commissioner Thomas.

Commissioner Thomas said, thank you, Mr. Chairman. I don't want to be redundant, but I do want to say that I agree in part with what Commissioner Kicklighter has had to say, but I also agree with what Commissioner Gellatly said. I think he put it very vividly. It was my understanding, and I was on the Commission at the time, and I don't regret having voted for the merger, but there are some loose ends

that really need mending at this point because it was my understanding that the County Manager, even though it may be under the City, but I thought that our County Manager would have the autonomy of, you know, making whatever decisions along with the City Manager and then informing, you know, the County Commissioners as to what too place, and that's where I have a problem. To me, that was not done, and if it was then something is missing. So to keep that from happening again, we need to really have some serious discussions right now as to where do we go from here so that we will not be coming back at the table again with the same thing. I think that the merger has done a lot. I represent part of the unincorporated area as well, so I have some deep concerns about that. So there's much work to be done yet, and I hope that when we do meet, we will be able to meet in a civilized, you know, situation and we can get the work done for the citizens of this County.

Commissioner Kicklighter said, I just want to say that I don't deny, I think there's been many, many, many great things about merging the police department. I don't question it. I think overall it's been a really good thing. When I opposed it back then, the only thing I was opposing was the —, who actually had the authority as far as overseeing the operations of the police department. What concerns me here even now after listening to everyone here is basically you're asking —, what I got out of that is we're going to go into these negotiations and we're going to ask to like increase participation. You know, it don't matter if we sit in a meeting for 10 hours or if we sit there 10 seconds, if we don't have shared authority, participation is nothing. You can get increased participation by playing football on a practice field, but if you're sitting on the bench during the game, you're out, and increased participation with the police department is ridiculously the same exact thing that got us to this point today. This group needs to wipe out participation out of its mind and go for equal. Equal, nothing less than equal, and that's how a true police commission could do that. The Chief can answer to a Commission made up of the Chairman, the Manager, the Mayor, its Manager, and then some other appointed people from each body, and that's who that person answers to and you have shared equal authority. Participation — another smokescreen. It's, you know, we participated. You know, the County Manager participated when he was informed of a retirement. That was participation. He heard something and I'm sure he said a couple of words. He participated, but his opinion did not count and if we continue to participate, his opinion will never count and the people living in the unincorporated areas will never have elected representation. I ask throw the words out participate and go in and negotiate equal authority over this merged police department. Thank you.

Chairman Liakakis said, Mr. County Attorney, would you state to this Board and the people that are here today what it states in the intergovernmental agreement between the City of Savannah and the County concerning the County Manager's role with the merger.

County Attorney said, yeah. I don't know that I can address everything. It's a 44-page document and it was a document that was negotiated between the parties. One thing I would like to point out was this was not a buyout of the Chatham County Police Department because nobody bought anything. Chatham County's paying every nickel and every dime for the police protection that they deserve and the agreement went very far and was very detailed in ensuring that both parties would pay their fair share under the agreement. The agreement also was drawn with the vision that we were going to have a true Metropolitan Police Department and that was the intent and the vision. You can draw an agreement any way you want to draw it, but ultimately it's the parties that have made the agreement that determine whether the spirit and purpose of the agreement are lived up to. In a situation like this, as complicated as policing is today in the sophisticated society that we have, the parties are going to have to have —

treat each other with a great deal of respect, dignity and deference for the other side's issues and problems. An urban and less urban place have different challenges in policing. This agreement had to place the responsibility for where the employees were going to be, whether they're going to be County employees or whether they're going to be City employees, and that encased lots of issues unrelated to this, such as salary guidelines, pension benefits, insurance, and things of that nature. Under the agreement the Chief is an employee of the City, but the agreement also provided in its governance and selection of salary and employment as the status of the Chief, that the County and City Managers will jointly consult and confer with the selection or removal process of the Chief of the MPD, and that can be as much or perhaps less than much. It was not intended to be that way. It was intended that each side consider the other person's position. In regard to the selection of the new Chief, the agreement does specifically provide that a selection advisory panel appointed by the City and County Managers, with membership to conform with the appropriate requirements are to be involved in the selection of a new chief, and certainly if we're going to have an MPD, we need a Police Chief that's a Police Chief for everybody. So —.

Commissioner Kicklighter asked, can I stop you, Mr. Attorney? County Manager Abolt said, sure. Commissioner Kicklighter said, legal opinion. What legally does involved mean? Does that mean has authority over the selection or advisory? County Manager Abolt said, no, it's an advisory panel. Commissioner Kicklighter said, okay. County Manager Abolt said, the advisory panel has the right to speak out in any public forum it chooses in regard to how it views what needs to happen in that regard. There is also a policy board that was set up for the governance setting the policy and the accountability issues in regard to the police force, and that policy committee was set up with the Mayor of the City of Savannah, the Chairman of the County Commission, the City Manager and the County Manager for purposes of implementing policies for the force. There's —. Commissioner Kicklighter said, the wording in that —. County Manager Abolt said, yes. Can I complete —? Commissioner Kicklighter asked, the wording of that have it going —, I'm asking if it has it actually as an authority that their decision would set policy or if recommends ultimately to the Manager? County Manager Abolt said, well, it would ultimately make a recommendation. The policy committee though at the present time my understanding is that it dealt with some issues of the past, but it has been to a limited extent, but certainly within the framework of the agreement, there is opportunity to for input. Now, you can parse words over what input means and the extent of input, but if you're going to have a successful MPD, you're going to need to have both side feeling like they've got a fair shake out of the deal. That's about all I've got to say.

Chairman Liakakis said, Mr. County Manager, the years —, the couple of years that this has been in force, and from what I understand has been happening because I also brought it to your attention, is that if a citizen makes a comment or if a County Commissioner has some concern in any of the unincorporated areas or something pertaining to the police department, that they speak to you and, of course, would you tell everybody what has occurred when those things were brought to you? County Manager Abolt said, there's been no difference from the way it was before when we had the Chief of Police. Chief Flynn has been totally loyal to me. He's one of the crafters of the agreement. It goes back to what y'all said before, and I'll say it again as I did a couple of years ago, words are something, but the individuals in the position to make it happen are everything. It's kind of like a marriage. When we get married, we give our vows. We cannot rest on those vows and assume that 20 or 30 years later what we said 20 or 30 years before is going to see us through the rough spots. We have to work on this marriage. We have to work on it right now. Commissioner Kicklighter asked, is your wife watching, Russ [Abolt]?

Chairman Liakakis said, well, we received a letter and it was distributed to all of the Commissioners from the Mayor responding to my letter that I had sent them concerning what occurred on Chief Flynn's retirement, and he said he welcomes the meeting of the group that's coming from the County Commission to get together with the City, and your concerns have been noted now and, of course, we will bring back to the Commission the results of that particular meeting and then the Commission can go from that point. You know, one of the things that happens when there's crime in our community and unfortunately no crime is acceptable, but let me just tell you something about our police department. The police department since 2001 —, 2001 until October of 2005 have arrested over 46,000 people. Does everybody hear what I'm saying? The police department since January 2001 until October 2005 have arrested over 46,000 people. In addition to that, the police department has answered over 1,067,000 calls in that period of time. So it's not like the police department is not doing their job. You see, they have done a job in the community, but what happens is that unfortunately the blame is placed on the police department when it's really social ills that we have. We need to address more aggressively the social ills that we have in our community. It's simple as that. You know, we've got a lot of poverty in our community, that's one thing we'll be taking about in the news conference today, the County being involved in it, but the other things, too. You know, with one parent families, with the not only the poverty but to bring up others in our community so that they can have high paying jobs and we can put things to prevent crime into our community, like the school system. That's terrible. You've heard me say this before. You take in the school system the students that drop out of school, 46% of the students that drop of out school commit crime. It's simple as that. And how do we address that? You know, put technical training in the school system, see something about changing the curriculum to a degree that we can implement things to keep the students in school and to put resources out there that will help, you know, in the school system and help with parents that need the help. I mean, that's very important, but just to come right out and blame the police department, look at those and you've heard the figures that I just said to you that it shows that the police department has done a job and under the leadership of Chief of Police Dan Flynn.

Commissioner Kicklighter asked, Mr. Chairman? Chairman Liakakis said, yes. Commissioner Kicklighter said, please let me state, I know you weren't referring to me, but it sounded that way. Chairman Liakakis said, no, I wasn't. Commissioner Kicklighter said, I in no way shape or form am blaming the police department for anything. I think they're excellent. I merely discussed the structure of the merger. So, I knew you wasn't addressing me, you were talking in general, but I want the record to be clear that I don't blame the police department. I think they're doing a fine job. Chairman Liakakis said, no, no. I wasn't referring to you any way, shape or form. I was just making a statement. Commissioner Kicklighter said, I knew that, but it just sounded that way. Chairman Liakakis said, yeah.

ACTION OF THE BOARD:

An informational status report was held regarding problems with the retirement of Chief Dan Flynn and the hiring of a new Chief of Police for the Metropolitan Police Department.

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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) A TRANSFER WITHIN THE GENERAL FUND M&O BUDGET OF \$60,000 FROM THE BOARD OF ELECTIONS TO FUND A POVERTY REDUCTION INITIATIVE APPRENTICE PROGRAM, (2) A TRANSFER WITHIN THE GENERAL FUND M&O BUDGET OF \$125,000 FROM THE BOARD OF ELECTIONS TO REPLENISH THE CONTINGENCY BUDGET, (3) A GENERAL FUND M&O CONTINGENCY TRANSFER OF \$15,594 TO THE SHERIFF'S DEPARTMENT FOR BULLET PROOF VESTS, AND (4) AN APPROPRIATION OF \$1,888 FROM THE CONFISCATED FUNDS SHERIFF'S CONTINGENCY FOR BULLETPROOF VESTS.**

Chairman Liakakis said, let's go on —, any comments? Commissioner Shay said, I make a motion to approve. Commissioner Gellatly said, second. Chairman Liakakis said, we have a second. Let's go on the board. The motion carried unanimously. [NOTE: Commissioners Stone, Odell and Kicklighter were not present when this vote was taken.] Chairman Liakakis said, the motion passes.

ACTION OF THE BOARD:

Commissioner Shay moved that the Board approve the following: (1) A transfer within the General Fund M&O Budget of \$60,000 from the Board of Elections to fund a poverty Reduction Initiative Apprentice Program; (2) a transfer within the General Fund M&O Budget of \$125,000 from the Board of Elections to replenish the Contingency Budget; a General Fund M&O Contingency transfer of \$15,594 to the Sheriff's Department for bulletproof vests; and (4) an appropriation of \$1,888 from the Confiscated Funds Sheriff's Contingency for bulletproof vests. Commissioner Gellatly seconded the motion and it carried unanimously. [NOTE: Commissioners Stone, Odell and Kicklighter were not present when this vote was taken.]

AGENDA ITEM: IX-1**AGENDA DATE: November 18, 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) a transfer within the General Fund M&O budget of \$60,000 from the Board of Elections to fund a Poverty Reduction Initiative Apprentice Program, (2) a transfer within the General Fund M&O budget of \$125,000 from the Board of Elections to replenish the Contingency budget, (3) a General Fund M&O contingency transfer of \$15,594 to the Sheriff's Department for bullet proof vests, and (4) an appropriation of \$1,888 from the Confiscated Funds Sheriff's Contingency for bulletproof vests.

BACKGROUND:

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

FACTS AND FINDINGS:

1. A proposal to fund a Poverty Reduction Initiative Apprentice Program has been presented to the Board of Commissioners. The funding requested from Chatham County is \$60,000. A staff report is attached. The adopted FY2006 budget for the Board of Elections included \$185,000 for an ESPLOST election that will not occur in this fiscal year. These funds are available for transfer to the Poverty Reduction Initiative program. The balance of \$125,000 can be transferred to replenish the General Fund M&O Contingency.
2. The Sheriff department is proposing to replace 66 bullet proof vests. The total purchase will be \$22,374. The Confiscated Funds Sheriff's Contingency has a balance of \$1,888. A transfer of \$15,594 from the General Fund M&O contingency is requested. The Sheriff is funding the balance from other sources identified in the attached correspondence.

FUNDING:

Funds are available within the Board of Election budget, the Confiscated Funds Sheriff's Contingency, and in the General Fund M&O Contingency for the transfers.

ALTERNATIVES:

(1) That the Board approve the following:

GENERAL FUND M&O

- a) a transfer of \$60,000 from the Board of Elections to fund a Poverty Reduction Initiative Apprentice Program.
- b) a transfer of \$125,000 from the Board of Elections to replenish the Contingency budget.
- c) a contingency transfer of \$15,594 to the Sheriff’s Department for bullet proof vests.

CONFISCATED ASSETS SPECIAL REVENUE FUND

an appropriation of \$1,888 from the Sheriff’s Contingency for bulletproof vests.

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 CONSTRUCTION APPRENTICE PROGRAM.

County Manager Abolt said, Mr. Chairman, Dr. Thomas, Gentlemen, this is an item you’ve addressed many times before. You may want to hold a lot of the conversation until the news conference. I know in the audience in addition to yourselves, we have the balance of the partnership, Mr. Dodd from Step Up Poverty Initiative, Mr. Vaquer from Homebuilders, but this is truly a very special event. When you pass this, you’ll be able to announce at the news conference that this County, in conjunction with all the agencies and personnel I’ve mentioned, now will have in place a proposal that will allow 25 —, at least 25 young men and women to go through training to become skilled in the construction trades and then in turn the Homebuilders of Savannah are going to guarantee at the end of that training 25 jobs. So come Summer, 25 people will have jobs they maybe never qualified before, good paying jobs, jobs with dignity, and this is just the beginning. This is a major milestone. I realize the numbers are not that stark, but when you look at this first step you’re going to make and realize this partnership with the Homebuilders will carry us forward to truly boom construction on the Westside, this is a very special day in the history of Chatham County.

Chairman Liakakis asked, do I have a motion on the floor to approve this? Commissioner Farrell said, so moved. Commissioner Thomas said, second. Chairman Liakakis said, we have a motion on the floor and a second. Let's go on the board. The motion carried unanimously. [NOTE: Commissioner Stone, Odell and Kicklighter were not present when this vote was taken.] Chairman Liakakis said, the motion passes and we will have a news conference just prior to going out for Executive Session, where we'll bring all the parties that are involved in this to the front.

ACTION OF THE BOARD:

Commissioner Farrell moved to approve a Construction Apprentice Program between Chatham County, Step Up Savannah's Poverty Reduction Initiative, The Home Builders Association and Savannah Technical College for the recruitment, selection and management of 25 low skilled or under-employed residents to train in the construction field and employ the graduates of the program. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioners Stone, Odell and Kicklighter were not present when this vote was taken.]

AGENDA ITEM: **IX-2**

AGENDA DATE: November 18, 2005

TO: Board of Commissioners

THRU: R.E. Abolt, County Manager

FROM: Daniel Dodd, Project Director, Step Up Savannah's Poverty Reduction Initiative

ISSUE:

Implementation of Construction Apprentice Program.

BACKGROUND:

Step Up Savannah's Poverty Reduction Initiative requests \$60,000 to fund a Construction Apprentice Program. This program would be a collaboration of Chatham County, Step Up Savannah's Poverty Reduction Initiative, The Home Builders Association and Savannah Technical College.

The Construction Apprentice Program would recruit, select and manage 25 low skilled or underemployed residents to go through a construction training program. The program will give 25 adults in the construction field the opportunity to learn from both classroom and professional contractors who are members of the Homebuilders Association, and get jobs with those homebuilders after graduation.

FACTS AND FINDINGS:

1. Chatham County, Step Up Savannah's Poverty Reduction Initiative, The Home Builders Association, and Savannah Technical College.

Step Up will recruit, select and manage 25 low skilled or underemployed residents and administer the program.

Savannah Technical College will provide classroom training to include work ethics and life skills, job skills such as use of small tools, and mentoring of students when they perform on the job (internships). Upon completion of the three quarters program, students earn a Technical Certificate of Credit from Savannah Tech.

The Home Builders Association will provide on the job training with stipends to the trainees.

Contractors will hire successful graduates.

Chatham County will provide the operating expenses of the program, including management, books, tools, transportation, and administrative costs.

2. The Construction Apprenticeship Program would:

- a. Individuals recruited to enter the program will be adults (17 years and up) who are living at the poverty level or below. They must be drug free and remain so throughout the program. They must indicate interests in the trades (working with their hands) and they must be physically fit to work in a variety of weather conditions in a construction setting. They may have inadequate basic skills and may have little work experience. Barriers such as criminal records may have kept them from self-supporting jobs. Women will be encouraged to apply.
- b. The program will consist of three 10 week phases. In the program's first phase, participants will study life skills and work ethics to sustain success in the work place. Phase two will include both classroom and on the job training with contractors. Students will focus on a variety of trade skills including construction, carpentry and framing, electrical assistance, HVAC, and plumbing. During phase three, students will intern 40-hour weeks. The Home Builders Association contractors will provide stipends for both on the job training and internships to trainees. Graduates will get jobs with contractors following the program.

ALTERNATIVES:

1. Adopt recommendation to fund
2. Do not approve recommendation to fund

FUNDING:

Funds are available by transfer of funds from the Board of Elections

POLICY ANALYSIS:

This was borne out of the County Commission goal session.

RECOMMENDATION:

That the Board adopt Alternative #1

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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 under the Action Calendar, 1 through 5 and the subsequent other individual items that anybody would like to bring out.

Commissioner Shay said, I'm not asking to pull it, but I would like to discuss Item O, the contract with Curtis V. Cooper Primary Healthcare. Chairman Liakakis said, okay. Commissioner Shay said, just to say that I think it's great that we're adopting a program to move forward again with that institution to provide healthcare for those who are least able among us to afford it, and we have some representatives that are here and I want to compliment them on stepping up to the plate and making this commitment again to our community. It's not an easy task and I just want to thank them for their willingness to participate and encourage them to continue to work together with our collaborative to make sure that these folks are well served. So thank you for that.

Chairman Liakakis said, I'd like to because I'll have the staff comment on this under that item. Also, Item G and H, as well as O. Do we have a motion on the floor to approve all items except under Item 5, G, H and O.

Commissioner Thomas said, Mr. Chairman, I move for approval. Commissioner Holmes said, second. Chairman Liakakis said, and we have a second on the floor. Go on the board. The motion carried unanimously. [NOTE: Commissioners Stone, Odell and Kicklighter were not present when this vote was taken.] Chairman Liakakis said, the motion passes.

ACTION OF THE BOARD:

Commissioner Thomas moved to approve Items 1 through 5, except Item 5-G, 5-H and 5-O. Commissioner Holmes seconded the motion and it carried unanimously. [NOTE: Commissioners Stone, Odell and Kicklighter were not present when this vote was taken.]

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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 21, 2005, AS MAILED.**

ACTION OF THE BOARD:

Commission Thomas moved to approve the minutes of the regular meeting of October 21, 2005. Commissioner Holmes seconded the motion and it carried unanimously. [NOTE: Commissioners Stone, Odell and Kicklighter were not present when this vote was taken.]

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2. CLAIMS VS. CHATHAM COUNTY FOR THE PERIOD OCTOBER 27 THROUGH NOVEMBER 8, 2005.**ACTION OF THE BOARD:**

Commissioner Thomas moved to authorize the Finance Director to pay the claims against the County for the period October 27, 2005, through November 8, 2005, in the amount of \$5,851,190. Commissioner Holmes seconded the motion and it carried unanimously. [NOTE: Commissioners Stone, Odell and Kicklighter were not present when this vote was taken.]

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3. REQUEST BOARD APPROVAL TO GRANT A UTILITY EASEMENT TO THE CITY OF SAVANNAH THROUGH A PORTION OF HENDERSON GOLF COURSE. [DISTRICT 7.]**ACTION OF THE BOARD:**

Commissioner Thomas moved to approve the grant of a Utility Easement to the City of Savannah through a portion of Henderson Golf Course to extend water service for Southwest Chatham County. Commissioner Holmes seconded the motion and it carried unanimously. [NOTE: Commissioners Stone, Odell and Kicklighter were not present when this vote was taken.]

ACTION ITEM: X-3**AGENDA DATE: November 18, 2005****TO:** Board of Commissioners**THRU:** R. E. Abolt, County Manager**FROM:** Patrick Monahan, Asst. County Manager**ISSUE:**

To seek Board approval to grant a utility easement to the City of Savannah through Henderson Golf Course.

BACKGROUND:

The City of Savannah is seeking a utility easement to extend water service for Southwest Chatham County. A portion of the utility path crosses Henderson Golf Course.

FACTS & FINDINGS:

1. The City of Savannah is seeking a utility easement through Henderson Golf Course. The 79,852-square foot easement varies from 20 feet to 30 feet in width (see Attachment 1).
2. County staff, City of Savannah staff, the City of Savannah's consulting engineer (EMC) and the Henderson Director of Golf met several times to determine a routing which would not affect the golf course nor minimize any impact on golf play during construction. While construction of the water line would occur during January-February, these are important months to Henderson for marketing tournaments during the warmer months.
3. The City of Savannah has agreed to several concessions, which would minimize any adverse impact. For example, hours of work within the construction contract and a routing which eliminates planted areas will be enforced. In addition, the City of Savannah will send notices to 10 nearby property owners to alert them to the work schedule.
4. in the spirit of intergovernmental cooperation, Chatham County would not charge the City of Savannah for the value of the easement (the City of Savannah has several times granted Chatham County utility easements without charge).

FUNDING:

Not applicable.

ALTERNATIVES:

1. That the Board grant the easement to the City of Savannah for a utility line of 79,851 square feet as presented in the attached plat through Henderson Golf Course.
2. That the Board deny the easement to the City of Savannah for the requested utility easement.
3. That the Board grant the easement to the City of Savannah but at a cost of fair market value.

POLICY ANALYSIS:

Under the Georgia Constitution, as with property conveyances, easements can be granted between two body politics without consideration of fair market value.

RECOMMENDATION:

That the Board adopt Alternative 1.

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**4. REQUEST BOARD APPROVAL TO SELL RIGHTS TO FIVE ACRES AT RICE MILL TO THE PROPERTY OWNER WHO DONATED IT.
[DISTRICT 6.]**

ACTION OF THE BOARD:

Commissioner Thomas moved to approve the sale of five (5) acres at Rice Mill Plantation to Georgetown Associates, the owner of the property who donated it to Chatham County. Commissioner Holmes seconded the motion and it carried unanimously. [NOTE: Commissioners Stone, Odell and Kicklighter were not present when this vote was taken.]

ACTION ITEM: X-4

AGENDA DATE: November 18, 2005

TO: Board of Commissioners

THRU: R. E. Abolt, County Manager

FROM: Patrick Monahan, Asst. County Manager

ISSUE:

To authorize the sale of Chatham County's interest in a five-acre tract at Rice Mill Plantation to the developer who donated it to the County.

BACKGROUND:

In 1997, Georgetown Associates donated five acres of property for a public park to Chatham County as part an agreement (dated July 10, 1997) for the extension of sewer services to Rice Mill Plantation, a proposed 175-acre residential development. The agreement did not specify a location but only that a site would be "...at a specific location to be agreed upon by both parties." The location of the five acres has not been surveyed—in part due to its location near the latter phases of development still a number of years away and in part due to no plans by Chatham County for a neighborhood park in this area. Given the uncertainty that Chatham County would ever develop a part at this location, Georgetown Associates has agreed to acquire the County's interest in the property.

FACTS & FINDINGS:

1. The developer, Georgetown Associates, has agreed to dedicate a five-acre parcel within the Rice Mill Plantation development. This action would be consistent with an agreement, dated July 10, 1997, for Chatham County's up-fronting capital cost to extend sewer services, which the developer repays through connection fees. However, the developer has asked whether Chatham County would be interested in selling its interest in the five acres.
2. The development of any part at this location would not occur for several more years since it would be situated within the latter phase of the development. Furthermore, the developer would not be obligated to provide any road improvements to gain access to the park property.
3. Chatham County's 5-Year CIP does not project a public park at Rice Mill Plantation. Any proposed development of a public park in this area should be done in consideration of need and added park maintenance requirements. The property would be located near the rear of the Rice Mill Plantation development in an area far from the current route of park maintenance.
4. Any conveyance would include public dedication as a park consistent with the agreement. This would preclude Chatham County's selling the property in the future; however, it could become dedicated at some future date to a homeowners' association or other group that would be willing to provide maintenance.
5. Should the Board be interested in selling the property, the County and Georgetown Associates would agree mutually on an appraiser to determine the fair market value of five acres of undeveloped land within the Rice Mill Plantation subdivision. The developer would then acquire Chatham County's interest based on this amount.
6. Since Chatham County accepted the donation for purposes of a public park, any proceeds from the sale should be earmarked for funding for capital park projects.

FUNDING:

Not applicable.

ALTERNATIVES:

1. That the Board authorize staff to proceed with selling Chatham County's interest in the five acres at Rice Mill Plantation by obtaining an appraisal of fair market value.

2. That the Board direct staff to proceed with negotiating a “specific location” with Georgetown Associates and obtain a deed to dedicate the area for a public park.
3. That the Board take no action.

POLICY ANALYSIS:

The unusual aspect of this property transaction centers on Chatham County’s selling its interest in five acres rather than the sale of five acres of property. Pending Board approval, the sale would still be based on an appraisal of fair market value.

RECOMMENDATION:

That the Board approve Alternative 1.

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5. 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. Confirmation of the disposal of two vehicles sold at public auction	CNT	N/A	Revenue Producing	No Funding Required
B. Fabrication and construction contract for Bar Rack for Sluice Gate Structure for Pipemakers Canal	SPLOST	The Industrial Company (TIC)	\$65,283	SPLOST (1998-2003) - Pipemakers Canal Drainage Improvement Project
C. Contract for professional engineering services to complete the design of the Quacco Road/Regency Park Drainage Improvement project	SPLOST	Thomas & Hutton Engineering	\$99,000	SPLOST (1998-2003) - Quacco/Regency Park Drainage

<u>ITEM</u>	<u>DEPT.</u>	<u>SOURCE</u>	<u>AMOUNT</u>	<u>FUNDING</u>
D. Contract to construct the Intersection Improvement at King George Blvd. and Red Fox Drive	SPLOST	Apex Property Maintenance	\$86,850	SPLOST (1985-1993) - Intersection Improvements
E. Professional engineering services contract to design a new roadway connection for the Chatham County Health Department at the corner of Eisenhower Drive and Sallie Mood Drive	Health Department	Hussey, Gay, Bell and DeYoung	\$14,850	2005 Downtown Savannah Authority Bonds - Health Department
F. Declare as unserviceable surplus and authorize sale at public auction or sell as scrap material older vehicles and miscellaneous repair parts	Fleet Operations	N/A	Revenue Producing	No Funding Required
G. Confirmation of Change Order No. 2 for the construction of Charlie Brooks Recreation Complex - Phase I for additional work	Solid Waste	Benson Construction Co., Inc.	\$188,977	Solid Waste Restricted Fund
H. Confirmation of the emergency repairs to the Montgomery Street Courthouse roof	Facilities Maintenance and Operations	Coating Application and Waterproofing Company	\$38,486	General Fund/M & O - Facilities Maintenance and Operations

<u>ITEM</u>	<u>DEPT.</u>	<u>SOURCE</u>	<u>AMOUNT</u>	<u>FUNDING</u>
I. Renewal for building, contents, boiler and machinery and inland marine property insurance	Finance	TBD	TBD	Risk Management - Insurance and Surety Bond Premiums
J. Change Order No. 7 to the design contract for the Whitfield/Diamond Causeway project for additional design services	SPLOST	Thomas & Hutton Engineering	\$141,370	SPLOST (1993-1998) - Whitfield Avenue
K. Motorola Airmobile software, server and two (2) workstations	I.C.S.	Motorola, Inc. (State Contract)	\$62,643	CIP - Motorola Radio System Upgrade
L. Annual contract with automatic renewals for four (4) additional one year terms, for attendant services at the Chevis Road and Sharon Park Recycle/Drop-Off Centers	Solid Waste	Mr. Jack Douglas	\$55,200	Solid Waste Fund
M. Annual revenue generating contracts with automatic renewals for four (4) additional one year terms, to provide vending machine services for various park and recreational facilities	Parks and Recreation	•Rawls Distributing Company •Savannah Coca-Cola Bottling Company	Varies by item	Revenue Generating

<u>ITEM</u>	<u>DEPT.</u>	<u>SOURCE</u>	<u>AMOUNT</u>	<u>FUNDING</u>
N. Twenty-five (25) year lease agreement with the City of Savannah for Ambuc Sports Complex for recreational activities	Parks and Recreation			N/A
O. Annual contract for the remaining seven (7) months of FY2006 with automatic renewals for four (4) additional one-year terms, to provide Primary Healthcare Services to the indigent citizens of Chatham County	Commissioners	Curtis V. Cooper Primary Healthcare, Inc.	\$312,500/ Month	General Fund/M & O - Indigent Medical/ Health Care

As to Items 5-A through 5-M, except Items 5-G and 5-H:

Commissioner Thomas moved to approve Items 5-A through 5-M, except 5-G and 5-H. Commissioner Holmes seconded the motion and it carried unanimously. [NOTE: Commissioners Stone, Odell and Kicklighter were not present when this vote was taken.]

As to Item 5-G:

Confirmation of Change Order No. 2 for the construction of Charlie Brooks Recreation Complex - Phase I, for additional work; Solid Waste; Benson Construction Co., Inc.; \$188,977; Solid Waste Restricted Fund.

Chairman Liakakis recognized County Manager Abolt.

County Manager Abolt said, Dr. Thomas, Gentlemen, I brought to the Chairman's attention a little over two weeks ago the fact that in a very high priority project the construction of a brand new field in Charlie Brooks Park in the companion project of a transfer site that we're expanding at the same location we had run into a problem. There was a sewer line going down a bike path that was in such close proximity to a decorative and a very handsome wall adjoining the Charlie Brooks Park and something had to be done to stop the construction from damaging and undermining the stability of the wall. The Chairman gave us the okay to proceed with work. The expenditures before you know are for confirmation, but essentially this was a high profile project. It's a priority. We want to get play out there come the Spring and it's essential. Commissioner Farrell asked a quite on-point question of staff which we'll have the answer in a matter of a few work days and why did one consultant not know what the other was doing, and we're

sorting that out right now. The issue is we had two separate projects right next to each other, but one hand didn't know what the other was doing but essentially we're correcting that from the standpoint of the construction schedule. Nothing will slip and we're sort out the details in a matter of a few work days.

Chairman Liakakis said, thank you and we appreciate Commissioner Farrell bringing that out because that can save money and time for the County in the future.

The Clerk said, we would need a motion on G. Chairman Liakakis said, okay. Well, I will go ahead and do that. I was going to —. Do we have a motion? Commissioner Farrell said, so moved. Chairman Liakakis asked, do we have a second? Commissioner Holmes said, second. Chairman Liakakis said, go on the board. The motion carried unanimously. [NOTE: Commissioners Stone, Odell and Kicklighter were not present when this vote was taken.] Chairman Liakakis said, okay.

As to Item 5-H:

Confirmation of the emergency repairs to the Montgomery Street Courthouse roof; Facilities Maintenance and Operations; Coating Application and Waterproofing Company; \$38,486; General Fund/M&O - Facilities Maintenance and Operations.

County Manager Abolt said, thank you, Mr. Chairman. In this case I would like to take advantage of my ability to defer to one of the many super heroes I'm blessed with. Mr. Thompson, please.

Mr. Fred Thompson said, good morning. The roof —. Chairman Liakakis said, would you identify yourself. Mr. Thompson said, Fred Thompson. I am the Maintenance Superintendent for the County. The roof had a 10-year warranty on it, sir. The warranty was up July of this year. The company, Coating Application, they are going to recoat, do any repairs. Most of the repairs resulted from air conditioning work and other work on the roof, not failure of the roof. We do have some leaks there now. It's imperative that we get them repaired as soon as possible. It will go back on a 10-year warranty for any repairs in the future. The foam urethane roof application is a very good application for that particular building.

Chairman Liakakis said, thank you. Any questions? All right, do we have a motion on the floor to approve this item?

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

As to Item 5-O:

Annual contract for the remaining seven (7) months of FY2006 with automatic renewals for four (4) additional one-year terms, to provide Primary Healthcare Services to the indigent citizens of Chatham County; Commissioners; Curtis V. Cooper Primary Healthcare, Inc.; \$312,500/Month; General Fund/M&O - Indigent Medical/Health Care.

Chairman Liakakis recognized Commissioner Shay.

Commissioner Shay said, I'd like to make a motion for approval. Commissioner Thomas said, second, Mr. Chairman. Chairman Liakakis said, let's go on the board. The motion carried unanimously. [NOTE: Commissioners Stone, Odell and Kicklighter were not present when this vote was taken.] Chairman Liakakis said, the motion passes.

ACTION OF THE BOARD:

1. Commissioner Thomas moved to approve Items A through M, except Items 5-G and 5-H. Commissioner Holmes seconded the motion and it carried unanimously. [NOTE: Commissioners Stone, Odell and Kicklighter were not present when this vote was taken.]
2. Commissioner Farrell moved to approve Item 5-G. Commissioner Holmes seconded the motion and it carried unanimously. [NOTE: Commissioners Stone, Odell and Kicklighter were not present when this vote was taken.]
3. Commissioner Gellatly moved to approve Item 5-H. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioners Stone, Odell and Kicklighter were not present when this vote was taken.]
4. Commissioner Shay moved to approve Item 5-O. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioners Stone, Odell and Kicklighter were not present when this vote was taken.]

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XI. FIRST READINGS

Proposed changes to ordinances must be read or presented in written form at two meetings held not less than one week apart. A vote on the following listed matters will occur at the next regularly scheduled meeting. 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.

None.

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XII. SECOND READINGS

1. **TEXT AMENDMENT TO CREATE AN HISTORIC PRESERVATION COMMISSION AND DESIGNATION PROCESS FOR UNINCORPORATED CHATHAM COUNTY.
MPC FILE NO. Z-050725-88673-1
[ALL DISTRICTS – UNINCORPORATED AREA.]**

Chairman Liakakis recognized Commissioner Shay.

Commissioner Shay said, I'd like to point out to the Commissioners and those listening that what we are going to hopefully approve today is what's called an Enabling Ordinance. It's not something that is establishing what the rules are for any specific areas in the unincorporated area, but it would enable areas within the unincorporated area to come forward now to a Preservation Commission and request protection for historic districts or neighborhoods or individual buildings and then establish for themselves what the rules would be for those protections. So we're empowering the individual neighborhoods and even individual property owners to be able to work with our Metropolitan Planning Commission staff to develop rules of engagement for amendments or improvements to properties that are within these districts in the future. As an example, in my district I represent a portion of Sandfly. Sandfly has tried for many years to be able to acquire a historic district status and this would allow them to take a first step toward that if they choose to work through this ordinance and be able to establish a local historic district. When they're make a part of a local historic district, it allows them to sort of grease the skids for being considered as such by the State. If they are considered — made that status by the State, then a lot of times the individual properties can qualify for tax credits or tax incentives, like our historic property tax freeze on the value for improvements. So what this is, is an ordinance that would enable individual neighborhoods or individual properties that are out there to come forward and ask for that status for this. It was unanimously voted on and approved by the Metropolitan Planning Commission. The Homebuilders Association has had input into this working through our Director of the MPC, the Local Chapter of the American Institute of Architects has endorsed it. I think it's an opportunity for us to provide some future coverage for these neighborhoods if they come forward, and I think it is something that would be a good thing for all of our communities. We have a lot of history in our community. It's not just in the Downtown Historic District where this meeting is taking place. There are a lot of very significant and historic items that are in the unincorporated area, and this would allow potentially for them to be given the same kinds of protections that the Downtown Historic District enjoys.

Chairman Liakakis said, well, we thank you for bringing this up and, of course, we thank the MPC as always for doing the research and putting things together to help, and all of the Commissioners were distributed the literature concerning this matter now. It's a good thing for our unincorporated areas. You know, they have that type of protection and ability in the City and now we are affording a lot of that for our County residents. So, do we have a motion on the floor?

Commissioner Shay said, I would like to move for approval. Chairman Liakakis asked, do we have a second? Commissioner Farrell said, second. Chairman Liakakis said, all right. We have a motion on the floor and a second. Go on the board. The motion carried unanimously. [NOTE: Commissioners Stone, Odell and Kicklighter were not present when this vote was taken.] Chairman Liakakis said, the motion passes. Commissioner Shay said, thank you.

ACTION OF THE BOARD:

Commissioner Shay moved to approve a text amendment to create an Historic Preservation Commission and designation process for unincorporated Chatham County. Commissioner Farrell seconded the motion and it carried unanimously. [NOTE: Commissioners Stone, Odell and Kicklighter were not present when this vote was taken.]

AGENDA ITEM: XII-1**AGENDA DATE: November 18, 2005**

TO: BOARD OF COMMISSIONERS

THRU: R. E. ABOLT, COUNTY MANAGER

FROM: THOMAS L. THOMSON, EXECUTIVE DIRECTOR

LEGAL NOTICE/AGENDA HEADING:

**Approve an ordinance to create a Historic Preservation Commission and designation process for unincorporated Chatham County. The MPC recommended approval.
MPC File No. Z-050725-88673-1**

ISSUE:

An ordinance to establish a historic preservation commission for unincorporated Chatham County.

BACKGROUND:

In the fall of 2004, MPC drafted an ordinance to establish a historic preservation commission for unincorporated Chatham County. MPC staff had drafted a similar ordinance in 1991 that was never enacted by the County Commission. The attached draft is a revision of the 1991 draft incorporating language from a model ordinance provided by the Historic Preservation Division of the Georgia Department of Natural Resources that meets the requirements of the State enabling legislation, the Georgia Historic Preservation Act of 1980.

The Chatham County-Savannah Metropolitan Planning Commission launched an update of the City and County comprehensive plans and zoning ordinances in February, 2002. Several prior planning documents served as building blocks for the Tricentennial Plan including the Islands Area Community Plan and the Southeast Chatham County Community Plan.

The ordinance is consistent with the goals and objectives adopted by the Historic Preservation subcommittee and Steering Committee of the Comprehensive Plan update public participation process as well as with the goals set forth in the Islands Area and Southeast Chatham plans.

A draft of the proposed ordinance was sent to Ms. Jennifer Martin-Lewis, the Georgia Certified Local Government Coordinator, to ensure that the proposed language in the ordinance was in compliance with the Georgia

enabling legislation. Comments have also been received from Mr. James Reap and Mr. Mel Hill, who serve as legal counsel to the Georgia Alliance of Preservation Commissions. Meetings have been held with the County Manager, the County Attorney and others to discuss the process for creating a Chatham County Historic Preservation Ordinance. An open house was held on Monday, September 12, 2005 at the MPC. Notices were sent to neighborhood organizations such as the Sand fly Betterment Association and owners of potentially eligible properties. The meeting was attended by property owners in the Burroughs Community, Ogeechee Road and Montgomery as well as Historic Savannah Foundation.

FACTS AND FINDINGS

1. The draft ordinance will implement the creation of an historic preservation commission in accordance with the State Historic Preservation Enabling Legislation. It also implements a designation process under which the Preservation Commission hears and recommends for adoption by the Chatham County Board of Commissioners, petitions for the designation of local historic districts, properties and conservation districts. Designated properties and districts each have specific design guidelines and standards. A Certificate of Appropriateness approved and issued by the historic preservation commission would be required before a building permit could be issued for the demolition of locally designated historic properties, new construction or alterations to properties within locally designated historic districts. Signs exceeding three square feet in size would also be reviewed in any locally designated historic district.
2. All existing historic districts and properties would be eligible for designation including Isle of Hope and Bethesda. Potentially eligible for local historic designation would be sites or buildings 50 years old or more that are outstanding examples of a past architectural style, or area associated with an event or person of cultural significance to Chatham County or that may be a site of natural or aesthetic interest that contributes to the visual quality of life in Chatham County.
3. Districts less than 50 years old that have a geographically definable area and possess an identifiable plan and continuity of buildings and/or landscape may be eligible for designation as local conservation districts.
4. Upon the enactment of this ordinance and appointment of the commission, the following additional issues need to be addressed before the designation process is implemented.
 - a) By-laws need to be drafted.

- b) A fee structure needs to be established.
- c) A staff position needs to be approved and funded.
- d) Variance criteria for undue hardship need to be identified.

ALTERNATIVES:

1. Approve an ordinance to create a Historic Preservation Commission for unincorporated Chatham County.
2. Do not approve an ordinance to create a Historic Preservation Commission for unincorporated Chatham County.

FUNDING:

If passed an appropriation for staff and expenses will be determined.

POLICY ANALYSIS:

The purpose of the ordinance is to insure that historic, cultural, and significant landscape resources are protected in neighborhoods where supported by property owners through specific design standards.

RECOMMENDATION:

The MPC and Director of Building Safety and Regulatory Services recommend Approval of an ordinance to create an historic preservation commission and designation process for unincorporated Chatham County.

PREPARED BY: Beth Reiter
Preservation Officer

NOVEMBER 1, 2005

Gregori Anderson, Director
BUILDING SAFETY AND REGULATORY SERVICES

CHATHAM COUNTY HISTORIC PRESERVATION ORDINANCE

SECTION I

Purpose

It is the finding and determination of the Board of Commissioners of Chatham County, Georgia that the historical, cultural, and aesthetic heritage of Chatham County is among its most valued and important assets and that the preservation of this heritage is essential to the promotion of the health, prosperity, and general welfare of the people. Therefore, it is the purpose and intent of the Ordinance to establish a uniform procedure to provide for the protection, enhancement, perpetuation and use of areas having a special historical, cultural, or aesthetic interest or value.

SECTION II

Definitions

- A. Certificate of Appropriateness - Means a document evidencing approval by the historic Preservation Commission of an application to make a material change in the appearance of a designated historic property or of a property located within a designated historic district.
- B. Conservation District – Means a geographically definable area, possessing a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united by past events or aesthetically by plan or physical development, that is less than fifty years. A conservation district may also comprise individual elements separated geographically but linked by association or development. A Conservation District shall further mean an area designated by the Chatham County Commissioners as a Conservation District pursuant to the criteria established in Section IV.C.
- C. Exterior Architectural Features – Means the architectural style, general design, and general arrangement of the exterior of a building, including but not limited to the kind or texture of the building material and the type and style of all windows, doors, signs, and other appurtenant architectural fixtures, features, details, or elements relative to the foregoing.
- D. Historic District – Means a geographically definable area, urban or rural, which contains structures, sites, works of art, or a combination thereof which:
 - (1) Have special character or special historical (typically at least fifty-years old) or aesthetic interest or value;

- (2) Represent one or more periods or styles of architecture typical of one or more eras in the history of the County of Chatham, State of Georgia or region; and
- (3) Cause such area, by reason of such factors, to constitute a visibly perceptible section of the County.

A Historic District shall further mean an area designated by the Board of Commissioners as a Historic District pursuant to the criteria established in Section IV.B. of this Ordinance.

- E. Historic Property – Means a structure, site, or work of art, typically at least fifty years old, including the adjacent area necessary for the proper appreciation or use thereof, deemed worthy of preservation by reason of its value to the County of Chatham, State of Georgia or region for one or more of the following reasons:
- (1) It is an outstanding example of a structure representative of its era;
 - (2) It is one of the few remaining examples of a past architectural style;
 - (3) It is a place or structure associated with an event or person of historic or cultural significance to Chatham County , State of Georgia or the region; or
 - (4) It is a site of natural or aesthetic interest that is continuing to contribute to the cultural or historical development and heritage of Chatham County, State of Georgia or the region.
- F. Material Change – Means a change that will affect only the exterior architectural features of a historic property or of any structure, site, or work of art within a historic district, and may include any one or more of the following:
- (1) A reconstruction or alteration of the size, shape, or façade of a building, including relocation of any doors or windows or removal or alteration of any architectural features, details, or elements including awnings;
 - (2) Demolition or relocation of a historic property;
 - (3) The erection, alteration, restoration, or removal of any building within a designated historic district, including walls, fences, steps, and pavements, or other appurtenant features, except exterior paint alterations;
 - (4) The erection or alteration of any sign over three square feet and visible from a public right-of-way within a

historic district except for those signs permitted under Sec. 7-1.6 of the Chatham County Zoning Ordinance.

SECTION III

Historic Preservation Commission

- A. Creation and Composition. There is hereby created a commission whose title shall be "CHATHAM COUNTY HISTORIC PRESERVATION COMMISSION" (hereinafter "Commission") which shall consist of nine (9) members appointed by the Board of Commissioners of Chatham County. All members shall be residents of Chatham County and shall be persons who have demonstrated special interest in the preservation of historic resources. The Commission shall include at least five (5) representatives of professions which are directly related to historic preservation such as architecture, architectural history, planning, archaeology, law, or building construction or restoration.
- B. Terms of Office. Members shall serve three-year terms. Members may not serve more than two (2) consecutive terms. In order to achieve staggered terms, initial appointments shall be: Three (3) members for one (1) year; three (3) members for two (2) years; and three members (3) for three (3) years.
- C. Serve without pay. Members shall not receive a salary, although they may be reimbursed for expenses.
- D. Statement of the Commission's Powers. The Commission shall be authorized to:
- (1) Prepare and maintain an inventory of all property within its respective historic preservation jurisdiction having the potential for designation as historic property.
 - (2) Review applications for designation of historic properties, historic districts, or conservation districts and make recommendations to the Board of Commissioners of Chatham County those districts or buildings eligible to be designated by ordinance as historic properties, historic districts, or conservation districts;
 - (3) Review applications for Certificates of Appropriateness, and grant or deny same in accordance with the provisions of this ordinance;

- (4) Recommend to the Board of Commissioners of Chatham County that the designation of any district as a historic district, conservation district or building as a historic property be revoked or removed;
 - (5) Make such investigations and studies of matters relating to historic preservation as the Chatham County Board of Commissioners or the Commission itself may, from time to time, deem necessary or appropriate for the purposes of preserving historic resources. Any such request for investigations or studies shall be made directly to the Director of the Chatham-Savannah Metropolitan Planning Commission for evaluation with regard to the preservation staff work program;
 - (6) Seek out local, state, federal, or private funds for historic preservation, and make recommendations to the Chatham County Board of Commissioners concerning the most appropriate uses of any funds acquired; and
 - (7) Submit to the Historic Preservation Division of the Georgia Department of Natural Resources a list of historic properties and historic districts designated.
- E. Rules of Procedure The Commission shall adopt rules and standards for the transaction of its business and for consideration of applications for designation of historic properties and historic districts and for Certificate of Appropriateness. Such rules shall include By-Laws and removal of membership provisions. Standards shall include "Design Guidelines and Criteria" to be developed for each property designated or area designated as a historic district in accordance with the provisions of this ordinance. The Commission shall have the flexibility to adopt rules and standards without amendment to this Ordinance.
- F. Conflict of Interest. The Commission shall be subject to all conflict of interest laws set forth in Georgia Statutes and in the Chatham County Code of Ethics, the provisions of which are hereby incorporated by reference.
- G. Records of Commission Meetings. A public record shall be kept of the Commission's resolutions, proceedings and actions.
- H. Preservation Professional: The Executive Director of the Chatham-Savannah Metropolitan Planning Commission, or his designee, shall

be the Preservation Professional. The Preservation Professional and staff shall provide support services to the Commission.

SECTION IV

Recommendation and Designation of Historic Districts, Conservation Districts and Properties

A. Preliminary Research by Commission.

1. Commission's mandate to conduct a survey of historical resources: The commission shall compile and collect information on historical resources within Chatham County to identify areas which may be appropriate for protection under the provisions of this ordinance. This shall be the list entitled Historic and Cultural Resources for Unincorporated Chatham County in the Comprehensive Plan
2. Commission's power to recommend districts and buildings to the Chatham County Board of Commissioners for designation:
Upon a property owner's request or a request by a neighborhood organization on behalf of a majority of affected property owners, the Commission shall present to the Chatham County Board of Commissioners recommendations for historic districts and properties. Such properties or districts shall first have been listed on the Unincorporated Chatham County Historic Resource list found in the Chatham County-Savannah Comprehensive Plan. If such property is not listed, staff shall evaluate and determine it's eligibility for listing prior to the Commission's recommendation.
3. Commission's documentation of proposed designation: Prior to the commission's recommendation of a historic property or district to the Chatham County Board of Commissioners for designation, the Commission shall prepare a Report for Nomination consisting of:
 - a. a physical description; including but not limited to boundaries, street patterns, styles, materials, geographical features, and other character-defining features of an individual property or conservation or historic district;
 - b. a statement of the historical, cultural, architectural, and/or aesthetic significance;

- c. a map showing district boundaries;
- d. a statement justifying district boundaries; and
- e. representative photographs.

B. Designation of a Historic District

1. Criteria for the selection of historic districts: A Historic District is a geographically definable area, urban or rural, which contains structures, sites, works of art, or a combination thereof, which:
 - a. Have special character or special historical or aesthetic interest or value;
 - b. Represent one or more periods or styles of architecture typical of one or more eras in the history of the County of Chatham, State of Georgia or region; and
 - c. Cause such area, by reason of such factors, to constitute a visibly perceptible section of the County
2. Boundaries of a Historic District. Boundaries of a Historic District shall be included in the separate ordinances designating such districts and shall be shown on the official Zoning Map of Chatham County, Georgia.
3. Evaluation of properties within Historic Districts: Individual properties within historic districts shall be classified as:
 - a. Contributing (contributes to the district);
 - b. Non-contributing (does not contribute to the district, as provided for in B.1.)

C. Designation of a Conservation District

1. Criteria for the selection of conservation districts: A Conservation District is a geographically definable area, urban or rural, which contains structures, sites, works of art, or a combination thereof, which:
 - a. Have special character, land use pattern, or special or aesthetic interest or value;
 - b. Represent one or more periods or styles of architecture typical of one or more eras in the history of the County of Chatham, State of Georgia or region; and

- c. Cause such area, by reason of such factors, to constitute a visibly perceptible section of the County; and
 - d. Less than fifty years old.
 2. Boundaries of a Conservation District. Boundaries of a Conservation District shall be included in the separate ordinances designating such districts and shall be shown on the official Zoning Map of Chatham County, Georgia.
 3. Evaluation of properties within Conservation Districts: Individual properties within conservation districts shall be classified as:
 - a. Contributing (contributes to the district);
 - b. Non-contributing (does not contribute to the district, as provided for in B.1.)
- D. Designation of a Historic Property:
 1. Criteria for selection of Historic Properties: A historic property is a building, structure, site, or object; including the adjacent area necessary for the proper appreciation or use thereof, deemed worth of preservation by reason of value to the County of Chatham, the State of Georgia or region for one of the following reasons:
 - a. It is an outstanding example of a structure representative of its era;
 - b. It is one of the few remaining examples of a past architectural style;
 - c. It is a place or structure associated with an event or persons of historical or cultural significance to the County of Chatham, State of Georgia, or the region; or
 - d. It is the site of natural or aesthetic interest that is continuing to contribute to the cultural or historical development and heritage of the municipality, county, state or region.
- E. Requirements for Adopting an Ordinance for the Designation of Historic Districts, Conservation Districts and Historic Properties.

1. Application for Designation of Historic Districts, Conservation Districts or Historic Properties: District designations shall be proposed by the Chatham County Board of Commissioners, or the Commission, upon request by historical society or neighborhood association on behalf of a majority of property owners. Historic property designation shall be proposed upon request by the property owner.
2. Required Components of a Designation Ordinance: Any ordinance designating any property or district as historic shall:
 - a. list each property in a proposed historic district, conservation district or describe the proposed individual historic property;
 - b. set forth the name(s) of the owner(s) of the designated property or properties;
 - c. require that a Certificate of Appropriateness be obtained from the Commission prior to any material change in appearance of the designated property; and
 - d. require that the boundaries of the property or district be shown on the Official Zoning Map of Chatham County, Georgia.
3. Require Public Hearings: The Commission or the Chatham County Commission shall hold a public hearing on any proposed ordinance for the designation of any historic district or property. Notice of the hearing shall be published in at least three (3) consecutive issues in the principle newspaper of local circulation, and written notice of the hearing shall be mailed by the Commission to all owners and occupants of such properties. All such notices shall be published and mailed not less than ten (10) or more than twenty (20) days prior to the date set for the public hearing. A notice sent via the United States mail to the last-known owner of the property shown on the County tax digest and a notice sent via attention of the occupant shall constitute legal notification to the owner and occupant under this ordinance.
4. During the time the Commission or the Chatham County Commission is reviewing the proposed designation, property owners are given the opportunity to comment on the proposed designation. Owners of private property in districts with multiple owners shall be given the opportunity to concur in or

object to the proposed designation. If the majority of such private property owners do not object, the Chatham County Commission may approve the proposed designation.

5. Notification of Historic Preservation Division: No less than thirty (30) days prior to making a recommendation on any ordinance designating a property or district as historic, the Commission must submit the report, required in Section III(D)(7) to the Historic Preservation Division of the Department of Natural Resources.
6. Recommendations on Proposed Designations: A recommendation to affirm, modify or withdraw the proposed ordinance for designation shall be made by the Commission within fifteen (15) days following the Public Hearing and shall be in the form of a resolution to the Chatham County Commission.
7. The Chatham County Commission Actions on the Commission's Recommendation: Following the receipt of the Commission's recommendation, the Chatham County Commission may adopt the ordinance as proposed, may adopt the ordinance with any amendments they deem necessary, or reject the ordinance.
8. Within thirty days following the adoption of the designation ordinance, the owners must receive written notification of the designation and the notice should tell them that a Certificate of Appropriateness (COA) must be obtained from the historic Preservation Commission prior to any material change in appearance.

SECTION V

Application to Commission for Certificate of Appropriateness

- A. Certificate of Appropriateness Required: After the designation by ordinance of a historic district, conservation district or historic property, a certificate of appropriateness approved and issued by the Commission shall be required before a permit is issued for any of the following, except as permitted under (V) (C) Staff Review in this Section:
 1. Demolition of an historic property or historic building located in the historic district.

2. Moving a historic property or moving a structure into or within the historic district or conservation district and moving an historic building out of the historic district.
 3. Material change in the exterior appearance of a historic property or any building located in the historic or conservation district by additions or alterations.
 4. Any new construction of a building in an historic or conservation district subject to view from a public right-of-way.
 5. Addition or change of awnings subject to view from a public right-of-way.
 6. Material change in existing walls or fences or construction of new walls or fences subject to view from a public right-of-way.
 7. Erection or placement of any internally illuminated sign or of any other sign exceeding three square feet in size except as permitted under Sec. 7.1.7 of the Chatham County Sign Ordinance.
- B. A building permit shall not be issued without a Certificate of Appropriateness. In cases where a building permit is not required, a Certificate of Appropriateness shall be required before construction can begin. In-kind maintenance and signs under three square feet are exempt from this requirement.
- C. Staff Review. A Certificate of Appropriateness approved by the Preservation Professional, under procedures established in the rules of the Commission, shall be required before a permit is issued for certain undertakings. The list of undertakings such as awnings, roof materials, windows and door replacement shall be set by majority vote of the entire membership of the Commission and may be added to or deleted from by a majority vote of the entire membership of the Commission.
- D. Submission of Plans to the Commission. An application for a Certificate of Appropriateness shall be accompanied by drawings, photographs, plans, and documentation required by the Commission. Such application, and supplementary information, must be filed by the published cut-off date.
- E. Jurisdiction: In its review of applications for Certificates of Appropriateness, the Commission shall not consider interior arrangement or use having no effect on exterior architectural features.

- F. Public Hearings on Applications for Certificates of Appropriateness. Except as provided for in Section V,(C) above, the Commission shall hold a public hearing at which each proposed Certificate of Appropriateness is discussed. The Commission shall give the applicant an opportunity to be heard at the Certificate of Appropriateness hearing.
- G. Action on application for Certificate of Appropriateness. The Preservation professional shall present the application for a Certificate of Appropriateness, together with a recommendation for approval or disapproval, to the Commission. The Commission shall approve the application and issue a Certificate of Appropriateness if it finds that the proposed material change(s) in the appearance would not have a substantial adverse effect on the aesthetic, historic, or architectural significance and value of the historic property or district.
- H. Exterior Work that Does Not Require a Certificate of Appropriateness. General exterior maintenance and exterior repairs with in-kind material does require a Certificate of Appropriateness. However, the Property Owner should contact Historic Preservation Commission Staff to discuss the level of work to occur and provide a photograph to show the subject property and the area or items to be repaired for verification.
- I. Development standards
- (1) Preservation of historic structures within a historic district. An historic structure and any outbuildings, or any appurtenances related thereto visible from a public right-of-way, including but not limited to walls, fences, steps, and signs, shall only be altered, reconstructed, moved, or maintained in a manner that will preserve the historical and exterior architectural features of the historic structure or appurtenance thereto. For the purposes of this section, exterior architectural features shall include but not be limited to the architectural style, scale, general design, and general arrangement of the exterior of the structure, including the kind and texture of the building material, the type and style of all roofs, windows, doors and signs. In considering proposals for the exterior alterations of historic structures in a historic district and in applying the development standards, the documented original design of the structure may be considered.
 - (2) New Construction: A decision by the Commission approving or denying a Certificate of Appropriateness for new

construction of a building shall be guided by the following principles:

- a. New buildings shall be constructed to a height generally equal to the average height and proportions of existing buildings from the historic period which characterizes the district or the historic building to which it is visually related.
- b. The scale of new buildings shall be generally consistent with the size and proportions of existing buildings from the historic period which characterizes the district or the historic building to which it is visually related.
- c. The proportion of the width of new buildings to the width of their lot shall reflect the prevailing rhythm of historic buildings within the district or the historic building to which it is visually related.
- d. The front walls of new buildings shall be set back equal distance from the street right-of-way as adjacent historic buildings.
- e. The roof forms of new buildings shall be generally consistent with roof shapes, pitches, and materials of historic buildings which characterize the district or the historic building to which it is visually related.
- f. The façade pattern of new buildings shall generally reflect the rhythm of door and window openings established by historic buildings which characterize the district or the historic building to which it is visually related.

(3) Reconstruction, Alteration, or Renovation: A decision by the Commission approving or denying a Certificate of Appropriateness for the reconstruction, alteration, or renovation of a building shall be guided by the following principles:

- a. The architectural character of a building shall be retained and preserved. The removal of distinctive materials or alteration of features and external spatial relationships that characterize a building shall be avoided.

- b. Changes to a building that create a false sense of historical development, such as adding conjectural features or elements from other historic buildings shall not be constructed.
 - c. Distinctive materials, features, finishes, construction techniques, or examples of craftsmanship that characterize a building shall be preserved.
 - d. Where deterioration requires replacement of a distinctive building feature, the new feature shall match the old in design, color, texture, and where possible, materials. Replacement of missing features shall be substantiated by documentary and physical evidence.
- (4) Relocation: A decision by the Commission approving or denying a Certificate of Appropriateness for the relocation of a building shall be guided by:
- a. the historic character and aesthetic interest the building contributed to its present setting;
 - b. whether there are definite plans for the area to be vacated and what the effect of those plans on the character of the surrounding area will be;
 - c. whether the building can be moved without significant damage to its physical integrity;
 - d. whether the proposed relocation area is compatible with the historical and architectural character of the building.
- (5) Demolition: A decision by the Commission approving or denying a Certificate of Appropriateness for the demolition of a building shall be guided by:
- a. the historic or architectural significance of the building;
 - b. the importance of the building to the ambiance of the district;
 - c. the difficulty or the impossibility of reproducing such a building because of its design, texture, material, detail, or unique location;

- d. whether the building is one of the last remaining examples of its kind in the district or county;
 - e. whether there are definite plans for reuse of the property if the proposed demolition is carried out, and what the effect of those plans on the character of the district would be;
 - f. whether reasonable measures can be taken to save the building from collapse; and
 - g. whether the building is capable of earning reasonable economic return on its value.
- J. Design Guidelines and Criteria: In addition to the general development standards listed above, the Commission shall prepare a supplementary document for each designated Historic District or property which shall be entitled "Design Guidelines and Criteria" and shall establish specific review standards which reflect the individual character of the district. Such standards shall be adopted by the Commission within one year after the designation of any Historic District or property.
- K. Undue Hardship. When, by reason of unusual circumstances, the strict application of any provision of this Ordinance would result in exceptional practical difficulty or undue economic hardship upon any owner of a specific building, the Commission, in passing upon applications, shall have the power to vary or modify strict adherence to said provisions, or to interpret the meaning of said provisions, so as to relieve such difficulty or hardship; provided such variances, modifications or interpretations shall remain in harmony with the general purpose and intent of said provisions, so that the architectural or historical integrity, or character of the building, shall be conserved and substantial justice done. In granting variances, the Commission may impose such reasonable and additional stipulations and conditions as will, in its judgment, best fulfill the purpose of this Ordinance. An undue hardship shall not be a situation of the person's own making.
- L. Action on application for Certificate of appropriateness
- 1. The Commission shall hear all applications meeting the filing requirements at the next scheduled meeting, or if a quorum is not present, at a special meeting held within 14 calendar days from the scheduled meeting. Evidence of approval shall be by a Certificate of Appropriateness issued by the Commission.

Notice of the issuance or denial of a Certificate of Appropriateness shall be sent by United States mail to the applicant and all other persons who have requested such notices in writing filed with the Commission.

2. In the event the Commission rejects an application, it shall state its reasons for doing so, and shall transmit a record of such actions and reasons, in writing, to the applicant. The Commission may suggest alternative courses of action it thinks proper if it disapproves of the application submitted. The applicant may make modifications to the plans and may resubmit at any time after doing so.
3. In cases where the application covers a material change in the appearance of a structure which would require the issuance of a building permit, the rejection of the application for a Certificate of Appropriateness by the Commission shall be binding upon the building inspector or other administrative officer charged with issuing building permits and, in such a case, no building permit shall be issued.

M. Requirement of Conformance with Certificate of Appropriateness

1. All work performed pursuant to an issued Certificate of Appropriateness shall conform to the requirements of such certificate. In the event work is performed not in accordance with such certificate, the Chatham County Director of Inspections shall issue a cease and desist order and all work shall cease.
2. The Chatham County Director of Inspections shall be authorized to institute any appropriate action or proceeding in a court of competent jurisdiction to prevent any material change in appearance to a designated property or within a designated historic district, except those changes made in compliance with the provisions of this ordinance.

N. Certificate of Appropriateness Void if Construction not commenced.

A Certificate of Appropriateness shall become void unless construction is commenced within twelve (12) months of date of issuance or has been renewed for an additional twelve (12) months. One renewal shall be permitted.

O. Recording of Applications for Certificates of Appropriateness. The Commission shall keep a public record of all applications for

Certificates of Appropriateness, and of all the Commission's proceedings in connection with said application.

- P. Appeals. Any person adversely affected by any determination made by the Commission relative to the issuance or denial of a Certificate of Appropriateness may appeal such determination to the Chatham County Board of Commissioners. Any such appeal must be filed with the Board of Commissioners within fifteen (15) days after the issuance of the determination pursuant to Section V.G.1 of this Ordinance. The Board of Commissioners may approve, modify, or reject the determination made by the Commission, if the appeals body finds that the Commission abused its discretion in reaching its decision. Design criteria shall not be the basis for appeal of an adverse decision. Appeals from decisions of the Board of Commissioners may be taken to the Superior Court of Chatham County in the manner provided by law for appeals from zoning decisions of the Chatham County Board of Commission.

Decisions of the Preservation Professional may be appealed first to the Commission.

- Q. Maintenance of Historic Properties and Building and Zoning Code Provisions

1. Ordinary Maintenance or Repair. Ordinary maintenance or repair of any exterior architectural or environmental feature in or on a historic property to correct deterioration, decay, or to sustain the existing form, and that does not involve a material change in design, material or outer appearance thereof, does not require a Certificate of Appropriateness.
2. Failure to Provide Ordinary Maintenance or Repair. Property owners of historic properties or properties within historic districts shall not allow their buildings to deteriorate by failing to provide ordinary maintenance or repair. The Commission shall be charged with the following responsibilities regarding demolition by neglect.
 - a. The Commission shall monitor the condition of historic properties and existing buildings in historic districts to determine if they are being allowed to deteriorate by neglect. Such conditions as broken windows, doors and exterior openings which allow the elements or vermin to enter, or the deterioration of a building's structural system shall constitute a failure to provide ordinary maintenance or repair.

- b. In the event the Commission determines a failure to provide ordinary maintenance or repair, the Commission will notify the owner of the property and set forth the steps which need to be taken to remedy the situation. The owner of such property will have thirty (30) days in which to do this.
- c. In the event that the condition is not remedied in thirty (30) days the issue shall be remanded to the Building Inspections Department of Chatham County for legal action.
- d. Affirmation of Existing Building and Zoning Codes. Nothing in this ordinance shall be construed as to exempt property owners from complying with existing County building and zoning codes, nor prevent any property owner from making any use of this property not prohibited by other statutes, ordinances or regulations.

SECTION VII

Penalty Provisions

Violations of any provisions of this Ordinance shall be punished in the same manner as provisions for punishment of violations of validly-enacted Ordinances of Chatham County, Georgia.

SECTION VIII

Severability

In the event that any section, subsection, sentence, clause or phrase of this Ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other sections, sentences, clauses, or phrases of this Ordinance, which shall remain in full force and effect, as if the section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional were not originally a part thereof.

SECTION IX

Repealed

All ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION X

Effective Date

This Ordinance shall become effective on _____,
20__.

THEREFORE BE IT RESOLVED, that the Chatham County Board of Commissioners do hereby ordain, resolve, and enact the foregoing Historic Preservation Commission Ordinance for Chatham County, Georgia.

Adopted this ____ day of _____, 20__.

Date of implementation: ____ day of _____, 20__.

APPROVED:

CHATHAM COUNTY BOARD OF COMMISSIONERS

BY: _____

ATTEST: _____
COUNTY CLERK

=====

- 2. **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. Note: This item was delayed for two weeks at the meeting of November 4, 2005.
MPC FILE NO. Z-050817-61535-1
[DISTRICT 4.]**

Chairman Liakakis said, as you know, we had this on the agenda prior, but the attorney that was handling that was not here. All of the members of the Commission has been distributed the information concerning this particular petition and, as you know, the MPC did recommend approval on it. Do we —, Patrick [Farrell]?

Commissioner Farrell said, I'll make a motion to approve. Chairman Liakakis asked, do we have a second? Commissioner Holmes said, second. Commissioner Thomas said, second. Chairman Liakakis said, let's go on the board. The motion carried unanimously. [NOTE: Commissioners Stone and Odell were not present when this vote was taken.] Chairman Liakakis said, motion approved.

ACTION OF THE BOARD:

Commissioner Farrell moved to approve the petition of Harold Yellin, Agent (for Wilmington Island Investors, LLC), 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). Commissioners Holmes and Thomas seconded the motion and it carried unanimously. [NOTE: Commissioners Stone and Odell were not present when this vote was taken.]

AGENDA ITEM: XII-2

AGENDA DATE: November 18, 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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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.

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2. LIST OF PURCHASING ITEMS BETWEEN \$2,500 AND \$9,999 (SEE ATTACHED). Note: None for this meeting.**ACTION OF THE BOARD:**

No report was provided for this meeting.

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EXECUTIVE SESSION

Upon motion being made by Commissioner Thomas and seconded by Commissioner Shay, the board recessed at 10:45 a.m. to go into Executive Session for the purpose of discussing litigation and personnel.

Following adjournment of the Executive Session, the meeting of the Board of Commissioners was reconvened at 12:25 p.m.

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ITEMS FROM EXECUTIVE SESSION**1. JUVENILE COURT ADMINISTRATOR (JON HART).****ACTION OF THE BOARD:**

Commissioner Kicklighter made a motion to authorize the payment of \$94,000 for the Juvenile Court Administrator. Commissioner Thomas seconded the motion. Chairman Liakakis and Commissioners Holmes, Kicklighter and Thomas voted in favor of the motion. Commissioners Shay, Farrell and Gellatly voted in opposition. The motion carried by a vote of four to three. [NOTE: Commissioners Stone and Odell were not present when this vote was taken.]

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2. REQUEST BOARD AUTHORIZE SETTLEMENT OF LAVERNE BUTLER WORKMAN'S COMPENSATION CASE.**ACTION OF THE BOARD:**

Commissioner Kicklighter authorize the settlement of the Laverne Butler Workman’s Compensation case in the amount of \$30,500. Commissioner Gellatly seconded the motion and it carried unanimously. [NOTE: Commissioners Stone and Odell were not present when this vote was taken.]

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3. CHIEF APPRAISER’S ACTION ON NOVALIS CONTRACT (CHAIRMAN LIAKAKIS).

ACTION OF THE BOARD:

Commissioner Farrell moved that Chairman Liakakis be authorized to address a letter to the Chief Appraiser on behalf of the County Commission regarding the NovaLIS contract. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioners Stone and Odell were not present when this vote was taken.]

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

ACTION OF THE BOARD:

Commissioner Farrell 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 Holmes seconded the motion and it carried unanimously. [NOTE: Commissioners Stone, Shay, Odell and Kicklighter were not present when this vote was taken.]

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ADJOURNMENT

There being no further business, the Chairman declared the meeting adjourned at 12:35 p.m.

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APPROVED: THIS _____ DAY OF _____, 2005

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

SYBIL E. TILLMAN, CLERK OF COMMISSION