

MINUTES OF THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF CHATHAM COUNTY, GEORGIA, HELD ON FRIDAY, DECEMBER 2, 2005, IN THE COMMISSION MEETING ROOM ON THE SECOND FLOOR OF THE CHATHAM COUNTY COURTHOUSE, LEGISLATIVE AND ADMINISTRATIVE BUILDING, 124 BULL STREET, SAVANNAH, GEORGIA.

I. CALL TO ORDER

Chairman Pete Liakakis called the meeting to order at 9:30 a.m., Friday, December 2, 2005.

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II. INVOCATION

Commissioner Helen Stone gave the Invocation.

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III. PLEDGE OF ALLEGIANCE

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

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IV. ROLL CALL

The Clerk called the roll.

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

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

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V. PROCLAMATIONS AND SPECIAL PRESENTATIONS

1. CHATHAM COUNTY AQUATIC CENTER–BEST POOL AWARD.

Chairman Liakakis recognized Mr. Robert Drewry, Director of Public Works and Park Services, to recognize an award that the County has won in our Aquatic Center.

Mr. Drewry said, this particular award I think we should all be very proud of. The Chatham County Aquatic Center won the national recognition as the best pool in it's category, best indoor pool in it's category. I think we all should be very proud of that, and just what I want to say on that fact is what you have, these two young ladies behind me, is an excellent effort between Chatham County and it's contractor, Champion Pools. Communication and the work between those two is phenomenal and I think you see the results of that. So I want to turn it over to Jennifer White of Champion Pools.

Ms. Jennifer White said, good morning. Thank you so much for allowing me to speak today. I am the Contract Administrator and former Administrator at the Chatham County Aquatic Center. Many of the citizens of Chatham County, as well as many visitors from all over the United States, believe that the Aquatic Center is a premier aquatic facility, and I am here today to tell you that indeed it is a premier facility. Aquatic Center National and International Publication for Aquatic Management, Products and Services recently named the Aquatic Center as the best indoor family aquatic center in its class, and this is indeed an outstanding recognition of the facility and the services it provides. Thank you for your continued support of the facility and its commitment to aquatics in our area. The new roof is going to prolong and ensure the success of this facility. Thank you so much for giving us this opportunity and thank you for allowing our facility to set the standards, not just in our community, but in our country. I have a copy of the article which recognizes the Aquatic Center for each of you. We will keep it and our award when it arrives on display in the facility, and we have submitted press releases to all the local television stations as well as many of the papers. We hope that this award will generate much positive publicity and we hope that you, too, will brag of our facility.

Chairman Liakakis said, thank you very much. We do appreciate Robin and, of course, your staff and everybody that works on that Aquatic Center. That's an important part of our recreation in Chatham County. You know, some people, you know, think that recreation isn't important, but it's good for many things. It helps our young people to go in the right direction because they get involved in sports in our community. It also help in exercise for the health, and a lot of people they take therapies, especially at our aquatic pool, which is really great, and we have citizens from all over the County, for all eight districts, come over to our Chatham County Aquatic Center and utilize that, and thousands of our citizens use that particular facility, and we're really proud that we've got that facility there for all of our citizens to enjoy and to help them in their health areas. So thanks again to you.

Chairman Liakakis recognized Commissioner Gellatly.

Commissioner Gellatly said, yeah, I'd like to say also, being one Commissioner that uses that facility probably more than most people in the community. I'm there five days a week at ten minutes after five every morning and in there for an hour and fifty minutes, and it's a great facility and it's well managed thanks to both of you, and I certainly appreciate that. It's good for our children, as you pointed out, it's

good for the elderly. They have a lot of exercise groups that come in and benefit these people, as well as some of our best athletes in Savannah when they hurt their knees or legs or what have you. Why, getting in and out of that water is the best thing in the world for them. Also, what a lot of people don't realize is just how much our military utilizes that facility for training, including our Rangers and including helicopter pilots at Hunter Air Base where they practice various exercises, so it's very critical for the military because they don't have a facility like that. So we're certainly doing our part, and I just appreciate it. It's a jewel. It's a jewel that most communities would love to have. We're very fortunate. Thank you.

Chairman Liakakis recognized County Manager Abolt.

County Manager Abolt said, Mr. Chairman, Members of the Board, I with all of you miss George Lynch. He was a great department head and did so much for this organization and in a very quiet way. One of the things he did is represented in one of the citizens and people before you, Kathy White. Kathy White used to be in the Purchasing Division. We had some serious management problems in the Aquatic Center. Kathy [White] stepped forward and George [Lynch] encouraged her to do that and, again, Commissioner Gellatly said it so well, it's that staff partnership. Robert [Drewry] referred to that, but it's the tenacity of the other Ms. White [Jennifer], who I really appreciate. You've got before you an employee who definitely went well beyond the call of duty. I want to tell her thank you. Ms. White said, thank you.

Chairman Liakakis said, thank you very much. We appreciate that.

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NOTE: Item VI-2 was taken out of order and was heard at this point on the agenda.

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VI. CHAIRMAN'S ITEMS

Chairman Liakakis said, what I'm going to do right now on Chairman's Items, I'm going to take Item 2 first because I want to introduce the Youth Commission, and then we'll go to Item 1 with the Sheriff's Department.

1. ALMA SAYS THANKS FOR SHERIFF'S DOGS.

Chairman Liakakis said, I'd like to call on the Sheriff to come forward and also for his people from the K-9 Group, all of those that are involved in that because we really do have something that we would like to bring to the attention to all the people in our County. What I'm going to read right now is a letter from the City of Alma, and then I'll call on the Sheriff to speak about this. This is a letter of commendation.

Ladies and Gentlemen:

During the past two months, our city has experienced a change in its safety and security. We have found ourselves engaging a criminal element that has banded together in small groups, commonly referred to as "gangs". In an effort to combat this problem, manpower and resources were needed. It is for the assistance provided I now wish to commend your:

**Sheriff and K-9 Deputies of the
Chatham County Sheriff's Office**

for their invaluable assistance to this city and its citizens. When called upon, the Chatham County Sheriff's Office were dispatched by Sheriff St. Lawrence to assist us in applying enforcement presence and power onto those who wished to use "domestic terror" in gang form. The Alma City Council and I wish to personally thank you, the governing body of those law enforcement officers, for the deployment of those who assisted our local law enforcement. With their help in handling this newly formed criminal problem we have restored safety and security to our neighborhoods.

Respectfully,

Corman Jordan, Mayor
City of Alma

Chairman Liakakis recognized Sheriff St. Lawrence.

Sheriff St. Lawrence said, Mr. Chairman and Members of the Commission, that's not an uncommon accolade, or whatever you want to call it, for us to get about the K-9 Team. I think it's well for you to remember that we operate the only State canine training facility in the State of Georgia. It's the only place they can come and get the dogs certified and get their handling certified, and they have to come back and be re-certified every year, and that's to make sure that these animals know what they're doing and they don't —, we try to minimize the mistakes as much as we can. I also want you to know that the Department of Public Safety, which works with us on this, contributes \$467,000 a year to that canine budget through Col. Hutchins [phonetic] and his staff, and I think beyond that I'd like to introduce you to Capt. Kirk McGlamery, who is the commander of the unit, who works for Col. Hutchins. We work very well together. All the employees are County employees, deputy sheriffs and whatever, but they oversee the K-9 Unit and work together very well. Most of you don't realize that they have to [inaudible] every day. They're on call 24 hours a day, and any agency that asks for them, we'll see that they get it. But we have two explosive dogs, six narcotics dogs, and they stay very busy, and it takes a dedicated person to work in that unit. By that I mean you've got to live with it 24 hours a day. We've had people come in there and they have just decided that they can't handle that, and they want to be deputy sheriff someplace else on the street or in the courts or whatever. It really takes dedicated people to work this job the way these people do it. Capt. McGlamery, would you come up here and introduce your people.

Capt. McGlamery said, thank you, Sheriff. Good morning. First off, let me thank you. This is a program that y'all —, I've been a trooper for 22 years. I was a K-9 handler for the State Patrol from '97 until '99, and when the Sheriff says dedication, imagine having a three year old that you have to put up with day in and day out for about nine to ten years. That's what they do. Canine training is equivalent to a mindset of a three year old, so imagine taking a three year old home with you every day and keeping them about nine to ten years. Last night we had units that stayed out to 2:00 A.M. with the DEA and the Border Patrol working. As the Sheriff said, we go to the Ports, we go to Elba Island, we've had one this morning out —, some of you know about the double homicide in Statesboro that happened week before last. They [inaudible] those guns out in a dumpster. We have one over in Jesup right now trying to help them find those guns that have dropped out, but we think Col. Hickson is a great sport, the Sheriff is a great sport, and so are all of you. I'd like to introduce everybody that's on the team right now. We have a couple that aren't here. As I said, they're out. First off is Sgt. Ralph Silas in K-9 Rec. He's my assistant. James Moore, he's our Instant Command Specialist and Explosive Specialist; Cpl. Craig Stanfield, he's an Instructor and also a Narcotics Handler. Debra George is our secretary. She keeps us all straight with paperwork. You know how that goes. Brian Lee, is a Narcotics Handler; Cpl. Michael Street, also Instructor and a Narcotics Handler; Steve Darnstadt [phonetic], on the end, and Cpl. Rekky. Behind them is Chuck Willoughby, also a Narcotics Handler, and Michael Cravin [phonetic], Interdiction Specialists, that works for us. And y'all should be very proud. These ladies and gentlemen make Chatham County a good symbol for everyone else in the K-9 Program. Thank you.

Sheriff St. Lawrence said, I want to say one more thing to set everybody's mind at ease. We're not going to do a search of the Chambers this morning.

Chairman Liakakis said, I'm going to call on a couple of the Commissioners, but I'd like to say to you, you know, you being one of the outstanding Sheriff's in this country, we can see all the awards you have won for your many years of law enforcement and all, but you to have the vision, too, to work along with your staff and, of course, the State now to be able to provide that other crime fighting ability, and especially when there is a bomb threat or something like that for not only the narcotics dogs, but those that are in the bomb area also, because it's a real protection for our citizens around in Chatham County, as well as the rest of the State when the officers go to those other places where they are needed. And we thank you again on behalf of the Chatham County Commission for you with this program and, of course, to each and every one of the officers. We do appreciate your participation, your dedication, your loyalty and service to the citizens of our area and around the State of Georgia.

Chairman Liakakis recognized Commissioner Odell.

Commissioner Odell said, just two things, just to amplify. One is we don't have one of the best Sheriff's in the country, I think we have the best, and I say that because — and I don't want anything from you. I said that because Al [St. Lawrence] is a Republican and I'm a Democrat, so you know there's some credibility. When one party compliments another party, he is the best. That's the first one. The second point is, and he's turning his head, is Mr. Street, could you come up to the podium. This is Michael Street. Twenty-five years ago, when he was nine or so, his father — you were ten then? Okay. His father and I were law partners and Michael served as our trainer for about five years when we coached a Little League Basketball. Everyone thought, God, Mr. Odell, you should know everything about basketball. I knew nothing about basketball. I knew nothing, but Michael trained these kids and did an outstanding, and we took a diverse group of kids, we did it intentionally, half and half, and we taught

them not only about basketball, but we did their —, we assisted with their homework and other life skills, and this guy was our sergeant at arms. His father and I were too old to chase these kids. He could chase them and they would listen to him, and he did an outstanding job. One of the kids recently graduated in Materials Management from Georgia Southern, but Michael, when we took them to Winston-Salem to play in a tournament, we went 12 and 0. We have 12 —, Harris Odell knows nothing about coaching, but this guy — and I know he's embarrassed, he's not a public person, and I like doing this to him every time I have an opportunity, but this is a great individual, Al [St. Lawrence], and thank you, Michael [Street].

Chairman Liakakis recognized Commissioner Stone.

Commissioner Stone said, I just wondering if the canines could be introduced. Sheriff St. Lawrence said, Capt. McGlamery, do you want to introduce them? Capt. McGlamery said, oh, I'm sorry. This is Cpl. Rekky —. Several individuals said, Ankie. Capt. McGlamery said, I'm sorry, this is Cpl. Rekky. It's hard to keep up with. I bragged to them at the last Commander's meeting, I had to stand up with the State and tell them about what's going on with the K-9 Unit. I told the Colonel, look, I come to work and almost half of my employees are happy, their tails are wagging and all they want to do is be petted.

Chairman Liakakis recognized Commissioner Kicklighter.

Commissioner Kicklighter said, thank you. Harris [Odell], did all the kids you coached turn out like Michael [Street]? No, I'm just kidding. Michael [Street] went to BC with me. He's a great guy, good football player, a great man, but I just want to say to the Sheriff, thank you, Sheriff. I think you —, like he said, I think you're the best in the nation, and I want to thank you also. I noticed that you've either just created or you've activated a traffic division on I-16. That area —. Sheriff St. Lawrence said, that's part of the interdiction that they trained. Commissioner Kicklighter said, yeah. Sheriff St. Lawrence said, that's part of that. Commissioner Kicklighter said, okay. Well, great, great. What it's done, it's really seemed to have slowed down a lot of the accidents in that area, and that's amazing, and the way I kind of see it now, Sheriff, you've got your Marine Patrol, you've got your Traffic Division, seems to be up and running, it looks to me like you only need a Detective Unit and we can unmerge this County-City Police Department.

Sheriff St. Lawrence said, I don't want to get into that, but I appreciate the things you've said this morning, but the credit really goes to these people. They started it in the State of Georgia, they got it accomplished through post and got lesson plans and certification plans and so forth, and they're the ones that deserve the credit. They do one heck of a job.

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

Commissioner Gellatly said, Sheriff, you've already got the big head so —. Sheriff St. Lawrence said, I've learned that you can come down as fast as you go up. Commissioner Gellatly said, that's right. What goes up comes down. I would like to say years ago when I used to work for a living, why, there were many times that I've called on Sheriff St. Lawrence and his canine people and they always responded immediately and efficiently and effectively, and I certainly appreciate that, and I watch with a great amount of respect and regard as this group has grown and become more and more competent. I, too, would say that the Sheriff is not one of the best sheriff, he is the best sheriff, and not only that, he's

been a close and personal friend of mine since 1980. I don't say this of many people, Al [Sheriff St. Lawrence], but you on many occasions have been my mentor, and I appreciate that. Thank you.

Chairman Liakakis recognized Commissioner Thomas.

Commissioner Thomas said, thank you very much. I, too, would just like to say to the Sheriff, I'm very pleased to have had the privilege of working with you and your group throughout the various years. I want to commend you for all of the wonderful things that you have done for Chatham County, but more importantly I'd like to say that he has been just outstanding in helping us with our outreach programs when we work with our young people. I don't care how many times you would call him and you'd say, well, I need you to do this or can you provide staff to do this, we need to do a little [inaudible] of some sort to make these young people aware of what's going on, and he's always been there for these young people. So I just want to commend you on those efforts because these young people have learned a lot through the various programs that you have, and I would also like to thank your staff and the people, the men and women who give up their time to work with these young people, and normally it's on a Saturday, and so I just want to say thank you very much on behalf of those young people and the volunteers. Sheriff St. Lawrence said, Commissioner Thomas, I appreciate those remarks very much and I look at as part of the job when we can do something for the Youth Commission or whatever these programs are, that you have the Summer Bonanza program or whatever. We're going to do our best to get you what you need to accomplish those things. Commissioner Thomas said, thank you very much.

Chairman Liakakis said, again, on behalf of the Commission, we thank each and every officer today for your service to our community and again to you, Al [Sheriff St. Lawrence]. Thank you very much for your many years of service to this community and the other parts of the State of Georgia.

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2. RECOGNITION OF YOUTH COMMISSION'S GENEROSITY AT THANKSGIVING.

Chairman Liakakis said, first, I'd like to introduce Helen Farmakis, who is a Youth Commissioner from Calvary Day School, and then Breonna Frazier, who is a Youth Commissioner from St. Paul's Academy for Girls. Welcome to both of you today. One of the things that I'd like to say about the Youth Commission though is that I'd like for Van Johnson, if you would come up to the podium, too. This is a letter that came from our Youth Commission and all, and it's from Chantel Flowers, the Chairperson for the Youth Commission, but you are the Director for the Youth Commission and have done an outstanding job, Van [Johnson], for all these years. Would you like to tell the people about what —, this is just one of many wonderful things that the Youth Commission has done.

Mr. Van Johnson said, certainly. First of all, good morning. The Youth Commission is, you know, by design through Dr. Thomas' vision and your commitment to follow through has been more than just window dressing. As you know, they're usually involved in policy and policy type of issues, and that letter is at the beginning of the November for the youth to take part in the poverty simulations, and I'm sure you're familiar with it because you've been supporting those in collaboration with other community partners. After the poverty simulation, which we had about 35 youth to participate in, they realized all of a sudden what poverty really, really, really looked like, and from that they decided to get involved in a very, very real way, and these young people upon themselves raised money that we were able to give

over \$200 to the Chatham County Department of Family and Children's Services in the form of Kroger Gift Cards so that families would be able to use those so that they would have to have a happy Thanksgiving as well. So I think it was really unselfish of them to want to do that, and I think again through your direction and your vision they poverty simulation really helped bring home this point about the 22 to 25% of the individuals in our community that live every day having problems making ends meet, and this way of helping our citizens to have a happy Thanksgiving.

Chairman Liakakis said, thank you very much, Van [Johnson]. We really appreciate your working with the Youth Commission and they are famous nationwide now because we see it —, because of Dr. Priscilla Thomas, what she has done bringing up the idea of the Chatham County Youth Commission and we can see the successes over these many years that many of the Youth Commission's have gone to higher positions. They've gone —, done many things in our community and have really progressed, and we do appreciate both of you for the wonderful things that have been done and, of course, our hearts go out to the Youth Commission. We really do appreciate what you're doing and your participation.

Commissioner Thomas said, Mr. Chairman. Chairman Liakakis said, yes. Commissioner Thomas said, may I say —, you know, I would be remiss if I didn't say something. Mr. Johnson, as you have said, has done an outstanding job. He works so hard in addition to his regular performance, and it requires a lot of energy and a lot of time, and it's not an easy task. So I just want to say thank you so very much for hanging in there with these young people and taking them to another level. The other thing I wanted to remind everybody is that the Youth Commission has very high standards, very high standards. They go through a selection process through their various schools and they are recommended, and then when they are accepted we go from there. So I just wanted to remind everybody that this is not something a fly-by-night type of organization. We have very, very high standards that are expected from these young people, and when they don't meet those standards, they are no longer a part of the Youth Commission. So, I just want to remind everyone out there to continue to support these young people because they're not just leaders of today, but they're leaders of tomorrow and in the future as well. Let's continue to support them. Thank you.

Chairman Liakakis recognized Youth Commissioner Helen Farmakis.

Youth Commissioner Farmakis said, on behalf of the Chatham County Youth Commission, I would just like to say that we have really collecting the money for the people that don't necessarily have what we have today, and it was a real honor to do that for that. Attending the poverty simulation really made us think about what we have and what we are so blessed to have. There's so many people that don't have it, and so it was a pleasure for us to collect money for that type of cause. It really was good and beneficial to all of us, and we definitely appreciate Mr. Johnson for all of his hard work and dedication, as well as Ms. Priscilla Thomas. Thank you.

Chairman Liakakis said, thank you very much, Helen [Farmakis]. This time of year, as we know, that many people celebrate Christmas, whether it's the Jewish faith, the African faith, you know, Muslim faith, or whatever it is, and the people in our community have been very charitable. They're always giving, and I think it's really nice that the Youth Commission has done that, but I'd like to call on Commissioner Farrell to read something that was in the Empty Stocking.

Commissioner Farrell said, this is an article in the *Savannah Morning News* Friday morning, titled "Family Struggling Through Severe Trials Looks for Help."

Her 10 and 12 year old sons are not even mentioning Christmas. In an application for assistance their mother writes: "I guess that's because they know I can't give them the Christmas they would like." Mom is hoping the Empty Stocking Fund will provide the help she needs to lift the spirits of these boys. Keeping their spirits up, even at Christmas, is difficult for the members of this family, who are not strangers to severe trials. Four years ago the 10 year old was diagnosed with lymphoma. He's had a number of medical procedures, including six surgeries. He's not in danger now, but he can't attend school or play sports. Medical problems have prevented the mother from working. She's had back surgery and shoulder surgery. When the first back surgery failed, and additional back surgery had to be scheduled. The father left the family before the lymphoma was found in his youngest son. Hearing about the boy's diagnosis changed nothing. "I called him and told him," the mother said, "but it doesn't even try to help. We don't hear from him. No cards, no letters, no phone calls, nothing."

Your donation to the Empty Stocking Fund can help this mother provide a happier holiday for her two boys.

Chairman Liakakis said, I wanted him to read that because I think it's important during this season. This Empty Stocking Fund that the paper has done over the years has really helped a lot of families and especially those when we have this particular season, and I'd like to encourage all the citizens if they would, you know, reach out and help The Empty Stocking Fund because we can see thousands of our citizens that are less fortunate were being with the help in this season, and I know that the people will come through, but this is just a little telling story about The Empty Stocking Program that we have in our community.

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VII. COMMISSIONERS' ITEMS

1. RESOLUTION TO REQUEST STATE REIMBURSEMENT TO COUNTIES FOR HOUSING STATE PRISONERS (COMMISSIONER STONE).

Chairman Liakakis said, we're going to have Commissioner Stone to speak about that. She has worked hard. She's been around the State of Georgia talking about the reimbursement. As most of you might know, some do not, the State of Georgia owes Chatham County for the years 2004 and 2005 some \$5,000,000 for the prisoners that have been, you know, housed at our Chatham County Jail, and what I'd like to do now is call on Commissioner Stone.

Commissioner Stone said, thank you, Mr. Chairman. Just very, very briefly, this is from members of the ACCG Resolutions Committee, expressed an interest in signing the same resolution, Mr. Chairman, that

you brought before the Joint Delegation Meeting, with the hopes that voice and numbers will have an effect on securing the money —, the funds that are due to Chatham County and some of the other counties that have been affected by this mandate, and I would like to add that our Sheriff in light of all of this has done an exceptional job with the overcrowding and with times when he couldn't get paid. You would never know it if you set foot in that jail, and I feel like we have an obligation here to help secure that money that is due to us and to try to impress this upon members of our State Delegation that we —, Chatham County needs the assistance and it's not fair for this burden to be put on our taxpayers, and that is simply what this is about, Mr. Chairman, and thank you.

Chairman Liakakis said, thank you very much.

Sheriff St. Lawrence said, I'd just like to bring you up to date on reference to what Commissioner Stone is talking about. On the 21st, Monday the 21st before Thanksgiving, we reached a breaking point — 1,640. That's 500 overcrowded when we reached 1,650. 1,150 is the maximum for that jail. I know it's 1,224 beds, but we have females, we have disciplinary problems, we've got mental health problems, so 1,150 is our capacity. What that simply means is that when it gets to 1,650 then I've got to look for another place to put them, and I'm doing everything I can do to avoid that because I don't want the cost to be borne by Chatham County for me sending them to Liberty or wherever I have to send them — if they have bed space. But on the 21st, I had two conversations with Eric Johnson. He's been very helpful. I had the Governor's office call me that night. They promised me that the next morning they would move State inmates out of there. We had a record turnout the next day — 163 inmates, 52 females and 111 males. They called me the next morning at 7:30 and said we can't pick up the females, we can pick up the males. I said, where do you want them? I sent a bus, two vans and two chase cars to Atlanta with 52 females. It brought the population back down to, I think it was 1,046 this morning. I can live with that even though it's overcrowded. We get to 1,50 it's not only not safe for the employees, it's not safe the inmates themselves because there's a little bit too much tension around there. But Col. Holmes and his staff, they work on jail population all the time, and when I talked with the Governor's office on Monday night about 7:00, they mentioned your name and the Chatham County Commission as a whole, and Heidi told me that the Governor had called Commissioner Donnell [phonetic] and told him he didn't care where he put them, but they had to get them out of this jail, because I told him I was at the breaking point. And that's not going to bode well for them publicity wise. So we were able to get a record number out, some under 30 days, all of them over 30 days. They have a problem with housing for females, they have a problem for males. I understand they're putting them in gymnasiums on cots, but they can take them home with them as long as they get them out of my jail. But it's really —, they've got them critical —, we've never been at that level and when we reach that level I've got to do something else. And, again, Col. Holmes, Maj. Wilson, and his staff, they work on the jail population all the time, but 97-98% of them are felons and it's not like they're misdemeanors, you know, you can call the judge to let them go, and you can't do it.

Commissioner Stone said, I would like to add that when I went to Atlanta I did meet with Heidi Green and it was just very coincidental that that particular day there was an article in the newspaper saying exactly what you've said, not the escalating numbers, but the problems that we're having with this, and I did hand that article to them and told them that we needed some relief in Chatham County.

Sheriff St. Lawrence said, yeah, we even offered to —, when we get — that count gets up to a certain point, we call them and tell them we'll take them wherever you want us to take them, we just need to get them out of here, we need the bed space. Commissioner Stone said, right.

Chairman Liakakis recognized Commissioner Odell.

Commissioner Odell asked, can we get a consensus to send a letter of thank you to Eric Johnson, Sen. Johnson, because I think Eric went above and beyond and politicians get slammed if something doesn't go right, but when they go about and beyond, they never really hear a thank you from the people they helped, and his intervention is what helped us, Al [Sheriff St. Lawrence]. Sheriff St. Lawrence said, I think so and I think that [inaudible] law suit helped somebody. But the Governor's office really got involved and they just —, they come pick up 15, 16 and tell you they don't have room for no more. Well, all of a sudden they found room for 163. You know, and I know they're overcrowded, but they've got three facilities that's not open. They ain't got nobody to operate it. It's a problem for the State, it's a problem for all the counties. Commissioner Odell asked, can we do that letter?

Chairman Liakakis said, I'll see that that's done right away. Chairman Liakakis recognized Commissioner Thomas.

Commissioner Thomas said, that's exactly what I was going to suggest, Mr. Chairman, about sending a letter, you know, of thanks to Sen. Eric Johnson. I truly feel that because of his leadership in following up on the leadership that Commissioner Stone and others have done, played a major role in what has taken place here these last few days, and we want to continue to encourage that type of thing.

Chairman Liakakis said, one of the things too, you know, this is really important. We're not dragging it on or anything, but when the County taxpayers have to pay State charges, you know, it's out of order, and for the State cause well over \$5,000,000 for the years 2004-2005, you know, that's unacceptable, and this has been going on for a number of years because the State of Georgia does not pay us the real cost of housing a prisoner in Chatham County. These are State prisoners. They're supposed to be in the State system. The other thing, too, not only do they pay us the real cost, but sometimes they don't pay us anything at all, and I'd like to call on the County Attorney because he's been working hard because what we did on the County's part is file a suit against the State of Georgia, and I'd like for Jonathan [Hart], if you would give the information out on the status of that suit.

County Attorney Hart said, sure. As you will recall, about a year ago the Commission directed to file suit against the State of Georgia to try to enforce them to take care of their State prisoners and to reimburse the counties accordingly. A number of legal issues and hurdles were raised, including the ability of a county to sue the State. In a doctrine called sovereign immunity, the State took the position and the Attorney General's office took the position that the County could not sue. That went up on appeal and was ruled in favor of the County that we could at least be in the ballgame. So we came back down. They did not rule on a number of issues that we raised, one of which is the constitutionality of the statute. We have taken the position that the County has a nondelegable duty to take care of their prisoners and they can't shift that under the Constitution to the counties. We have also taken the position that the citizens of Chatham County are paying a gratuity to the State of Georgia for purposes of taking care of the prisoners and the citizens of Chatham County do not have the responsibility to pay for the State's needs and responsibilities of taking care of the prisoners, and we have attacked the statute that provides for that. This week we got a ruling in from the Superior Court of Fulton County —, that's where you have

to sue the State is in Fulton County —, and the judge in that case has ruled in favor of the County indicating that the statutes are unconstitutional. Obviously, if they do not have the regulatory power to do what they say they do, they owe us some money. I fully expect that it will go up on appeal since it's the challenge to the constitutionality of a State statute, and jurisdiction will be in the Supreme Court of Georgia. We will prepare and go forward with that. There are a lot of novel —, none of these theories have ever been presented to the State, so they are dealing with a new set of problems and it will be interesting to see how the court rules from a legal standpoint and from a financial standpoint it will have a great deal of significance. If we are doing resolutions, I would certainly ask this Commission to authorize the Chairman and the County Attorney to write letters to the Board of Commissioners of other commissions, as well as other County Attorneys' offices and invite them to join in filing briefs in support of Chatham County's position in the Supreme Court. This is not just a County problem — Chatham County problem, it's a problem for every County in the State. I spoke with the Sheriff this morning and Sheriff St. Lawrence has done a lot of leg work to get the Sheriffs' Association statewide to join in the filing of a brief with the Supreme Court of Georgia. I think it's very important for the Supreme Court of Georgia to understand that they are dealing not with one particular little county, but a fundamental issue of how government works. Whether we have a situation where you can balance your budget simply by cost-sifting monies that you have an obligation to fund to third parties, and it's going to be interesting to see how those fundamental issues are addressed at a constitutional level. That's it.

Chairman Liakakis said, what this Commission did earlier, we had sent a resolution up to the State but now understand because —, and one of the things too is Commissioner Stone, if we do pass that resolution, I want her to be involved in this letter that we send out to the other counties because it's important because if we have 159 counties instead of just one, you know, during this petition, then I think it will make an impression on all the state legislators and, of course, Sen. Eric Johnson is working on that to try to get some compensation. He doesn't know how much at this particular time, but we will see about pursuing that. Chairman Liakakis recognized Commissioner Stone.

Sheriff St. Lawrence said, Mr. Chairman, can I make just another remark. This goes back to 2002. Four of you were here then, Commissioners Odell, Kicklighter, Gellatly and Commissioner Thomas and in the Green Room I encouraged you to that [inaudible] final stay. I said it would never get settled unless we brought it before the courts and you four and the Commission that were here then all agreed to that, and this is where we've come from 2002. I can't say enough about the County staff, and I'm talking about the County Attorney and Emily Garrard and their staff because they're taking on Big Brother. They've got a lot more money than we've got, but you know we haven't turned the corner yet, but we've got a ruling in our favor and, you know, all I can do is encourage you to keep it up because as long as the State can sit back and say, well, we've paid what the law says, well that means the law ain't right as far as I'm concerned. When they pay \$20 fifteen days after they receive the paperwork and it costs us \$50 a day to house these prisoners, or a technical violators of probation and parole, which is mentioned in the law suit as well. But I want to thank all of you and the new Commissioners for continuing to support this because the only way you're going to get this settled is the Georgia Court of Appeals, which I'm like the County Attorney, I'm sure they're going to appeal and they're probably go to the Supreme Court, and so be it, but let's give it our best shot and try to keep the taxpayers in Chatham County paying for bills the State ought to pay for.

Chairman Liakakis recognized Commissioner Stone.

Commissioner Stone asked, then do I need to make a motion that we do as the County Attorney has requested and request that the other counties file suit as well. I'll be happy to make that motion. Commissioner Thomas said, second, Mr. Chairman. Chairman Liakakis said, we have a second. We have a motion on the floor.

Commissioner Odell said, may I add something. Chairman Liakakis said, yes. Commissioner Odell said, just a comment. Jon [Hart], we have a county association and they would have standing potentially to file an amicus brief in support of the County's position. County Attorney Hart said, yes sir. We spoke to them earlier this week and they are indicating now that they do have an interest in filing a brief, so we will probably have one from them, but you know it never hurts to have significant numbers. Commissioner Odell said, no, I think it's an excellent idea to have as many counties who can afford to provide the legal staff to file even if it's just a very thin preliminary brief which basically supports it. I would recommend, however, that when we do the letter that the letter gives them sufficient information and legal citation to support our position. County Attorney Hart said, we intend to enclose our original brief that pretty well states the position, as well as a copy of the court order, and I think that, you know, most of the county attorneys, when they received that, are going to have a pretty good idea of —. Commissioner Odell said, of what they're going to do. County Attorney Hart said, — where we're coming from and maybe they've got something that they can contribute, too.

Chairman Liakakis said, and Commissioner Stone has gone up and talked with different ACCG committees and all and done a really good job on that pursuing it, and thankfully now the ACCG is —, this coming legislature session that the Association for County Commissioners for the State of Georgia this is a priority for them, one of their priorities to go before the Legislators and to lobby for this because it's really important to help the taxpayers, not only here but around the State. Thank you very much. Excuse me. Chairman Liakakis recognized Commissioner Stone.

Commissioner Stone said, I was just going to say there's a motion. Chairman Liakakis said, oh, let's go on the board. Commissioner Kicklighter asked, may I have one —. Chairman Liakakis said, excuse me. Go ahead.

Commissioner Kicklighter asked, would there be any way to expand the motion to include the cities and the city's association for the state of cities —, what's the name of it? Commissioner Shay said, the GMA. Chairman Liakakis said, the GMA. Commissioner Kicklighter said, the GMA. Chairman Liakakis said, well, the only thing about that is that generally the cities do not pay for the —, they do not house the prisoners. It's just the counties. Commissioner Kicklighter said, but it's that same indirect effect on them and their constituents when our taxes go up because they're citizens. I mean, you know, I don't think it would hurt to send them and see if they want to join in because some cities actually house their own prisoners throughout the State. Right, Sheriff? Sheriff St. Lawrence said, yeah. There's a few, but it really affects the counties or the county jails. You know, when this thing started, everybody was going to help us. Nobody would step up to the plate but Chatham County. Now we're going to get more help than we know what to do with, and that includes ACCG, it includes the Georgia Sheriffs Association and anybody —, any interested part or any county, and it's good to go out to all the counties because even with Sen. Johnson's support, it increased the \$40 a day, that still doesn't cover our costs and it still don't start until fifteen days after they receive the paperwork, and it doesn't cover technical violators, probation and parole, so we need to keep going on the path we're going. Commissioner Kicklighter asked, so in

your opinion no need to include the cities and all? Sheriff St. Lawrence said, I don't think so. Commissioner Kicklighter said, okay.

Commissioner Shay said, I would just suggest that maybe we copy GMA, the Municipal Association, because they're so many cities in Georgia that we'll burn up our copy machines, I think, sending out that brief.

Chairman Liakakis said, so then we will do that also. We will send it to the GMA in addition. Let's go on the board. The motion carried unanimously. Chairman Liakakis said, the motion passes.

ACTION OF THE BOARD:

Commissioner Stone moved to authorize the Chairman and the County Attorney to write letters to the County Attorneys and Boards of Commission of other counties in the State and invite them to join in filing briefs in support of Chatham County's position in the Supreme Court of Georgia with regard to housing State prisoners. Commissioner Thomas seconded the motion and it carried unanimously.

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2. RECOGNITION OF WTOC REPORTER KIM ANGELASTRO (COMMISSIONER KICKLIGHTER).

Chairman Liakakis we have another special presentation, another proclamation today, and I'm going to ask Commissioner Kicklighter if he would go to the podium and do the proclamation.

Commissioner Kicklighter said, I'd like to ask WTOC's Ms. Kim Angelastro to please step forward. Kim's going to be leaving us soon. She's moving back home and I guess this will be the last meeting that she will attend. When we received word of that, it's rare that you really find a —, sorry for all you other news reporters out there —, but you find someone that really accurately reports what they've seen. There's never any intent —, malicious intent to spend the news just to make it more interesting or exciting, but I can honestly say that I appreciate the fact that I can do an interview with you and feel good that it would not ever purposely be spun in a direction to just make it a little more interesting. And that's rare, and I know I'm personally going to miss you and I know everyone up here will miss you. Some of the newer ones didn't get the opportunity to really work with you because I know they changed you to covering the Savannah Council Meetings, which appears to be pretty interesting lately, but we have a proclamation that I would like to read.

WHEREAS, to be a successful news reporter takes commitment to getting the proper source, having a keen sight on what is important to the citizens, and the talent to present the news in a manner that is comprehensible to the community. Today, we salute an anchor that possesses those attributes and more, Kim Angelastro; and

WHEREAS, Kim, a graduate of the University of South Carolina where she majored in Broadcast Journalism, started her career as an associate producer and then part time reporter; and

WHEREAS, she joined the WTOC News team in 2000 and anchors THE News 1st Report every Saturday morning; and

WHEREAS, Kim Angelastro covers the “Chatham County government beat” which includes the County Commission meetings and CEMA’s activation when storms or hurricanes pose a threat to this and surrounding areas; and

WHEREAS, this past spring, she accompanied the Chatham County Youth Commissioners’ spring trip to Washington, Philadelphia and New York and reported the effectiveness of this commission.

NOW, THEREFORE, I, Pete Liakakis, Chairman, on behalf of the Chatham County Board of Commissioners, do bid a fond farewell to:

KIM ANGELASTRO

as she returns to her native Randolph, New Jersey to continue her broadcasting career and commend her for the fair and accurate manner in which she reported on THE News.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of Chatham County, Georgia, to be affixed this the 2nd day of December 2005.

Pete Liakakis, Chairman
Chatham County Commission

ATTEST:

Sybil E. Tillman, Clerk

Commissioner Kicklighter said, thank you very much.

Ms. Angelastro said, believe it or not I’m pretty excited about stuff like that. Thank you all so much. It was so hard to make this decision because I love everyone in Savannah and Chatham County, our whole viewing area. Everyone here is like family and most of the people of WTOC are like family, and my last day is December 10th at WTOC, and I had to make the hard decision when my contract came up to stay here or to move back to where my real family is in New Jersey and pursue other careers and I had to make that decision. But covering this beat has been great. I mean, it’s been fun and exciting and everybody —, you’re all so nice. I could do anything mean or malicious, and I don’t know how some

reporters do it, to be honest with you, and I'm going to miss everyone. I'll even miss these meetings on Friday mornings. You guys got me out of own morning meeting every Friday morning — every other Friday. Thank you and I learned more than enough on the Youth Commission trip on a bus for hours and days. So thank you very, very much. This is very special and it will be hanging in New Jersey to always remind me of everyone. Thank you.

Chairman Liakakis said, wait a minute, hold it. Stay there a minute, Kim [Angelastro]. Chairman Liakakis recognized Commissioner Gellatly.

Commissioner Gellatly said, Kim [Angelastro], you certainly know you're one of my favorite reporters ever, and I would echo what has already been said. Why you're well known for reporting the news in an accurate factual manner and yet still asking for any tough and difficult questions that we hate to hear, and that takes a really well rounded person, usually a person well beyond your years that can do that. You have to realize that it's not common that we recognize news people when they leave. A lot of times it's a applause and we're glad that they're gone, and I would say that probably 50% of the reporters fall in that category and the rest why it's no big deal whether they stay or they don't. So you're an extra special person, and I'd be negligent too. If you notice when you got your proclamation that it had a large segment of the room are law enforcement people who really like you, and you've always supported law enforcement. Not to be confused with being easy, because sometimes you again I say you ask those —, you get the story, but you do it in a way that doesn't make people angry or resentful, and I think wherever you go, you will be very successful. You're a joy to be around and it does an old man's heart good just to see you walk in the room. Thank you. Ms. Angelastro said, thank you.

Chairman Liakakis recognized Commissioner Odell.

Commissioner Odell said, you know, Kim —. Commissioner Thomas said, Mr. Chairman. Chairman Liakakis said, oh, excuse me. Commissioner Thomas, I thought you were pointing to him. I'm sorry. Go ahead, Commissioner Thomas.

Commissioner Thomas said, thank you. I'd like to say thanks, Kim [Angelastro], not only from a prospective of having worked with the Chatham County Commissioners and et cetera, but she did such an outstanding job with the Youth Commission and, besides that, I want to say that Kim [Angelastro] is truly a professional. A professional. I'm going to miss the smile and, you know, sometimes when one tends to smile a lot, people take that as weakness, but I'm tell you, she is tough. She's very thorough. She went to New York and Philadelphia and et cetera with the Youth Commission and, I mean, she did not miss a beat. For all of your years of service to Chatham County, I just want to say thank you so very much, and I know that you're going to do well. You have a grateful year ahead of you and God bless you. Ms. Angelastro said, thank you.

Chairman Liakakis recognized Commissioner Odell.

Commissioner Odell said, for those who did not know I think your dad's an attorney. Right, Kim [Angelastro]? Ms. Angelastro said, yes. Commissioner Gellatly said, she's still a nice person. Commissioner Odell said, she is. And Michael Street's father is an attorney. Commissioner Odell said, you know, we had some spirited debates in these meetings and often the debate centered around political philosophy. That is, what is the best way to operate government, and hopefully they were never

personal, but this young lady could interview two people who had opposing positions which were as different as fire and ice, cover the story completely, not take sides, and both would feel that it was fair and balanced reported. And I think that is a unique trait here in Savannah. Too often reporters want to make the news, you know, because it's good to sell papers or to help their forecast. This lady never did that. She reported the facts and very seldom would you have everyone —, we often don't agree on anything —, but you could say the color of that wall and someone would disagree, but we all agree that she is professional, pleasant, and she would ask you the tough questions, and I will miss that opportunity and we would wish you much luck and success in your new endeavors, but it's a loss to Chatham County. Ms. Angelastro said, thank you.

Chairman Liakakis recognized Youth Commissioner Breonna Frazier.

Youth Commissioner Frazier said, the Youth Commission would like to thank you for everything and we'll miss you. Ms. Angelastro said, I'll see you guys up in New York when you come on your Youth Commission trip. Thank you all very, very much.

Commissioner Stone said, just real quickly. I'm new and I'm sorry, I'm not going to have the advantage of what I've just heard, and I wish you the best. Ms. Angelastro said, thank you. Thank you all.

Chairman Liakakis said, thank you very much. We do appreciate your coverage and your service to this community for all those several years. Ms. Angelastro said, thank you.

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CHATHAM AREA TRANSIT AUTHORITY

Upon motion made by Commissioner Odell, seconded by Commissioner Thomas, and unanimously approved, the Board recessed as the County Commission at 10:30 a.m., and convened as the Chatham Area Transit Authority.

Following adjournment of the Chatham Area Transit Authority, the Board reconvened at 11:20 a.m., as the County Commission.

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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 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 SPECIAL SERVICE DISTRICT CONTINGENCY TRANSFER OF \$30,000 TO THE METROPOLITAN POLICE DEPARTMENT FOR THE ISLANDS PRECINCT, AND (2) AN INTERFUND LOAN OF \$200,000 FROM THE CAPITAL IMPROVEMENT PROGRAM FUND TO THE SALES TAX IV FUND FOR THE TOM TRIPLETT PARK PROJECT.**

Chairman Liakakis asked, Dean [Kicklighter], did you want to comment on that.

Commissioner Kicklighter said, I just want to thank the staff for getting creative to add projects in. This is going to be an amazing facility once completed. We're well on our way now and I appreciate it.

Chairman Liakakis said, and this Board's concerned because we want to make sure, you know, with the growth over on the Westside that, of course, you know, that we give the services to the Westside as well as the other parts of the County. Commissioner Kicklighter said, we appreciate it.

Chairman Liakakis said, okay, do we have a motion on the floor to approve these items.

Commissioner Kicklighter said, I so move. Commissioner Thomas said, second. Chairman Liakakis said, it's been moved and seconded. Commissioner Kicklighter asked, you seconded it. Commissioner Thomas said, whatever you want to do. Chairman Liakakis said, let's go on the board. The motion carried unanimously. [NOTE: Commissioner Farrell was not present when this vote was taken.] Chairman Liakakis said, the motion passes.

ACTION OF THE BOARD:

Commissioner Kicklighter moved that the Board approve the following: (1) a Special Service District contingency transfer of \$30,000 to the Metropolitan Police Department for the Islands precinct, and (2) an interfund loan of \$200,000 from the Capital Improvement Program fund to the Sales Tax IV Fund for the Tom Triplett Park project. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Farrell was not available when this vote was taken.]

AGENDA ITEM: IX-1

AGENDA DATE: December 2, 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 Special Service District contingency transfer of \$30,000 to the Metropolitan Police Department for the Islands precinct, and (2) an interfund loan of \$200,000 from the Capital Improvement Program fund to the Sales Tax IV Fund for the Tom Triplett Park project.

BACKGROUND:

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

FACTS AND FINDINGS:

- (1) The Metropolitan Police Department is currently renting space for the Islands precinct. This expenditure was not included in the adopted budget. A Special Service District contingency transfer of \$30,000 is requested.
- (2) The bids received from the Tom Triplet Park project in the Sales Tax IV Fund exceed the project budget. An interfund loan of \$200,000 from the Capital Improvement Program (CIP) fund to the Sales Tax IV Fund is requested. The funds will come from the \$557,090 designated for capital projects in the General Fund M&O. A separate staff report recommends transfer of these funds to CIP. The funds will be available upon Board approval of the staff report to amend fund budgets to reflect fiscal year 2005 audited fund balances, which appears elsewhere on the agenda.

FUNDING:

Funds are available within the Special Service District Contingency, and in the Capital Improvement Program (CIP) fund (pending Board approval) for the transfers.

ALTERNATIVES:

- (1) That the Board approve the following:

SPECIAL SERVICE DISTRICT FUND

- a) a contingency transfer of \$30,000 to the Metropolitan Police Department for the Islands precinct.

CAPITAL IMPROVEMENT PROGRAM FUND

an interfund loan of \$200,000 from the Capital Improvement Program fund to the Sales Tax IV Fund for the Tom Triplett Park project. (Pending Board approval of budget amendments).

- (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 TO AMEND FISCAL 2006 BUDGET RESOLUTIONS TO REFLECT FISCAL YEAR 2005 AUDITED FUND BALANCES, RESERVES OF ENCUMBRANCES AND INCOMPLETE PROJECT BALANCES FOR THE GENERAL FUND M&O, SPECIAL REVENUE, CAPITAL IMPROVEMENT, DEBT SERVICE AND ENTERPRISE FUNDS.

Chairman Liakakis recognized County Manager Abolt.

County Manager Abolt said, Mr. Chairman, ladies and gentlemen, this is just a planned event. Once the audit is complete, which it is, we make sure those funds that will be carried over are just current accounts in the 2006 budget. We reflect that amount carried over from the audit results, and so if you would adopt this and if you have questions on the audit, you'd want to direct those to your next item, Item 3.

Chairman Liakakis said, okay. Do we have a motion on the floor to approve this? Commissioner Stone said, I so move. Chairman Liakakis said, you make that motion? Do we have a second? Commissioner Odell said, I'll second. Chairman Liakakis said, let's go on the board. The motion carried unanimously. [NOTE: Commissioners Farrell and Kicklighter were not present when this vote was taken.] Chairman Liakakis said, the motion passes.

ACTION OF THE BOARD:

Commissioner Stone moved to amend the fiscal 2006 budget resolutions to reflect fiscal year 2005 audited fund balances, reserves of encumbrances and incomplete project balances for the General Fund M&O, Special Revenue, Capital Improvement, Debt Service and Enterprise Funds. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioners Farrell and Kicklighter were not present when this vote was taken.]

AGENDA ITEM: IX-2

AGENDA DATE: December 2, 2005

TO: Board of Commissioners

THRU: R. E. Abolt, County Manager

FROM: Linda B. Cramer, Finance Director

ISSUE:

To amend fiscal 2006 budget resolutions to reflect fiscal year 2005 audited fund balances, reserves for encumbrances and incomplete project balances for the General Fund M&O, Special Revenue, Capital Improvement, Debt Service and Enterprise Funds.

BACKGROUND:

The FY2006 Chatham County budgets were adopted on July 8, 2005. Subsequently, an independent financial audit was performed which provided audited fund balance information including reservations of fund balance. Except in the General M&O Fund and the Special Service District, unreserved fund balance is considered an operating resource. Therefore, this report amends fund budgets to show potential use of the unreserved fund balance where appropriate. This report also amends the General M&O Fund budget for the appropriation of restricted fee reserves related to various court fees. Fund budgets have also been amended to show outstanding encumbrance balances as of June 30, 2005 ("carry forwards"). Although a budget amendment to account for year end encumbrances is not a requirement of enterprise funds, enterprise funds are included in this report to facilitate effective management planning.

FACTS AND FINDINGS:

- (1) The Chatham County General Fund M&O budget amendment increases the FY2006 budget by \$2,595,579 Fund Balance Reserve for year end encumbrances, \$568,353 for restricted fees, and \$557,090 designated for capital projects. The encumbrances and restricted fees total of \$3,163,932 will be added to the appropriate expenditure budgets. The \$557,090 designated for capital projects will be transferred to the Capital Improvement Program Fund budget for future appropriation by the Board.
- (2) The Chatham County Special Service District Fund budget amendment increases the Special Service District budget by \$402,912 Fund Balance Reserve for year end encumbrances and \$3,835,130 designated for capital projects. The encumbrances amount will be added to the appropriate expenditure budgets. The amount designated for capital projects will be transferred to the Capital Improvement Program Fund budget for future appropriation by the Board. The amount shown herein as designated for capital projects is different from the amount shown in the FY2005 financial statements. It has been reduced by a previously approved transfer out to CIP for SSD police vehicles.

- (3) The Chatham County Emergency Telephone System budget amendment increases the budget by \$837,371. The appropriations are increased to provide funds for purchase of equipment and services in accordance with Georgia State Law.
- (4) the Chatham County Confiscated Special Revenue Fund budget amendment increases the budget by \$331,371 audited fund balance to a total of \$574,811 to be distributed as follows: \$1,888 Sheriff, \$252,464 Police, and \$330,459 CNT.
- (5) The Chatham County Land Disturbing Activities Ordinance Special Revenue Fund budget amendment amends the budget to \$365,143 audited fund balance. The appropriations are decreased for expenditures in accordance with the resolution.
- (6) The Chatham County Improvement - Series 2005 DSA Revenue Bond Fund budget amendment increases the budget by \$9,733 audited fund balance. The additional fund balance will be placed in contingency.
- (7) The Chatham County Sales Tax Road Program Fund (1985-1993) budget amendment decreases the budget by \$2,599,739. The latest revised budget detail is available in the Finance department as stated in the resolution.
- (8) The Chatham County Sales Tax Extension Fund (1993-1998) budget amendment increases the budget by \$240,843 in audited fund balance. The latest revised budget detail is available in the Finance Department as stated in the resolution.
- (9) The Chatham County Sales Tax Fund (1998-2003) budget amendment decreases the budget by \$2,903,311 in audited fund balance. The latest revised budget detail is available in the Finance Department as stated in the resolution.
- (10) The Chatham County Sales Tax Fund (2003-2008) budget amendment increases the budget by \$10,912,536 in audited fund balance. The latest revised budget detail is available in the Finance Department as stated in the resolution.
- (11) The Chatham County Capital Improvement Fund budget amendment increases the budget by \$3,357,352 for audited fund balance, \$557,090 transfer in from the General Fund M&O, and \$3,835,130 transfer in from the Special Service District budget. The appropriations are adjusted for expenditures in accordance with the resolution.

- (12) The Chatham County Capital Improvement - Series 1999 DSA Revenue Bond Fund budget amendment decreases revenue by \$735,021 in audited fund balance. The latest revised budget detail is available in the Finance Department as stated in the resolution.
- (13) The Chatham County Water and Sewer Fund budget amendment increases the revenue by \$374,869 from net assets to be appropriated for encumbrances.
- (14) The Chatham County Solid Waste Management Fund budget amendment increases the revenue by \$228,097 from net assets to be appropriated for encumbrances.
- (15) The Chatham County Parking Garage Fund budget amendment increases the revenue by \$260 from net assets to be appropriated for encumbrances.
- (16) The Chatham County Emergency Management Special Revenue Fund budget amendment increases the budget by \$74,809 audited fund balance. The appropriations are increased for expenditures in accordance with the resolution.
- (17) The Chatham County Street Lighting Special Revenue Fund budget amendment increases the budget by \$29 audited fund balance. The appropriations are increased for expenditures in accordance with the resolution.
- (18) The Chatham County Street Paving Special Revenue Fund budget amendment increases the budget by \$8,452 to a total of \$268,854 audited fund balance. The appropriations are increased for expenditures in accordance with the resolution.

FUNDING:

Funds are available in Reserved Fund Balance, Unreserved Fund Balance and/or Net Assets for all funds.

ALTERNATIVES:

- (1) That the Board approve the following:

GENERAL FUND M&O

- (a) A budget amendment in the amount of \$3,163,932 Fund Balance Reserve for year end encumbrances and restricted fees.
- (b) Appropriations in accordance with the attached resolution.
- (c) A budget amendment in the amount of \$557,090 Fund Balance designated for capital projects.

- (d) A transfer out of \$557,090 to the Capital Improvement Program Fund.

SPECIAL SERVICE DISTRICT FUND

- (a) A budget amendment in the amount of \$402,912 Fund Balance Reserve for year end encumbrances.
- (b) Appropriations in accordance with the attached resolution.
- (c) A budget amendment in the amount of \$3,835,130 Fund Balance designated for capital projects.
- (d) A transfer out of \$3,835,130 to the Capital Improvement Program Fund.

EMERGENCY TELEPHONE SYSTEM FUND

A budget amendment in the amount of \$837,371 to be appropriated for E-911 expenditures consistent with state law.

CONFISCATED SPECIAL REVENUE FUND

A budget amendment to increase the fund by \$247,351 audited fund balance for funds available to the Sheriff, Counter Narcotics Team, and Police.

LAND DISTURBING ACTIVITIES ORDINANCE SPECIAL REVENUE FUND

A budget amendment to balance to an audited fund balance of \$365,143.

CAPITAL IMPROVEMENT - SERIES 2005 DSA REVENUE BOND FUND

A budget amendment in the amount of \$9,733 audited fund balance.

ONE PERCENT LOCAL OPTION SALES TAX (1985-1993)

A budget amendment decreasing the fund by \$2,599,739 in fund balance. The latest revised list of projects is available in the Finance Department as stated in the resolution.

ONE PERCENT LOCAL OPTION SALES TAX EXTENSION (1993-1998)

A budget amendment increasing the fund by \$240,843 in audited fund balance. The latest revised budget detail is available in the Finance Department as stated in the resolution.

ONE PERCENT LOCAL OPTION SALES TAX (1998-2003)

A budget amendment decreasing the fund by \$2,903,311 in audited fund balance. The latest revised budget detail is available in the Finance Department as stated in the resolution.

ONE PERCENT LOCAL OPTION SALES TAX (2003-2008)

A budget amendment increasing the fund by \$10,912,536 to an audited fund balance of \$29,492,310. The latest revised budget detail is available in the Finance Department as stated in the resolution.

CAPITAL IMPROVEMENT PROGRAM FUND

- (a) A budget amendment increasing the fund by \$3,357,352 in audited fund balance, \$557,090 transfer in from the General Fund M&O, and \$3,835,130 transfer in from the Special Service District.
- (b) Appropriations in accordance with the attached resolution.

CAPITAL IMPROVEMENT - SERIES 1999 DSA REVENUE BOND FUND

a budget amendment decreasing the fund by \$735,021 in fund balance. The latest revised budget detail is available in the Finance Department as stated in the resolution.

WATER AND SEWER ENTERPRISE FUND

A budget amendment in the amount of \$374,869 net assets for year end encumbrances.

SOLID WASTE MANAGEMENT ENTERPRISE FUND

A budget amendment in the amount of \$228,097 net assets for year end encumbrances.

PARKING GARAGE ENTERPRISE FUND

A budget amendment in the amount of \$260 net assets for year end encumbrances.

CHATHAM EMERGENCY MANAGEMENT SPECIAL REVENUE FUND

A budget amendment in the amount of \$74,809 audited fund balance.

STREET LIGHTING SPECIAL REVENUE FUND

A budget amendment in the amount of \$29 audited fund balance.

STREET PAVING SPECIAL REVENUE FUND

A budget amendment to increase revenues by \$8,452 audited fund balance.

- (2) Amend the transfers and budget amendments.

POLICY ANALYSIS:

The State Code grants the Board of Commissioners the authority to amend the budget as it deems necessary during the fiscal year.

RECOMMENDATION:

That the Board approve Alternative 1.

PREPARED BY: Read DeHaven

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**3. PRESENTATION OF THE COMPREHENSIVE ANNUAL FINANCIAL REPORT
A.K.A. AUDIT. (The external auditor will be present to answer any questions.)**

Chairman Liakakis said, and, of course, what we do is, you know, most people know we hire an outside auditor because it's important that the citizens know that the County, you know, in their finances are doing the right thing.

County Manager Abolt said, Mr. Chairman, I want to underline what the Chairman just said from the standpoint of special relationship and particularly for the newer members of the Board. You have a staff, which you deal with almost daily. You have retained with a check and balance in mind an external auditor. Mr. Tindol in this case is the external auditor. He's not an employee of the County, he's a contractor with the County and he, in effect, remains a special advisor to you, a person who is looking at what staff does and telling you whether things are okay or not. In the past, even though Mr. Tindol and I have had a long-standing relationship, he's a very bitter challenge because he's had to come back in year's gone by with some messages where, because of underfunding of the Finance Department, we were unable to do certain things that should be done. We found ourselves out of compliance. There were a variety of areas that was most alarming. That has since been corrected. We have not only just an outstanding Finance Director, Ms. Cramer, but her staff, and I wanted to show you that the thing that I always look for beyond just where the dollars are, are the number of reportable conditions. These are the bad marks on our report card. You will see, if you compare this document which you have in your packet, to the one last year, which has the same color of the suit that Commissioner Holmes and the sport coat that I am wearing, you will notice that the reportable conditions have been cut in half, and that was done even after the previous year —, the previous Board saw a major reduction in reportable findings in the prior fiscal year. Ms. Cramer in partnership with Mr. Tindol in my estimation have done an excellent job of bringing this County back into a condition of accountability, and beyond that we're pretty proud of it.

Chairman Liakakis recognized Ms. Linda Cramer.

Ms. Cramer said, good morning. I hope y'all got a copy of this. Chairman Liakakis said, identify yourself. Ms. Cramer said, Linda Cramer, Finance Director. I just wanted to point out a few things about our audit before I ask Rick [Tindol] to come up and tell you a little bit more about it. We were able to give you your fund balance numbers prior to this book because it takes us a while to pull this book together, and a lot of people in my department have been working very hard to do that. This year I had a team of Lesha Lanier and Julia Rogers actually helping to pull the CAFR together. So we had a lot of grief efforts going on here. The CAFR doesn't give you a lot of disclosure about the County's financial position. I mean, it's a pretty big document, as you can see. If you want to look at the County as a whole, you would like at pages D-1 to D-14, and that's going to give you the entity-wide statement, which are the combined statements for all the County operations, and it will also give you information on each fund —, each major fund, and even on our County pension funds, which is something of interest to all the County

employees, I know. So, what it says here is that we are in a continuing improving financial condition. There's also a section in here about the management, discussion and analysis, which talks about our fund balance growth, and we've already discussed this quite a bit, so I'm not going to go into a lot of this today, but if you wanted to go back through that, that's going to be on pages C-6 through C-10, and it also discusses the challenges that we're going to face in here over the next few years based on current information that we have. Now our CAFR this year is a little bit different. We've put two new component units in. We've added the Chatham County Health Department financial information and the Live Oaks Public Library's information. So, you do that have that information in your book. We've also changed the way we report our deposits and investments because of the new GASB standards, and we've changed our statistical section to reflect GASB 44, which is another new standard that we're having to deal with this year. So if you compare this to last year's book, you're going to see some differences, but I think you'll find it a lot more useful in that regard. Rick [Tindol], I'm going to ask you to come forward.

Mr. Rick Tindol said, Rick Tindol, the County's independent CPA. It is —, Mr. Chairman, it's my pleasure to come before you today and I have passed out, if I could go over with you, some good news. It's some selected financial ratios for Chatham County. Four years ago when the Governmental Accounting Standards Board mandated this model of financial reporting, I decided that I wanted to come up with a method that would answer questions that I always get when I'm speaking before a group like yours. Several questions that I always get is, well, how are we doing? The numbers are there in the financial report, but generally how are we doing compared to last year or several years ago and also how do we compare with other counties, and after I thought about it for a while and did some reading, I came up with this ratio analysis, which takes nine key ratios and compares them for each year to tell —, basically to select a benchmark where you stand at that earliest year and where you've come and see if there's any trends of both positive or negative that the County needs to be aware of. So with that in line, I came up with a number of ratios here.

Mr. Tindol said, I'll be as brief as I can with this. The first page is just what is the purpose of the financial statements and, as Russ [Abolt] has said earlier, basically accountability, that's the key word. We're accountable to the public for these financial statements, and they are mandated by law as well. So that's what that first page is saying. The second page basically points out that financial statements provide information about the whole local government. This is the new concept of the GASB —, 34. I think I said 40 before. I misspoke. GASB 34, back four years ago. These new government wide financial statements give you a look at the County as a whole as an entity much like the private sector with reports, and as well it still maintains the fun financial statement perspective for legal and budgetary compliance. So you've got a near term look from your budget from year to year and you've got a longer term look from your government wide financial statements. And as far as governmental activity, business type activities and component units, that's what's on that page.

Mr. Tindol said, now to get into some of more the technical information, financial ratio explanations, and I basically asked myself a series of nine or ten questions —, actually ten. The last one is not stored on here, what is the cost per person? While that's interest data, it's not really something that lends itself to a score. But questions such as, can we meet our current obligations or are unrestricted net assets accurate? To what extent or activity is supported by general revenue? That's those property taxes, sales taxes and the like. Is our financial health improving? You know, how do we compare as far as the capital assets? Are they greater than our long-term liabilities? Can the government fund its —, the governmental funds meet current obligations, and probably most importantly, can the general fund meet

its current obligations, since the general fund is the single largest fund. Is fund balance adequate? Again, one of the most important. And was there a positive or negative budgetary variance in the net change in fund balance for the general fund, and what is the cost per person?

Mr. Tindol said, the next page I won't dwell on, but it is a judgmental, based upon my experience, a scoring [inaudible] which allows for either a positive or negative points based on how these ratios come out. If you're headed toward a negative fund balances or if your liabilities are exceeding your assets, obviously you're going to get a negative score, but if those ratios turn out to be improving or what in my judgment are good, you're awarded either a one or a two-point score, or in some cases a zero score. The County can go all the way from a negative eight to a positive fifteen. So there are your parameters.

Mr. Tindol said, the very next page shows how has Chatham progressed. This is the year to year analysis, going back to June of '02 coming up through June of '05, and based upon my scoring system, Chatham County went from a score of seven in June of '02 to a score of fourteen for the immediate past year. So you've basically doubled and come within one point, on my scale, of meeting perfection. And I've got to tell you, that extra point I don't know that Chatham County will get it for this reason. It's number three, to what extent, you know, are we relying upon general revenues, that is property taxes and sales taxes, and as long as we have the sales tax, which encompasses roughly \$44,000,000 in expenditures, you're naturally going to have an inordinate amount of general revenues to support the activities of your current operations. So I really didn't draft this with any particular County or City in mind, or Board of Education for that matter, but you can see here that we have achieved, I think, near perfection based upon my judgmental score, and I run this for all the counties and cities in all that we do.

Mr. Tindol said, so the next page, how does Chatham County compare, I'm comparing Chatham County in this case and we could do many, many more, but just to take four other counties, comparing to Augusta/ Richmond County, for the year ended December 31, '03, they scored a 13 out of 15. Cherokee County scored a 12 that same year. Athens/- Clarke County score a 15 and Gwinnett County score a 15, although Gwinnett County is a little dated. It's for fiscal year '02.

Mr. Tindol said, the one last page I'd like to cover with you is other considerations, and this is just to give staff and others some additional look at some things you may want to dwell into a little more in detail. The question number 11 here is did the County balance its inflows and outflows in the short run, and the answer to that is yes. If you look at pages D-7 and D-8 in the audit report it shows that all these net outflows were on capital project funds that obviously you take the money in and a later date expend them out, so you've got a net outflow and they were all planned. Number 12, what is the approximate cost of using capital assets to provide services, this is \$5.4 million in depreciation expense for the governmental activities and \$2.4 million in depreciation expense for business-type activities. And we give the lives of the building and improvements from 10 to 50 years, the equipment from 4 to 40 years, and this next one I think that's interesting, and one that I would invite Management and Linda [Cramer] and her crew to look at, especially as you go forward with you capital improvement program, where do we now stand in the life cycle of these assets? Well, as far as the governmental activities, we've got \$163.9 million in total costs of assets, and we're \$52.9 million in accumulated depreciation, which is roughly 32% depreciated. Business-type activities is \$43.2 million in costs with about \$20.3 million in accumulated depreciation, which is about 47% into the life cycle of these assets. And what I'm suggesting is that the County go back and look at these by smaller subsets to see, you know, are vehicles being carrier longer

than they're life cycle, so that in effect you make your visions or replacement decisions based upon maintenance and other things to save tax dollars.

Mr. Tindol said, this is just again some food for thought and I thought you might find it interesting.

Chairman Liakakis said, to break it down to the people that might be watching this on television, give us your opinion of the status of Chatham County financially now. Mr. Tindol said, well, there's no question about it. During the last several years, Chatham County has come forward and to a point to where now we are maintaining a sufficient fund balance that meets your policy that you set back a year or so ago to meet the needs of the County. Your policy is that we maintain at least one month worth of expenditures in the General Fund. As I recall, not only did you meet it, but you are about \$500,000 plus that was able to be reserved for capital projects or other purposes. So my overall opinion is that Chatham County is in good financial standing and with the latest results from the rating agencies, I don't see any reason why the bond rating agencies will not upgrade the bond status in the very near future.

Commissioner Odell said, considering the events in New Orleans, we currently have a little in excess of 30 days in operating funding. Mr. Tindol said, correct. Commissioner Odell said, but looking at a disaster that New Orleans suffered, would it be a prudent policy to extend that period? Mr. Tindol said, Commissioner, I think that's an excellent point. One month is what I would call the minimum. I would like to see personally anywhere from two months to even three months for smaller entities like Port Wentworth and the like, Garden City, I think three months' worth of expenditures are certainly prudent. So Chatham County, that rainy-day fund or surplus is certainly —, is a great improvement over where we have been, but you're right, it doesn't really take into account these extraordinary things that can happen with hurricanes and so forth. You make an excellent point.

Chairman Liakakis said, okay. Any other questions. Chairman Liakakis recognized Commissioner Shay.

Commissioner Shay said, as a point of comparison again, and not a trick question, how is it when you do your audit that you check to see the expenditures that are made that are over the policy limit for minor expenditures, which we actually see in our budget, in our workbook that we get anyway, but that those are in fact authorized by the Board? How do you determine that when you see on the books an expenditure for, you know, a large sum of money that that has been authorized by the Board? Mr. Tindol said, well, large sums of money we would do cross-checks. Over a certain amount we would go back and actually do excerpts of the minutes to determine that those items were approved in the official minutes. Commissioner Shay said, so that's something that you do routinely as part of this audit? Mr. Tindol said, correct. Commissioner Shay asked, and if you had to guess, and I'm not sure that you would know the answer to this, but how many of those checks do you do in an annual audit? Do you do a dozen or a hundred or what, I don't know? Mr. Tindol said, it would really —, it would really vary there. We do not only the statistical sample, which may be 25 or 40, but in addition to that we do, as I indicated, items that are of a significant value, and it would vary from fund to fund. For example, on the General Fund, it may be \$100,000, just for example —, do hold me to that number —. Commissioner Shay said, sure. Mr. Tindol said, — for the Special Service District, you know, or would be a different number, but we would go through and read all the minutes, and anything of significance, and certainly I would say over \$100,000 would be a significant item that we would again follow those type transactions through to make sure that they had the proper authorizations from the Board right on down. Commissioner Shay said, so that's part of your basic services? That wasn't an add-on or anything that was extra or

additional? Mr. Tindol said, that's just our judgment. Commissioner Shay said, it's a great report and I look forward to reading it in more detail. I really admit that I have not read your book —. Mr. Tindol said, well, I —. Commissioner Shay said, — prior to this meeting, but I am going to go through it and so I may have questions later on. Mr. Tindol said, we'll be happy to come back if you do have any additional questions. Commissioner Shay said, but I'd also, just for my own education, you know, like to ask Linda [Cramer], and again this is not a criticism of you at all, but how do you —, I mean, what is the process whereby you determine whether or not —, don't you do some kind of a check on that with every transaction. Somebody presents you with a requisition for \$100,000, don't you also check to make sure that there's a paper trail for authorization? Ms. Cramer said, well, most of the items that you approve in the meeting are put on purchase orders by Purchasing, and the purchase order actually references the date that the Board made the action. So I imagine that [inaudible] does in his process is go back to that meeting date and verify it. So, yes, that check and balance does occur. Commissioner Shay said, okay. Ms. Cramer said, kind of that automated fashion. Commissioner Shay said, okay. All right, thank you.

County Manager Abolt said, there can always be problems, but I want to speak as to something we've institutionalized, and the best way I can describe it for you is this big book. This big book is part of all the public record. It is done with purpose and is systematically put together. For example, last Friday we began to put together the agenda, for this Friday. Ms. Cramer has fully participated, as Mr. Kaigler and all the departments —.

[NOTE: The fire alarm went off and the County Manager instructed everyone to immediately leave the building. In the process of departing, the alarm went off, and the Commissioners returned to their seats. The Chairman stated that a new type of heat sensor was being installed, and because it was set at a too sensitive status, that caused the fire alarm to go off. That does show that we have a safety system that's being installed, and he thanked Fred Thompson and his crew for taking care of that.]

Chairman Liakakis said, go ahead, Mr. Manager.

County Manager Abolt said, yes, and institutionalizing and guarding against as best one can by a paper trail the type of problems, I believe, that Commissioner Shay is alluding to. In addition to those advanced sessions with effected staff, responsible staff on what's before you on your agenda, there is a detailed and it's a very systematic way of providing staff reports. By and large, they're not helter skelter memorandum. There's a specific form. At the end of each staff report where there is money involved, you'll see something and at a distance something so familiar you're not going to be able to see it, there's a stamp. It says money's there to begin with. And then there is, Ms. Cramer referred to in addition to the individual staff action, you go to purchasing report, and in many cases, for example, you're shifting money a few minutes ago into Triplett Park, you've done that. It's done. First, the money has to be there and then you spend it. You go to your purchasing report and it may seem redundant to others, but it's not. Here's another department verifying that, number one, the money is there and, number two, they're going to buy something. It can always happen that we can stumble on this, but one you institutionalize this regularized way of preparing agenda material, yes and giving you an awful lot of paper, but this is the very record that Mr. Tindol has available to him to look at anything we do.

Chairman Liakakis said, I'll say in addition to that, hundreds and hundreds of purchase orders, contracts, bills, come over my desk that I have to sign. They are not rubber stamped, and before I sign them, I look

at whatever might be and then I'll sign it if I see that there's been some authorization, and there have been a number of times that I have pulled things out, discussed it with the County Manager and, of course, we get with the Finance Department or whoever is involved in it. So, I just don't randomly set —, sign those without some authorization there, whether it's \$19,000 or \$2,000,000 or whatever it is. But Rick [Tindol], we'd like to thank you very much. Do you have something else?

Mr. Tindol said, yes. One last thing I'd like to point out. I think Linda [Cramer] touched on it briefly, but here management discussion and analysis, beginning on page C-1, running about 10 pages, is an excellent narrative overview of the financial analysis of the County. So for those of us who don't like to read the financial statements, read this in a narrative form, although it does have some tables in it. It gives you the excellent overview of where you've been for the current year.

Chairman Liakakis said, okay. Thank you very much, Rick [Tindol]. We appreciate that. Chairman Liakakis recognized Commissioner Odell.

Commissioner Odell said, Rick [Tindol], before you leave, you are —, so you don't have to just walk back. You are also on Number 4 —. Mr. Tindol said, correct. Commissioner Odell said, — and as soon as you read it, I have a motion. Chairman Liakakis said, okay, we'll do this one and then I want to take the Sheriff's Department and another area.

ACTION OF THE BOARD:

Received as information.

AGENDA ITEM: IX-3

AGENDA DATE: December 2, 2005

TO: Board of Commissioners

THRU: R. E. Abolt, County Manager

FROM: Linda B. Cramer, Finance Director

ISSUE: Transmittal of the 2005 Comprehensive Annual Financial Report and the Management Letter, responses to the Single Audit Findings and the Management Letter, as well as fund balance and statistical data.

BACKGROUND: The 2005 Comprehensive Annual Financial Report ("CAFR") will be submitted to the State of Georgia and the Government Finance Officers Association's award program in December 2005.

FACTS AND FINDINGS:

1. The CAFR represents the audited financial report of Chatham County prepared in accordance with generally accepted accounting principles. The CAFR presents the recorded financial transactions and activities of Chatham County for the period July 1, 2004 to June 30, 2005. Management's Discussion and Analysis provides information about significant transactions that occurred during the year.
2. At June 30, 2005 the main operating funds of the County were the General Fund and the Special Service District. The General Fund's fund balance increased to \$13,943,638, an increase of \$3,817,049. Of this balance, \$9,626,207 was unreserved. In the SSD fund, fund balance increased to \$11,837,097, an increase of \$1,907,338. SSD unreserved fund balance was \$6,867,217. Key factors contributing to the increases in fund balance are outlined on pages C-6 through C-7 of the CAFR.
3. The County's Health Insurance Internal Service Fund showed a decrease in net assets of \$321,628, reducing this fund's reserves to \$1.3 million. The fund's revenue sources are contributions from employees, retirees and the County's operating funds. As the fund's net assets are depleted, these revenue sources will ultimately be required to fund the expense differential related to rising medical costs.
4. The Government-wide financial statements present all activities of Chatham County on the accrual basis of accounting and include capital assets as well as long-term debt.
5. The Single Audit Section reports information as required by *Government Auditing Standards* and *OMB Circular A-133*. This section also details a Schedule of Findings and Questioned Costs pertaining to fiscal 2005 activities. Responses to the findings are attached.
6. Karp Ronning & Tindol have also separately issued a Management Letter. The Management Letter and responses are attached.
7. A status report on the findings and questioned costs for fiscal 204 is also attached.

FUNDING: N/A

POLICY ANALYSIS: The Finance Department remains committed to the timely preparation of financial reports and to the elimination of findings related to processes and internal controls.

ALTERNATIVES: N/A

RECOMMENDATION: N/A

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4. AUTHORIZATION OF AN ADDITIONAL ACCOUNTING POSITION IN THE TAX COMMISSIONER'S BUDGET AND SUPERIOR COURT ADMINISTRATOR NOTING THAT TWO POSITIONS ARE BEING ELIMINATED AT THE SAME TIME.

Chairman Liakakis said, so they are asking for an additional position.

Commissioner Kicklighter said, motion to approve. Commissioner Odell said, second. Chairman Liakakis asked, any other questions? Let's go on the board. The motion carried unanimously. Chairman Liakakis said, motion approved.

ACTION OF THE BOARD:

Commissioner Kicklighter moved to approve a General Fund M&O contingency transfer in the amount of \$40,000 to the Tax Commissioner's budget and authorize the creation of a new financial/reporting account in the Tax Commissioner's budget and approve the creation of a new Legal Assistant II position in the Court Administrator's budget by deleting vacant Clerical Assistant II and Clerical Assistant IV positions. Commissioner Odell seconded the motion and it carried unanimously.

AGENDA ITEM: IX-4
AGENDA DATE: December 2, 2005

TO: Board of Commissioners
THRU: R. E. Abolt, County Manager
FROM: Michael A. Kaigler, Director
Human Resources and Services

Issue: Request Board approve the following positions: (1) Financial/Reporting Accountant - Tax Commissioner's budget (2) Legal Assistant III - Court Administrator

Background: The Tax Commissioner's office collects taxes for various jurisdictions that are in excess of \$250 million annually. These funds are collected and disbursed to the jurisdictions based on the tax digest. The external auditors in reviewing the Tax Commissioner's operation over the past several years have suggested that the Tax Commissioner have on staff an experienced accountant or CPA to improve the accounting and financial reporting function.

Also the Court Administrator's office is requesting approval to create a new Legal Assistant III position. The new position will be used as a "Pro Se Resource Legal Assistant" for all six Superior Court judges and will assist with the ever increasing number of pro se litigants.

Facts and Findings:

1. County staff has worked with the external auditor to determine the scope of responsibility and job requirements for the proposed position. Based on staff analysis, the accounting position that will be required to perform this function is a financial and reporting accountant. This position is currently classified in pay grade 28, with a salary range of \$48,030 to \$74,447.
2. The Tax Commissioner does not currently have adequate funds in his budget to cover this new position. Funding for this position for a full year will require approximately \$79,640 for salary and benefits. It is anticipated that it will take several weeks to fill this position; therefore, it will only require approximately \$40,000 for the balance of the current fiscal year.
3. The Court Administrator's office has submitted a request to add a Legal Assistant III to their department. This position is currently classified in pay grade 25 with a salary range of \$41,057 to \$64,336. The Court Administrator is requesting that a vacant Clerical Assistant II and Clerical Assistant IV be deleted from their budget and a new position of Legal Assistant III be created. If this action is approved, there will be no additional funding required. See chart below.

<u>Position</u>	<u>Position Number</u>	<u>Pay Range</u>	<u>Annual Salary</u>
Delete			
Clerical Assistant II	<u>10</u>	<u>9</u>	<u>19024.00</u>
Clerical Assistant IV	<u>3</u>	<u>13</u>	<u>23121.00</u>
Total			<u>42145.00</u>
Add			
Legal Assistant III		<u>25</u>	41507.00
Cost Savings			638.00

Funding: M&O contingency transfer in the amount of \$40,000 is required to fund the financial/reporting accountant position in the Tax Commissioner's budget. No additional funding is required to fund the Legal Assistant III position in the Court Administrator's budget.

Alternatives:

1. Approve a M&O contingency transfer in the amount of \$40,000 to the Tax Commissioner's budget and authorize the creation of a new Legal Assistant III position in the Court Administrator's budget by deleting vacant Clerical Assistant II and Clerical Assistant IV positions.
2. Approve a M&O contingency transfer in the amount of \$40,000 to the Tax Commissioner's budget and authorize the creation of a new financial/reporting accountant in the Tax Commissioner's budget.
3. Approve the creation of a new Legal Assistant III position in the Court Administrator's budget by deleting vacant Clerical Assistant II and Clerical Assistant IV positions.
4. Provide staff with other direction.

Policy Analysis: Board action is required to create a new position in the County's budget. It is the policy of the Board of Commissioners to ensure

that staffing levels in departments are maintained at a level to accomplish the essential mission of county government.

Recommendation: That the Board of Commissioners adopt alternative #1.

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[NOTE: Item X-13-E was taken out of order and heard at this point on the agenda.]

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IX. ITEMS FOR INDIVIDUAL ACTION (continued)

5. STATUS OF REPAIR TO NORFOLK SOUTHERN TRACKS ON PRESIDENT STREET.

Chairman Liakakis said, unfortunately what has happened in Chatham County over the years and in the City of Savannah and other cities that the railroad has completely ignored, whether it's a government or, you know, one of the municipalities, the County or an individual citizen complaining about the railroad tracks, how they are causing a lot of problems to our citizens by knocking their vehicles out of alignment and causing other mechanical problems and all. So after we had a really good situation going, I took those pictures out there on Bourne Avenue and Dean Forest, the Commission came in, we voted to go through the process to contact the State and all, and our County Engineers did an excellent job in putting the information together, and now the railroad is repairing that on Bourne Avenue and Dean Forest Road. Now we have a situation on President Street. I took pictures there a few weeks ago, gave that to the County Attorney and the County Manager, and we did get a communication from the railroad. They didn't think that that needed to be done. They wanted to keep those huge amount of profits in their pockets again, but anyway I'd like for the County Attorney to give us a report on that.

County Attorney said, sure. It was brought to the attention of the County Attorney's office through the Chairman that we had some railroad disrepair issues on President Street. There's a Georgia Code provision that sets forth a pretty cumbersome procedure, but nevertheless a procedure in which you can require a railroad to make repairs. One of the matters you have to do is you need to do an inspection report and provide them an engineering report telling them what's wrong with it. I met with the County Engineer and obtained a report from him concerning the matter. If you will note, there's some photographs in here that are xeroxed. They don't do justice to the Chairman's photographic skills, but basically it's pretty obvious that the railroad is not used on a frequent basis. If you look past the highway, the grass is grown over on both sides of the road, so before we started to trigger the process that we'll have to go through with a resolution, we have sent them a letter requesting them to tell us if that track is even in use anymore. If it's not in use, we requested that they take the track up and we'll be willing to assist in doing that and we'll be willing in paving over it and taking on the responsibility for maintaining the street there. We have not had a reply back yet. If they don't reply to that, then we're just going to trigger the process under the Code section to move towards repairs. There does appear to be some

difference of opinion as to the condition of the crossings as between our County Engineer's Department and obviously our citizens that drive there every day who feel qualified to tell you what they think about the tracks and the railroad, and if that comes down to that then we'll ask the Georgia DOT to come in and give a report, and that'll be a decision-making process, but we have had —, in fairness to the railroad, we had a good response the last time we did this.

Chairman Liakakis said, Mr. County Manager, if we receive communication just recently that Mr. Spilliards said he didn't think the railroad should do that? County Manager Abolt said, yes sir, that's in your file. Yes sir. Chairman Liakakis said, okay.

County Attorney Hart said, in that case, you know, the only other process we have is under the Code section and if y'all direct us to do that, we'll certainly do it.

Chairman Liakakis asked, is there a motion on the floor to proceed as we did before. Commissioner Kicklighter said, I so move. Chairman Liakakis asked, do we have a second? Commissioner Thomas said, second. Chairman Liakakis said, okay, then let's —, and the motion, folks, is to go through the process to put the railroad on notice and then go through the State process to see about getting that done. Let's go on the board. The motion carried unanimously. Chairman Liakakis said, the motion passes.

ACTION OF THE BOARD:

Commissioner Kicklighter moved that the County go through the process of putting the railroad on notice regarding the condition of the Norfolk Southern tracks on President Street and follow the procedure outlined by the State to see about getting that work done. Commissioner Thomas seconded the motion and it carried unanimously.

AGENDA ITEM: IX-5
AGENDA DATE: December 2, 2005

November 23, 2005

F. Kennedy Hall, Esq.
Registered Agent for
Norfolk Southern Corporation
577 Mulberry Street
1500 CHTR MED
Macon, GA 31208

Re: Railroad crossings, 734224B and 734223U
Island Expressway, U.S. Highway 80

Dear Mr. Hall:

I am writing you at the instruction of the Chatham County Board of Commissioners to request the assistance of the railroad in correcting problems with two crossings located within Chatham County. I am enclosing for your convenient reference a summary outline pertaining to two railroad crossings identified under your numbering system as 73424B, U.S. Highway 80;, and 734223U, also located on U.S. Highway 80, Islands Expressway.

I am enclosing for your benefit a copy of the color photographs of the two crossings. You will note that it would appear that both of these rails are no longer used, which is obviously indicated due to the fact that once the rail lines clear the road bed they are overgrown with grass.

As you are aware, we believe that the current condition of both crossings constitute a safety issue and obstruction to the traveling public. We are fully aware that O.C.G.A §32-6-202 provides a means for going through a notification procedure to require the railroad to repair the crossings. However, in the interest of time I am inquiring as to whether the railroad would be interested in taking up the lines crossing both areas of U.S. Highway 80 and then having the County repair the roadway and be responsible for maintenance. This will eliminate future costs to the railroad system.

Unless I hear back from you with a constructive plan, I will have no alternative but to proceed, pursuant to O.C.G.A. §32-6-202 and request repairs in a more formal manner.

I am,

Very truly yours,

R. Jonathan Hart
County Attorney

RJH:dkm
enclosures

cc: Chairman Pete Liakakis and Board of Commissioners
R.E. Abolt, County Manager

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6. POLICY DECISION REGARDING FURTHER DEVELOPMENT OF SHEFTALL BLUFF SUBDIVISION AS WELL AS APPROPRIATE ORDINANCE ALTERNATIVE.

Chairman Liakakis said, what I'd like to do now is call on the County Manager.

County Manager Abolt said, Mr. Chairman, ladies and gentlemen, staff has done as we were directed several months ago. Where are we now? Are we in a position to avoid another Weatherwood? Staff understands methane, subsidence, deflection, all related to the decomposition of waste. The various choices in ordinance options are most complex and technical. Mistert Hart, Bungard, Anderson and others are not just knowledgeable, but also critically aware of safeguards that must be in place to deal with methane, subsidence and deflection. Their job is to protect our citizens. Simply put, adopting permissible legislation is fraught with enforcement problems. There are too many opportunities for something to be missed. Reliance is shifted to the private sector engineers and architects. If it goes sideways, it's reasonable to expect the homeowners in trouble will come to the then-seated County Commission pleading for them, as we heard without end during the horrors of Weatherwood, to have the Commission do the right thing. It happened once. We cannot guarantee it won't happen again. Thus, my recommendation: Make no change in the policy prohibiting construction on landfills.

Commissioner Kicklighter said, I so move —, I'll let you if you'd like to make that motion.

Commissioner Stone said, well, at this time I've read all the materials and I realize that the staff and the petitioner have made a substantial effort in this ordinance; however, after going through the material that I have and careful consideration, and with the health, safety and welfare of the citizens of Chatham County in mind, which is our first priority, I move and make this motion to adopt Alternative #1, which is to keep the policy as it is and not permit the building or construction on landfills. A good effort has been made in this ordinance, I believe. It cannot with a hundred percent assurance address all the issues pertaining to methane gas and potential subsidence issues. I move that we continue our present policy to prohibit construction on landfill areas.

Chairman Liakakis asked, do we have a second? Commissioner Kicklighter said, I'll remove my first —. Chairman Liakakis said, do we have a second. Commissioner Kicklighter said, — motion just to make it all —. Commissioner Gellatly said, second. Chairman Liakakis said, it's been seconded. Now we'll have discussion on it. Go ahead.

Commissioner Kicklighter said, Mr. Chairman, I'll state, in the Manager's statement, we can't, you know, can we be sure that we can avoid another Weatherwood? This is Weatherwood with another name. The exact same place that the County and taxpayers paid millions to bill out, and here it is back in front of us. I don't even —, I hope that we don't even entertain a lengthy conversation on this because there's no need. It shouldn't be allowed —, potential danger and maybe just move forward and keep it like it is.

Chairman Liakakis said, well —, go ahead, Commissioner Shay.

Commissioner Shay said, in regards to the motion that's on the floor, I need to understand a little bit better. Alternative #1 says make no change in policy prohibiting construction on landfills. I guess I need to understand what the landfill means in our present policy. County Attorney Hart said, yes sir. That was a point that you raise, I believe, early on. You were concerned about construction other places within the County and it was an excellent question and I'm glad you thought of it because we went back and spent some time looking at that issue. The ordinance, should you choose to change your policy and should adopt an ordinance —, both of those are two should-you's —, provides that it will only be effective as to landfills and in landfills in which they're solid waste, and we have defined solid waste to include, but not limited to, protrusible waste, non-protrusible waste, garbage trash, sanitary waste, solid waste, single-family residential waste, multi-family residential waste, hotel-motel recreational waste, yard trimmings, construction and demolition debris, commercial waste and industrial waste. And that's all the wastes I could find in State law, and what we did was we incorporated that in as the definition of solid waste and then we turned around and defined a landfill as follows: Landfills shall meet an area or facility in which there is an excavation into which solid waste is placed on a permanent disposal.

Commissioner Shay said, the motion that's on the floor, if I understand it right now, is to not to do anything and maintain our current policy —. County Attorney Hart said, yes sir. Commissioner Shay said, — what you just read is what a definition of landfill would be if we adopted some alternative other than number one. I guess my question is if we do what's —, if I vote in favor of this motion, what does the word landfill mean now? County Attorney Hart said, currently under State law, if anybody wants to build on a landfill, which this definition is probably even broader than the State definition, because what we did was we went back through the State code and looked at all the different types of potential landfills where we think there could be any type of issue with, and included them in the definition. Under State law there is a statute that says if you want to build on a landfill — and there's pretty good definitions within that —, you've got to have permission from the governing authority, which means that unless y'all give permission, there will be no building on landfills in Chatham County. If you change your policy to allow building on landfills, then the issue becomes we've got to treat everybody the same. So, if you change your policy, there are three potential ordinances in front of you, and the concept of those ordinances are an attempt to deal with the what if you change your policy, what do we do to try to — how to have this construction take place and address issues that are known. If you don't change your policy, you don't get to the ordinance and you don't get to anything else. You just don't build on landfills in Chatham County.

Commissioner Shay said, you know, to me there are, I thought it came out on the last time that we deliberated on this, sort of — two issues. One of them is Weatherwood/Sheftall Bluff, and I certainly appreciate what the Manager has said in regard to that. I lived through part of the Weatherwood experience, and then there was the broader issue of, well, how does that affect all of the areas in Chatham County or, I guess in this particular case, the unincorporated areas of Chatham County in regards to landfills, and I thought what we had decided was we wanted to at least explore the possibility of having a rationale policy that would apply to all such things, not craft an ordinance that was specific or decided specifically the Weatherwood/Sheftall Bluff. County Attorney Hart said, this ordinance is drafted to be broad enough to apply to anybody who wants to build on any landfill, and it's not designed to deal particularly with Weatherwood. I mean, obviously, a lot of the same issues are going to be faced,

but what we tried to do is put an ordinance in place or some suggestions of a semblance of an ordinance of issues that ought to address many of the issues that occur when you deal with landfills. Commissioner Shay said, with apologies to Dean [Kicklighter] — I'm not trying to filibuster here, I just, you know, I struggle because, you know, other than on the Westside, where there is fortunately a lot of land left in Chatham County, almost all the good land in Chatham County was developed a hundred years ago or two hundred years ago other than that, and I'm concerned that we may be sending a message that we don't want to encourage what's described as brownfield development, a redevelopment of sites that were previously developed because almost all of those — I think every single one of them —, is going to end up being in some measure or another of the landfill, but there's a motion on the floor. My question, I guess, really doesn't address the specifics of that motion and I'll retain the rest of my questions if the motion fails. If the motion passes, then I guess everything on my mind is a moot point.

Chairman Liakakis recognized Commissioner Kicklighter.

Commissioner Kicklighter said, yeah. Brief point. With the way our current ordinance stands, could this gentleman or any other person come in front of us if there was a non-toxic landfill and request that they be able to excavate all of the stumps and whatever out of there and build on that site? County Attorney Hart said, we don't have an ordinance exactly to that effect. We have a State statute that says this body decides whether you do or don't build on landfills, period. Commissioner Kicklighter said, okay. So, with the ordinance like it is, then my point being, let's say Savannah did not annex Hutchinson Island or whatever, could someone approach us, a private developer, and say, okay, we know it's a landfill, but we're willing to excavate, get rid of all of this and build? County Attorney Hart said, yes. Commissioner Kicklighter asked, and we can give permission for that? County Attorney Hart said, they own the land —. Commissioner Kicklighter said, right. County Attorney Hart said, — assuming the land is owned for a proper use, a use they intend to have, and assuming they apply for a land disturbing permit and meet the requirements of that, meet the requirements of the soil and sedimentation ordinance and all the other ordinances that we have, we would allow them to remove the landfill. Obviously, we would also require to know where the stuff's going. Commissioner Kicklighter said, right. County Attorney Hart said, yes, then they could —. Commissioner Kicklighter said, okay, then that answers my thought because there's definitely, I understand what the Commissioner is saying down there. There's areas in demand and if someone's willing to spend the money to dig it and get it out and, you know, make the future homes or businesses safe like that and —. Commissioner Farrell said, it wouldn't be a landfill anymore. Commissioner Kicklighter said, — right. It wouldn't be a landfill, so as long as that's in place with the current ordinance that we have, I think that's a great thing to just keep it right there.

Chairman Liakakis recognized Commissioner Odell.

Commissioner Odell said, this ordinance would affect Hutchinson Island. County Attorney Hart said, no sir. It would if there is a landfill on Hutchinson Island, and I don't know that there is. Commissioner Kicklighter said, in the unincorporated area. County Attorney Hart said, the design of this ordinance is to deal with your traditional landfills. It was not meant to deal with filled land and it was not meant to deal with land that is contaminated, commonly referred to as brownfield land. Brownfield land could still be developed as long as it is within the Federal regulations, and you could construct on any land that is not

dealing or meeting the definition within the ordinance. You would have foundation issues. Commissioner Odell said, I'm not finished. Chairman Liakakis said, okay. Commissioner Odell said, I'm not finished. Chairman Liakakis said, excuse me. Go ahead. Commissioner Odell said, my reading the ordinance, and I made the original motion, methane can be dealt with. Would you not agree? County Attorney Hart said, yes sir. There are —. Commissioner Odell said, and they raised the test to —. County Attorney Hart said, there are ways out there in which you can construct for methane. Commissioner Odell said, and when methane hits the air it dissipates. I mean, if you —, your problem is you've got a slab grade house, methane is a problem. If your house is elevated, methane hits the air, it dissipates because it's a gas. County Attorney Hart said, it mixes with other atmosphere gas. Commissioner Odell said, and I'm not saying that. Weatherwood has gotten to the point where I'm not certain that logic is —, I mean, it's just an emotional —, and I wasn't on the Commission at the time, so I know what the Commissioners had to go through. It was horrible and no one wants to go through that, and I think that that sitting Commission did an excellent job, but when I was looking at it, and eventually the property is going to be developed. Land is too scarce. We're not building any more land. My concern wasn't methane, it was subsidence, and subsidence in that you built it, how can you ensure that it won't sink. That gave me more —, we can deal with the gas by not having a slab and build up off-grade. That will deal with the methane, but that doesn't deal with —, how can you tell that there isn't a 8,000-pound stump 10-feet down that's slowly decaying and you go in and you glade it and it slowly sinks into Effingham County. How do you do that? That gave me more concern.

County Attorney Hart said, you asked an excellent question. Commissioner Odell said, of course. No, I'm just teasing. County Attorney Hart said, the subsidence issue is the other leg of this thing that really causes concern. We have consulted with staff, we've consulted with outside engineers, who said where can we go find an ordinance that says you can build a foundation, and have the following 23 things in it, you won't have a subsidence issue. Everybody tells us that the foundation is site-specific. Therefore, you can't draw an ordinance that says 23 or 123 things. So the way we've attempted to address this here is require a certification by a professional engineer, number one, that the old foundation will not subside, and then number two, a second certification after construction that it was built as designed, and that's about all you can do there. The subsidence issue is just going to be an issue, that's all there is to it.

Commissioner Odell said, but of the three proposals, and I believe there are three —, is it three or four? County Attorney Hart said, there's three. There's an Exhibit A, which is in the original draft of staff, there's an Exhibit B that's the petitioner and consultant's initial draft, and then there's a third proposal by the consultant and the petitioner as a result of lengthy conversations back and forth. Commissioner Odell said, okay, and there would be an Exhibit D, which would be do nothing. County Attorney Hart said, yeah. Commissioner Odell asked, is that —? County Attorney Hart said, correct. I mean —. Commissioner Odell said, and —, but Exhibit C is from what source? County Attorney Hart said, Exhibit C is a proposal set forth by the petitioner through their consultant dealing with four areas that they had concerns about within the ordinance and offered alternative suggestions pertaining to that. Commissioner Odell asked, may I simply ask you, the consultant is what group? County Manager Abolt said, SCS out of Cincinnati, Ohio, I believe. The same consultant we hired back during the time of Weatherwood. Commissioner Odell said, so we initially hired a consultant that told us whatever and we

relied upon that consultant. True? County Manager Abolt said, correct. Commissioner Odell said, and now that consultant has given us additional information and —, let me just finish, Russ [Abolt] —, and that same consultant that represented this County for compensation saying you have to do A, B and C in the County [inaudible], now that consultant's back and is this the consultant's Alternative C, is that this consultant's recommendation? County Attorney Hart said, I would assume so because they wrote that part of that. And the subsidence issue I want to make sure everybody understands. We're not just talking about the subsidence of the house. We're talking about the subsidence of the streets and you're talking about subsidence issues pertaining to underground utilities. Commissioner Odell said, I had read the EPA report from that as it relates to utilities and, as our Attorney, my question to you is whether or not that's for utilities in the future or would this system apply? County Attorney Hart said, we received a letter from the consultant saying that they did not —, first of all, let me back up. We have an agreement with Georgia EPA which basically says we won't allow utilities to be put in landfills. They think it's a bad practice —, period, end of story. We're an issuing authority for that and if we don't follow our agreement, then they have certain rights and remedies about that. Having said that, the question becomes that you've got to deal with whether the existing utilities in the ground fall under that agreement. And if you read the language of the agreement, it applies to extensions and replacements. So, you then get into a definitional issue of whether hooking it back up is an extension or whether moving the pipe is a replacement, and that's just a word game. I don't know that there's any definitive language there. Commissioner Odell asked, and that's not been legally determined? County Attorney Hart said, no because the general premise has been since they've taken that position, you just — you don't do that.

County Manager Abolt said, Mr. Chairman.

Commissioner Kicklighter asked, the initial agreement said that the utilities had to be removed? The original purchase agreement, I believe, said that the utilities had to be removed. County Attorney Hart said, I do not recall. Commissioner Kicklighter said, that they couldn't be reinstalled.

Chairman Liakakis said, hold on just a minute. Chairman Liakakis recognized Youth Commissioner Helen Farmakis.

Youth Commissioner Farmakis said, Mr. Chairman, I'm sorry, but I hate to interrupt, but due to our obligations at the school, we need to ask to be excused at this time. Chairman Liakakis said, sure. That's fine. Youth Commissioner Farmakis said, okay. Chairman Liakakis said, thank you very much. We appreciate the both of you, Breonna [Frazier] and yourself for attending the Commission meeting today. Commissioner Thomas said, thank you.

Commissioner Odell asked, may I just finish up? This has been an extreme amount of time that I know you've spent on it and I know Russ [Abolt] has spent on it, and every time that I see Russ [Abolt] that I mention Weatherwood, a certain amount of historic agony returns. County Manager Abolt said, thank you. Commissioner Odell said, and I personally thank you all for your thoroughness, and I have made a decision which way I'm going to go on it, you know, because it is —, one way to prevent problems is if we had never allowed building on that site, we would have prevented a problem. I'm not certain if that's where we are now, but I don't want it to appear —, this is not my district, it's Ms. Stone's district —, that

Harris Odell said let's build on sites that may subside. I'm not saying that, but I am willing, unlike some, to listen because I think that what we've done is this has become more emotional and not science. We made a decision based upon science not emotion, and it was a good decision, but I'm willing to listen, and to curtail it without a discussion I think is unreasonable and unfair.

County Manager Abolt said, Mr. Chairman, just a point of clarification. The County in working with SCS Engineering was fully aware back at the time of Weatherwood that it is possible to build over a methane-generating site. That was never the issue. So there's not been a change of fact. I still have the highest regard for Mr. Walsh and SCS Engineering as I had way back when. The issue is in effect now can you come up with controls wherever they might be applied that are enforceable, and certainly the experts might tell you, given their point of view, yes you can, but the substantive flaw I feel and the different choices deals with the aspect of enforcement and, more importantly, you'll see continually in all the drafts, there's reference to a referral or a deferral, if you will, to a professional red shirt engineer architect, not a County employee. Certainly, Mr. Bungard or Mr. Anderson are not going to put their seal or the reputation on anything like that. It depends upon smart people, and there's nothing wrong with that and there's many smart people out there and many of them work for SCS Engineering. The problem one faces in this is what happens if they go away, and I hate to use the experience of Weatherwood, but I must to prove my point. Back then the County, and Dr. Thomas were members, the County could have made a very defensible case not to come to the aid of those Weatherwood residents. There were enough other hands in the pot, the State of Georgia, Department of Transportation dumping this residue from the construction, I believe, of Abercorn Extension. There were enough other situations. Mr. Cleon Lewis, who was the owner, built the houses. He went bankrupt, [inaudible] out of the way. What occurred was, not in this room, it was over in the other courthouse, but as happens almost meeting after meeting, you'll have citizens come forward that have an issue. The County Commission back then realized, yes, they could say no to those folks. They chose not to. They realized that the desperate situation of the people back then required the County Commission to step forward, and y'all did. All I'm trying to recount for you is historical is a way of looking at our future, and let's assume just for the sake of discussion here is the development, and it's not on Sheftall Bluff, it's somewhere else, and we do rely upon these smart people to do things, and time goes on and we do have a déjà vu with the situation like we had in Weatherwood. There's no guarantee that any other institution besides in this case the County government will be around, and so those that come after you will very well be faced with the same agony— and it was agony — of looking at those property owners, those moms and dads and those children and saying, "My goodness, if I don't do anything for them they're going to be without any hope," and I cannot tell you that will not happen again.

Chairman Liakakis recognized Commissioner Farrell.

Commissioner Farrell said, I was wondering what is the current condition of the roads out there now. Are they holding up pretty good? County Attorney Hart said, I'm not totally qualified to answer that question, and that's one of the issues that you've got to deal with is what happens to the utilities and roads five years, ten years, fifteen, twenty years, whatever. If we accept them as the County, we're responsible for them, okay, and that's another issue you've got to be aware of. The current —, in speaking with the petitioner, he acknowledged that there was one area of the roads that there had been

some subsidence and indicated a willingness to make the repairs to that portion of the road. I have also seen an inspection report that was performed on a part of the sewer or laterals where they apparently ran a camera down in it. I don't know all the technical jargon, but they indicated that in my layman's understanding that they were functional. So —.

Commissioner Kicklighter said, I can —, if I can —, Commissioner Stone has some great pictures of bubbling water coming out of the cracks in the road, which is a scary sight, and she went out there and really walked it and did quite a bit of amazing research actually, and literally bubbling coming out of the roads into the water because it has sunk and it wasn't even draining and, you know, she'd be glad, I'm sure, to share those pictures with anybody.

Chairman Liakakis said, just a minute. Commissioner Thomas next.

Commissioner Thomas said, thank you, Mr. Chairmen. Members of the County Manager, ladies and gentlemen, first of all, let me preface my question by saying that I have been open. I have really kept an optimistic mind, you know. I wanted to be positive to give the developer a head's up, but my question still remains, and I would like for the Attorney or someone in the legal field to answer this question that I've asked repeatedly. If the developer is given permission to build, legally who's responsibility is it to the same problem appear again and who will be legally binding to the citizens. County Attorney Hart said, the short answer to that is you will know when you get a judge to tell you, okay. Commissioner Thomas said, but not the short answer. County Attorney Hart said, the truth of the —, the bottom line situation here is there are two things that are running around. Number one, we would have a regulatory ordinance in place that may address everything. It may not, okay. If the purchaser purchased the property with all of the disclosures that are required by State law, and you have to tell them it's over a landfill and the deed has to be in a landfill and they have to sign off on that, and there's going to have to be a certification from your engineers and everything, it would be difficult for the owners acquiring property with knowledge to come back and say, "Gee, I bought this thing you shouldn't have let me buy." Okay? However, insofar as the utilities go, and insofar as the roads go, that's going to be a County issue. Now the petitioner to their credit has offered to put up a bond for a period of time to deal with that, but those roads are going to be there a long term, and long term if there are maintenance issues, those issues will be the County's and, you know, you've got —, that's the legal side. The other side is, you know, what do you do if there's a problem to the people, do you go back in and does the County try to assume something perhaps it may not technically legally have an obligation, and that's always the policy issue. That's about as good as I can answer that.

Chairman Liakakis said, but there's a possibility since it was done before though it would place the County in the same position? County Attorney Hart said, yes sir. Chairman Liakakis said, okay. Commissioner Holmes, you were next.

Commissioner Holmes said, yes. I remember —.

Chairman Liakakis said, I'm going to allow y'all to speak, Harold [Yellin], if you'll wait. Mr. Yellin said, I can wait. Chairman Liakakis said, go ahead.

Commissioner Holmes said, I remember this came before us before and I've listened very carefully of things that they say and I've listened to what we've been saying and out of all we have now and to prevent the strategy that they have, it does not eliminate them from this ordinance that we have here. County Attorney Hart said, well, we don't have an ordinance yet. Right now we just have a general statement of policy saying we're not going to do it, so it's a two step hurdle. One, you've got to make a decision on the policy. If you say no, we're going to keep the policy the same, that's the end of the story. If you decide to change the policy, then the question becomes what kind of ordinance you want, and there's three proposals out there right now and there's some various —, you know, there's some differences between those two. Commissioner Holmes said, and I just heard just now that there was a bond that these people put up. County Attorney Hart said, well, that's one of the —, there's not a requirement in Ordinance A or B, and Ordinance C there was a proposal that there be a five-year bond. You know, you could make it a ten-year bond and obviously you get —, at some point you get where the market, the private market won't issue a bond for that long.

Chairman Liakakis recognized Commissioner Stone. Oh, I thought you had your hand up. Chairman Liakakis recognized Commissioner Kicklighter.

Commissioner Kicklighter said, Mr. Chairman, I believe the bottom line is we have expert after expert, like the Manager said, bringing people that will tell you that the risk is low to nothing, but the bottom line is that this County's spent millions of dollars to eliminate all risks for the residents and all liability possibilities for the County. If allowed, the bottom line is the millions of dollars of taxpayers money has been blown to eliminate risk. The risk will be there, the possibility will be there, and to answer even Dr. Thomas' question, yes, in this world we can sue for spilling hot coffee in our laps that we buy at a fast-food place, so yes we can sue the County and, at best, it's going to cost the County a fortune to defend the suit, and the millions of dollars was spent for zero risk. Bottom line, if this is allowed, we've allowed a risk — a risk to our citizens, number one, and a risk, number two, to us being sued. Having said that, I respect Mr. Yellin and I respect all of them and what they're trying to do, but we don't really need to hear how safe it's going to be because our millions was spent to get rid of all possible risks, and I will call for the question.

County Attorney Hart said, there's been a call for the question. Commissioner Odell asked, does it have to be seconded? Chairman Liakakis said, it has to be seconded now if, you know, we want to let the petitioner —, I mean, for y'all to consider. If you don't have a second, then the petitioner at least will have the opportunity to do that. Commissioner Gellatly said, I second it. Commissioner Odell said, then we have to vote on it.

Chairman Liakakis said, okay, we have a motion on the floor and a second. So, let's go on the board. Chairman Liakakis said, no, wait a minute. Let's repeat that motion please. Commissioner Odell said, no change in the ordinance. County Attorney Hart said, no change in the —. Chairman Liakakis said, no change to the ordinance. County Attorney Hart said, Alternative One.

Mr. Yellin said, is the motion on the floor to call for the question or is the motion on the floor the motion of Mrs. Stone's. I assume the motion —. County Attorney Hart said, the motion to call the question has

been called and seconded. Commissioner Odell said, it has to be called and —, yeah. Chairman Liakakis said, the second for the motion that was made to leave it as number one. Commissioner Odell said, no, no. Chairman Liakakis asked, was it, Helen [Stone], to leave it as is? Commissioner Stone said, yes. Commissioner Odell said, it was on the motion —, we have to vote on the motion to call for the question. There has been no vote on that. That's what this has to be because under the Robert's Rules of Order that's what we must do, and Jon [Hart] will tell you legally —. County Attorney Hart said, yeah, you've got to vote on the motion to call for the question. Chairman Liakakis said, yeah, this is a vote on the motion. Mr. Yellin said, Mr. Chairman, just as a point of clarification, if the motion passes, then I do not get to speak? Commissioner Odell said, right. Mr. Yellin asked, and if the motion is defeated, I will get a chance to address you? Is that correct? Chairman Liakakis said, yes.

Chairman Liakakis and Commissioners Stone, Holmes, Farrell, Odell, Gellatly, Kicklighter and Thomas voted in favor of the motion. Commissioner Shay voted in opposition. The motion to call for the question passed by a vote of eight to one.

Commissioner Kicklighter asked, so that motion was what? County Attorney Hart said, passed. Commissioner Kicklighter asked, to what? Commissioner Shay said, call the question. County Attorney Hart said, call the question. Let's go ahead and vote now on what you want to do. Now you've got Mrs. Stone motion in front of you. Commissioner Shay said, so now the main motion is on the floor.

Mr. Yellin said, Mr. Chairman, if I can say something. Commissioner Kicklighter said, Mr. Chairman, if he can limit it to a couple of minutes I have no problem withdrawing —, but there's no need to beat a dead horse for —, how many years now? Mr. Yellin said, this is hardly a public hearing. Commissioner Thomas said, but it doesn't hurt to allow him to speak. Commissioner Kicklighter said, this is not in reference to Weatherwood. This is in reference to the future on building on dumps throughout this entire County.

Chairman Liakakis said, okay, let's do this. I mean, let's do this. Let's take Dean's [Kicklighter] suggestion and allow —, you know, I think it's only fair to allow them to speak. Okay? County Attorney Hart said, Mr. Chairman, if y'all are going to do that, you voted to cut off debate. Now you can vote again if you want —. Commissioner Stone said, there was confusion though over what the motion was.

Commissioner Shay said, let me help out. Chairman Liakakis said, go ahead. Commissioner Shay said, I'd like to offer an amendment to that motion that the word "landfill" in Alternative #1 be preceded by the words "solid waste," so that it would now say "make no change in policy prohibiting construction on solid waste landfills." Now we can debate the amendment.

Commissioner Kicklighter said, I don't have a problem letting him speak, I mean, if that's [inaudible] strategy. I mean —.

Chairman Liakakis said, okay, we had a —. Commissioner Kicklighter said, we couldn't do the —, debate it —, no, she didn't accept the amendment though. Commissioner Stone said, I'll accept the amendment, but what I'm concerned about is that we have a motion on the floor that's been voted on

that we're about to change because I think it is the conscientious maybe to let these people speak. So we need to correct —. County Attorney Hart said, somebody needs to bring a motion to reconsider what you did. Commissioner Stone said, we need to correct what we just did.

Commissioner Odell said, you know, this looks like making sausage. We had a motion to vote several months ago, the only question here is whether or not we have the ordinance and the proposals are no change in the ordinance. That's your motion, Helen [Stone]. Dean [Kicklighter] voted or made a motion, seconded by Dave [Gellatly], to cut off the discussion without allow Harold Yellin, who is probably the most eloquent, well spoken attorney on that side of the room, don't let Harold [Yellin] speak.

Commissioner Stone said, but I think there was some confusion —. Commissioner Odell said, and it was. Commissioner Thomas said, it was confusing.

Chairman Liakakis said, okay, let's do this then. Can we have a motion, Mr. County Attorney —. County Attorney Hart said, somebody can make a motion to reconsider whether —. Chairman Liakakis said, reconsider to allow him to speak. Commissioner Odell said, and you can put a time on it. Commissioner Kicklighter asked, is there a consensus that he can have five minutes and then we will vote and soon as he finishes then? Commissioner Stone said, yes, but we need to undo what we just did. Correct, Mr. Attorney? County Attorney Hart said, correct. Chairman Liakakis said, well, let's say more than five minutes. Commissioner Kicklighter said, well, I'll tell you, I'm about to just call for the question. I've heard this since I was a small child. It's a terrible idea —. Commissioner Thomas said, that's okay. Commissioner Kicklighter said, and it's —.

Commissioner Stone said, I make a motion to allow them five minutes to give their testimony and then we can place our vote. I make that as a motion. Chairman Liakakis said, well, I was just saying a longer period of time because —. Commissioner Kicklighter said, no sir, I'll just follow through on —. Chairman Liakakis said, well, wait a minute. Why don't we go with her thing over here. At least give them the opportunity to speak. Commissioner Kicklighter said, five minutes.

County Attorney Hart asked, the motion is what? To reconsider what? Mrs. Stone said, to reconsider calling the question. Commissioner Odell said, calling of the question. Commissioner Stone said, to allow the petitioner five minutes to speak. That would be the motion. County Attorney Hart asked, is there a second to that motion? Commissioner Holmes said, second. Commissioner Kicklighter said, that's fine, yeah.

Commissioner Gellatly said, well, wait a minute. I didn't release it. Doesn't someone have to release the second. Chairman Liakakis said, they seconded it. Commissioner Stone said, James [Holmes] seconded it. Commissioner Kicklighter said, he seconded the original motion. Commissioner Gellatly said, I thought I did. I don't know. Chairman Liakakis said, but this is different. Commissioner Stone said, this is a separate motion. Commissioner Odell said, for reconsideration. Commissioner Stone said, to allow them five minutes. Commissioner Kicklighter said, actually once we got to that point we basically have to vote, don't we? Commissioner Stone said, right, we have to vote now. Commissioner Kicklighter said, to be legal, I believe, looking at Jonathan Hart, I got to that point and I wish I would have

allowed the five minutes in the first place, but, you know, we've had five years or more and, you know, I'm sorry but I don't want to break the law. If we've got to vote, we've got to vote.

County Attorney Hart said, you need to vote on the reconsider —, you've got a motion before you to need to dispose of.

Chairman Liakakis said, reconsider to give them five minutes. Commissioner Kicklighter said, okay, so we can do that. County Attorney Hart said, to allow them to speak for five minutes. Commissioner Kicklighter said, okay, that's fine. Commissioner Gellatly said, restate the motion. Commissioner Odell said, to give them five minutes. Commissioner Gellatly said, five minutes. Chairman Liakakis said, reconsider the motion and allow them five minutes to speak on the issue. Commissioner Kicklighter said, thank you. Commissioner Gellatly said, okay.

Chairman Liakakis said, go on the board. The motion carried unanimously. Chairman Liakakis said, the motion passes. Chairman Liakakis recognized Mr. Yellin.

Mr. Yellin said, thank you for allowing me to speak. We came before you on March 11th of this year. The reason we came before you at that time was because the methane readings at this site were zero. They were zero. Some of the lots at this site incidentally are not over a landfill. You will need to completely rethink what you're going to do today because some of our lots are not on the landfills. The very same engineering firm that the County hired in the 90's is the same engineer who told us you can return these lots safely into the community and into the environment. So when we were before you on March 11th, this Commission —, all of you were here and Mrs. Stone was not, she had to leave early —, by a vote of six to two, after reviewing the evidence and hearing the reports, y'all made a motion, and I'm going to read it correctly. You made a motion to allow a permit to build on this property but not until a minimum of 70 days and not until the County adopts an ordinance to be used countywide. That motion was then amended to include hold harmless language so that anybody who takes down a lot will hold the County harmless and they will indemnify the County for any ills that may occur, and that was at the insistence of Dr. Thomas. And so an amendment was made to the motion, and it also was passed six to two. The ordinance before you today does not just address Weatherwood or Sheftall Bluff, it addresses the entire County. And even though it took considerably longer than 70 days, I think today is day number 260, the County Attorney is to be commended for tackling what I think was a very difficult subject matter, and he did a very fine job. His first draft was Exhibit A. It was just that, it was a draft. It was distributed for review and comment. You will see that Exhibit D is Mr. Satchwell's comments, which were very different from the County Attorney's comments. But after they talked, they came up with Exhibit C, and Exhibit C, to my understanding, and Mr. Hart can correct me, Mr. Hart accepted some things and he rejected some things because some needed to be accepted and some needed to be rejected. What you have now is Exhibit C before you, which is the final ordinance for you to consider for the County. It is comprehensive, it is demanding, it is manageable and it is sensible. It addresses all kinds of things and in my five minutes I can't go into the ordinance. Time does not permit, but in summary it requires that methane not just be low, but consistently low. It addresses migration, alarm systems, subsidence, just everything, and even though the ordinance does not specifically say so, we're very comfortable adding to the ordinance that the County Attorney drafted the hold harmless language

because it's what we agreed to do, so that anyone who buys a lot it won't just be in a declaration, it will be in the deed. You may recall in March that we discussed whether a declaration was better than a deed, and we all agreed that a deed was better because it runs with the land. Anyone who buys the lot, buys a lot knowing that you folks —, Chatham County, the Commission —, you are indemnified, you are held harmless, there is no law suit to be brought, you are out of the picture; they are looking to the developer, they are looking to the engineer should there be a problem.

Mr. Yellin said, lastly —, and I don't know how many seconds I have left —, there's a need for this ordinance, whether it be Weatherwood or anywhere else. People don't like to talk about it, Mr. Shay touched on it, there are landfill sites all over the County, there are construction debris sights all over the County, there are contaminated sights all over the County, and there is a need to develop or redevelop these sites if it can be done sensibly. You have to look no further than Atlanta as a perfect example of brownfield development. Atlantic Station is the old Atlanta Steel Mill. As you come down 85, it's right there on the lefthand side. It's hard for us to think about this, but 12,000,000 square feet —, 12,000,000 square feet is about to be developed on a 138 acres of an old contaminated steel mill and there are going to be 3,000 to 5,000 residences on the site. We don't —, in Savannah we can't think in that large of a picture, but imagine that —, 3,000 to 5,000 residential units on a contaminated site. Like Atlanta Station, that's where we are right now. We're at a fork in the road. The applicant and SCS Engineering, they're competent that this is a viable project and it can be part of the existing community. With that said, we believe that Exhibit C is the appropriate way to go. It allows for redevelopment, but with safeguards for the County. From this point forward, any questions that you might have really are technical not legal, and Mr. Satchwell's here to answer any questions that y'all may have. Thank you.

Chairman Liakakis said, Mr. County Attorney —. County Attorney Hart said, yes sir. Chairman Liakakis said, what is the situation now? County Attorney Hart said, you still have Ms. Stone's motion on the floor. Commissioner Kicklighter said, which was to amend that to allow five and then vote. County Attorney Hart said, no. Ms. Stone's original motion was to maintain the County policy that you currently have of not allowing —. Commissioner Kicklighter said, and that was his second. County Attorney Hart said, — solid waste landfills, which an amendment was made and accepted. Commissioner Kicklighter said, the amendment was not accepted because the second didn't accept the amendment. County Attorney Hart said, I'm talking about Patrick Shay's. Commissioner Kicklighter said, Patrick Shay's —, the amendment was not accepted because Dave Gellatly was the second for the original motion that Commissioner Stone made. So, Commissioner Gellatly did not amend his second to allow that, so it is not of the original motion and the question was called for. We did vote later to allow five minutes and then vote. So we have to vote now.

Commissioner Shay said, point of order. I asked, you know, point of order, that's all. Given where we are right now, which is call for the question, am I allowed to offer an amendment or do we have to now vote on what's on the floor in the present form. County Attorney Hart said, you can offer an amendment and then it's going to have to be accepted. Now before we go any further, there was an amendment offered by Commissioner Shay dealing with solid waste landfills, which if you're concerned about being able to develop the Hutchinson Island property or, you know, on general land that's contaminated and that type of thing where you're going to follow the brownfield requirements, that amendment would be

acceptable language-wise, but I leave that wherever you all want to go. Commissioner Shay said, so as a point of order I can offer an amendment. If it's a friendly amendment, then the people that made the original motion would have to accept it. I can offer it as an unfriendly amendment and then the whole group has to vote on it, but I have to get a second from somebody before it means anything. County Attorney Hart said, correct. Commissioner Shay said, all right. County Attorney Hart said, correct. Commissioner Shay said, so with your permission, may I try again?

Chairman Liakakis said, well, what he's saying, he just added —. Commissioner Kicklighter said, oh, I see what he's saying. County Attorney Hart said, he originally just asked for the amendment of the original two parties. Now he's amending it as a point of matter. Commissioner Kicklighter said, second. Commissioner Shay said, well, let me try again because it's time we can do it. Allow me. I'd like to make an amendment that Alternative #1, which is on the floor in front of us, be changed to say, make no change in policy prohibiting, I would like to insert the word "habitable" construction on solid waste, adding the words solid waste landfill, because I think the way that it's written, the way that it's spoken right now, you wouldn't be able to go construct a ballfield on top of it, which I don't know that that would be a bad thing, but habitable meaning, you know, it could be residential, commercial or otherwise, but you can't build a building on a solid waste landfill. I'd like to at least offer that as an amendment. Maybe our policy is so ill-defined that it doesn't matter, I don't know. I mean, I'm just saying we're fixing right now to vote on something that says make no change in policy prohibiting construction on landfill, and I think —. Chairman Liakakis said, the words he's adding to it gives that other protection factor.

Chairman Liakakis asked, do we have a second on that? Commissioner Kicklighter said, I'll second. Commissioner Odell said, it's been seconded. Chairman Liakakis said, it's been seconded by Commissioner Kicklighter. Okay, let's go on the board for the amendment. For the amendment first and then we go on the other. The motion carried unanimously. Chairman Liakakis said, the motion passes.

Chairman Liakakis said, now we go back to the motion, Commissioner Stone's original motion, and it's been seconded. County Attorney Hart said, the second covers —. Commissioner Kicklighter said, that's all together now, okay. Commissioner Odell said. Let's restate the motion. Chairman Liakakis said, restate that motion. Commissioner Odell said, in light of the amendment. Could you do that, Jon [Hart]? Commissioner Shay said, I can read it. Make no change in policy prohibiting habitable construction on solid waste landfill. Commissioner Odell said, so it's not habitable, then this doesn't apply? Commissioner Shay said, you can still build a baseball field —. County Attorney Hart said, a dug out or a baseball diamond. Commissioner Kicklighter asked, why not even amend that further to say —, well, that's good. If that covers it, you think legal, that's great. Okay. Chairman Liakakis said, okay, everybody got it now? Let's go on the board. The motion carried unanimously. Chairman Liakakis said, the motion passes.

Mr. Yellin said, I'll address my questions to the County Attorney later. I'm not sure what was passed, but I'll reserve my comments and address it to the County Attorney later. Commissioner Stone said, well, we can restate the motion. Commissioner Odell said, yeah, but that doesn't tell what effect it has.

ACTION OF THE BOARD:

- A. Commissioner Stone moved to adopt Alternate #1 to continue our present policy to prohibit construction on landfill areas. Commissioner Gellatly seconded the motion.
- B. Commissioner Kicklighter moved to call the question. Commissioner Gellatly seconded the motion. Chairman Liakakis and Commissioners Stone, Holmes, Farrell, Odell, Gellatly, Kicklighter and Thomas voted in favor of the motion. Commissioner Shay voted in opposition. The motion carried by a vote of eight to one.
- C. Commissioner Stone moved to reconsider the motion to call for the question and allow the petitioner's attorney to speak for five minutes. Commissioner Holmes seconded the motion and it carried unanimously.
- D. Commissioner Shay moved to amend the original motion that in Alternative #1 to add the word "habitable" before the word construction and that the word "landfill" be preceded by the words "solid waste," so that it would now say make no change in policy prohibiting habitable construction on solid waste landfills. Commissioner Kicklighter seconded the motion and it carried unanimously.
- E. A vote was taken on the original motion, as amended, to continue our present policy to prohibit habitable construction on solid waste landfills. The motion carried unanimously.

AGENDA ITEM: IX-6**AGENDA DATE: December 2, 2005**

TO: Board of Commissioners

THRU: R. E. Abolt, County Manager

FROM: R. Jonathan Hart, County Attorney

ISSUE:

To draft ordinance pertaining to subdivision regulations for construction on landfills. The Chatham County Board of Commissioners must make a policy decision as to whether the Commission will allow residential construction upon landfills in Chatham County. Assuming without deciding a policy decision is made to allow such construction, what are the terms and conditions of a regulatory ordinance pertaining to construction methods.

BACKGROUND:

The Chatham County Board of Commissioners met on March 11, 2005. Assuming that a regulatory ordinance could be drafted to the satisfaction of the Board of Commissioners it would consider the possibility of allowing residential construction upon landfills in Chatham County. Attached to this staff report is a memorandum by the County Attorney outlining draft ordinances for the regulation of methane emissions, methane detection, mitigation, and ventilation systems and foundation design for avoidance of subsidence. Attached to the County Attorney's Memorandum is Exhibit "A" constituting the proposed ordinance, assuming policy decision is made for construction and consideration of regulatory approval by the Board. Attached as Exhibit "B" is petitioner's consultant's recommendation as to appropriate provisions for regulatory ordinance. The County Attorney's Memorandum has attempted to highlight the differences in the two proposed ordinances. Due to the limited experience of regulatory ordinances for construction upon landfills, no universal agreement of industry standard has been reached concerning level of emission, design standards for mitigation and ventilation systems, and foundation subsidence.

FACTS AND FINDINGS:

1. In its meeting of March 11, 2005, the Board of Commissioners instructed the County Attorney to draft a proposed ordinance for the regulation of residential construction upon landfills.

2. The primary issues with the regulation of construction on landfills are: regulation of methane gas emission; methane detection, mitigation, and ventilation system; and foundation support structure integrity to prevent subsidence.

3. The County Staff has drafted proposed ordinance Exhibit "A." Petitioner's consultant has prepared a proposed draft regulatory ordinance as Exhibit "B."

4. Comparison of the two proposed ordinances has different levels of emission for regulatory purposes, standards of design of methane detection, mitigation, and ventilation system, and standards pertaining to risk of foundation subsidence.

FUNDING:

Through regulatory permitting fees.

ALTERNATIVES:

1. Make no change in policy prohibiting construction on landfill;
2. Make policy change to allow residential construction on landfills;
3. Make policy decisions to allow residential construction on landfills subject to approval of regulatory ordinance;
4. Approve proposed ordinance (Exhibit "A");
5. Approve proposed ordinance (Exhibit "B"); or
6. Approve combination of Exhibit "A" and Exhibit "B";

RECOMMENDATION:

Staff recommends adopt alternative number one above.

RJH/dc

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7. VERBAL PRESENTATION ON THE COUNTY'S MINORITY AND WOMEN OWNED BUSINESS ENTERPRISE PROGRAM.

Chairman Liakakis said, I'd like a motion on the floor to pass that at this particular time until we get another —. Commissioner Odell move that it be passed. County Manager Abolt said, please pull it off. Just pull it off your agenda, sir. Commissioner Odell asked, do we need a motion? Chairman Liakakis said, yes. County Manager Abolt said, yes, you're amending the agenda. Chairman Liakakis asked, do we have a second? Commissioner Thomas said, second. Chairman Liakakis said, all right, let's go on the board to remove Item 7. The motion carried unanimously. Chairman Liakakis said, the motion passes.

ACTION OF THE BOARD:

Commissioner Odell moved to take Item #7 from the agenda. Commissioner Thomas seconded the motion and it carried unanimously.

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8. STAFF BRIEFING ON PURCHASING REPORT ITEM X-12-F DEALING WITH LIMITATION IN TRIPLETT PARK FURTHER IMPROVEMENTS.

County Manager Abolt said, Mr. Chairman, in the interest of time, I believe you've already discussed this. This is purely information. You can move on if you'd like.

Chairman Liakakis said, yeah, okay. We've already heard that and Commissioner Kicklighter, who represents that particular area is satisfied at this particular point. Commissioner Kicklighter said, oh, absolutely.

ACTION OF THE BOARD:

This item was provided as information only. No action was required.

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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, do we have any specific items on the Action Calendar, 1 through 13, and I'm going to call on #6. Commissioner Stone said, okay, well, I was just going to comment on #6 as well. Chairman Liakakis said, well, we'll hold off on #6. Commissioner Odell asked, pull #6. Chairman Liakakis said, and then on 13, any items that you see. We did approve Item E there, but I think Pat wants to talk about 13-C? Is that right, Patrick [Farrell]. Did you want to speak about that. [NOTE: No audible response was given.] Commissioner Kicklighter said, Mr. Chairman, I don't want to pull Item 7, but I want to just state that this gentleman has helped me in past campaigns, but that has no bearing on my voter support. I just want to disclose that for the record.

Chairman Liakakis okay, we've got the items right there, Items 1 through 13 through the alphabet. Chairman Liakakis said, we'll pulling 6 and 7. Commissioner Odell said, we're pulling 6 and 7. Commissioner Kicklighter said, I don't want to pull 7. I just needed to state that for the record. Chairman Liakakis said, he said that's fine. County Manager Abolt said, Mr. Chairman, remember #9 goes away at the request of the petitioner, so if you want to take formal action recognizing you are not going to dispose of that. [NOTE: Refer to Item #7 for discussion on this item.] Chairman Liakakis said, yes, I have a letter right now that the petitioner is out of town, if you'd like to make a motion that we withdraw that at this time until the petitioner —, he would like to come back on the next meeting.

Commissioner Farrell said, so moved. Commissioner Stone said, second. Chairman Liakakis said, second. Everybody go on the board. The motion carried unanimously. [NOTE: Commissioner Thomas was not present when this vote was taken.] Chairman Liakakis said, the motion passes.

ACTION OF THE BOARD:

Commissioner Farrell moved to approve Items 1 through 13-H, except Items 6 and 9. Commissioner Stone seconded the motion and it carried unanimously. [NOTE: Commissioner Thomas was 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 NOVEMBER 18, 2005, MAILED.

ACTION OF THE BOARD:

Commissioner Farrell moved to approve the minutes of the regular meeting of November 18, 2005. Commissioner Stone seconded the motion and it carried unanimously. [NOTE: Commissioner Thomas was not present when this vote was taken.]

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2. CLAIMS VS. CHATHAM COUNTY FOR THE PERIOD NOVEMBER 9 THROUGH NOVEMBER 21, 2005.

ACTION OF THE BOARD:

Commissioner Farrell moved to authorize the Finance Director to pay the claims against the County for the period November 9, 2005, through November 21, 2005, in the amount of \$3,518,853. Commissioner Stone seconded the motion and it carried unanimously. [NOTE: Commissioner Thomas was not present when this vote was taken.]

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**3. REQUEST FROM KERN-COLEMAN, ENGINEER FOR THE DEVELOPER, NORTH GODLEY DEVELOPERS, INC., TO APPROVE THE CONSTRUCTED IMPROVEMENTS FOR CHAPEL PARK, PHASE 1, INITIATE THE WARRANTY PERIOD, AND REDUCE THE FINANCIAL GUARANTEE.
[DISTRICT 7.]**

ACTION OF THE BOARD:

Commissioner Farrell moved to approve the request from Kern-Coleman, engineer for the developer, North Godley Developers, Inc., to approve the constructed improvements for Chapel Park, Phase 1, initiate the warranty period, and reduce the financial guarantee. Commissioner Stone seconded the motion and it carried unanimously. [NOTE: Commissioner Thomas was not present when this vote was taken.]

AGENDA ITEM: X-3**AGENDA DATE: December 2, 2005**

TO: Board of Commissioners

THRU: R. E. Abolt, County Manager

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

ISSUE: To approve the constructed improvements for Chapel Park, Phase 1, initiate the warranty period, and reduce the financial guarantee.

BACKGROUND: The engineer, Kern-Coleman, for the developer, North Godley Developers, Inc., requests that the County approve the constructed improvements for Chapel Park, Phase 1, initiate the warranty period, and reduce the financial guarantee.

FACTS AND FINDINGS:

1. Chapel Park is located in Berwick Plantation. This phase of Chapel Park consists of 86 lots on 29.73 acres. Paving and drainage improvements will be maintained by the County. Water and sewer will be maintained by Consolidated Utilities, Inc.
2. The required site improvements are complete. They have been inspected and found to be without fault.
3. The developer previously submitted a letter of credit in the amount of \$1,166,130.20. The developer requests that the required financial guarantee be reduced to \$149,353.25, which is 50% of the cost of the paving and drainage improvements. The developer will submit a revised letter of credit upon Board approval of the reduction.

ALTERNATIVES:

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

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

RECOMMENDATION: That the Commissioners adopt Alternative No. 1.

District 7

PREPARED BY: Suzanne Cooler

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- 4. REQUEST FROM THOMAS & HUTTON, ENGINEER FOR THE DEVELOPER, GENESIS REAL ESTATE GROUP, TO RECORD THE SUBDIVISION PLAT FOR HABERSHAM PLANTATION, PHASE 1, ACCEPT THE SUBDIVISION AGREEMENT AND FINANCIAL GUARANTEE AND WAIVE THE REQUIREMENT FOR A STREETLIGHT ASSESSMENT DISTRICT.
[DISTRICT 6.]**

ACTION OF THE BOARD:

Commissioner Farrell moved to approve the request from Thomas & Hutton, engineer for the developer, Genesis Real Estate Group, to record the subdivision plat for Habersham Plantation, Phase 1, accept the subdivision agreement and financial guarantee and waive the requirement for a streetlight assessment district. Commissioner Stone seconded the motion and it carried unanimously. [NOTE: Commissioner Thomas was not present when this vote was taken.]

AGENDA ITEM: X-4

AGENDA DATE: December 2, 2005

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

ISSUE: To record the subdivision plat for Habersham Plantation, Phase 1, accept the subdivision agreement and financial guarantee and waive the requirement for a streetlight assessment district.

BACKGROUND: The engineer, Thomas & Hutton, for the developer, Genesis Real Estate Group, requests that the County approve the final plat for recording, accept the subdivision agreement and financial guarantee and waive the requirement for a streetlight assessment district.

FACTS AND FINDINGS:

1. Habersham Plantation is a new single-family residential subdivision located on Grove Point Road south of King George Boulevard. This phase of Habersham Plantation consists of 47 lots on 190.83 acres. Paving and drainage improvements will be maintained by the Habersham Plantation Homeowners' Association. Water and sewer will be maintained by the City of Savannah.
2. Staff approved construction plans and issued a permit. Construction of the improvements is underway.
3. The developer has submitted a letter of credit issued by Wachovia Bank in the amount of \$2,153,622, which is 100% of the cost of improvements.
4. The developer has requested that the Board waive the requirement for a streetlight assessment district. Waiving the requirement for an assessment district does not waive the requirement for the streetlights. Streetlights will be installed in accordance with Chatham County's Streetlight Ordinance. If waived, then the Homeowners' Association will maintain the streetlights and pay the energy costs.
5. An Environmental Site Assessment was previously conducted on the subdivision in accordance with the Subdivision Ordinance. No environmentally unsafe conditions were found on the site.

ALTERNATIVES:

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

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

RECOMMENDATION: That the Commissioners adopt Alternative No. 1.

District 6

PREPARED BY: Suzanne Cooler

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5. **REQUEST BOARD APPROVE AN AGREEMENT WITH THE MAYOR AND ALDERMEN OF THE CITY OF PORT WENTWORTH TO PROVIDE MAINTENANCE AND ENERGY COSTS FOR A SIGNALIZED INTERSECTION ON STATE ROUTE 21 AT THE ENTRANCE TO THE MULBERRY PLANTATION DEVELOPMENT BY THE SAVANNAH ECONOMIC DEVELOPMENT AUTHORITY (SEDA) AND THE GEORGIA PORTS AUTHORITY (GPA).**

[DISTRICT 7.]**ACTION OF THE BOARD:**

Commissioner Farrell moved to approve an agreement with the Mayor and Aldermen of the City of Port Wentworth to provide maintenance and energy costs for a signalized intersection on State Route 21 at the entrance to the Mulberry Plantation development by the Savannah Economic Development Authority (SEDA) and the Georgia Ports Authority (GPA). Commissioner Stone seconded the motion and it carried unanimously. [NOTE: Commissioner Thomas was not present when this vote was taken.]

AGENDA ITEM: X-5**AGENDA DATE: December 2, 2005**

TO: Board of Commissioners

THRU: R. E. Abolt, County Manager

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

ISSUE: To approve an agreement with the Mayor and Aldermen of the City of Port Wentworth to provide maintenance and energy costs for a signalized intersection on State Route 21 at the entrance to the Mulberry Plantation development by the Savannah Economic Development Authority (SEDA) and the Georgia Ports Authority (GPA).

BACKGROUND: On August 12, 2005, the Board authorized staff to request a County Contract with the Georgia Department of Transportation to construct a new intersection on State Route 21 for a SEDA/GPA development on the Mulberry Plantation.

FACTS AND FINDINGS:

1. The standard County Contract with the GDOT stipulates that the County will be responsible for maintaining the improvements and paying for the energy costs.
2. The intersection, however, is located in the City of Port Wentworth. The maintenance and energy costs for the traffic signals will be the responsibility of the City of Port Wentworth.
3. By this Agreement, the City of Port Wentworth will acknowledge and accept local responsibility for the maintenance and energy costs for the new signal upon completion.

ALTERNATIVES:

1. To approve an agreement with the Mayor and Alderman of the City of Port Wentworth to provide maintenance and energy costs for a signalized intersection on

State Route 21 at the entrance to the new Mulberry Plantation development by SEDA and the GPA.

2. Not approve the agreement.

FUNDING: No funds are required to approve the agreement.

POLICY ANALYSIS: The Board must approve intergovernmental agreements.

RECOMMENDATION: That the Board approve Alternative No. 1.

District 7

Prepared by Kirk Thomas

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6. REQUEST BOARD APPROVE A PLAN WHICH WOULD RENOVATE THE ENTRY TO LAKE MAYER AND FUND THE PROJECT THROUGH PRIVATE CONTRIBUTIONS.

Chairman Liakakis asked, do we have a motion on the floor? Commissioner Farrell said, so moved. Commissioner Stone said, second. Chairman Liakakis said, and we have a second. Go on the board for approval. The motion carried unanimously. [NOTE: Commissioner Thomas was not present when this vote was taken.]

ACTION OF THE BOARD:

Commissioner Farrell moved to approve a plan which would renovate the entry to Lake Mayer and fund the project through private contributions. Commissioner Stone seconded the motion and it carried unanimously. [NOTE: Commissioner Thomas was not present when this vote was taken.]

AGENDA ITEM: X-6
AGENDA DATE: December 2, 2005

TO: Board of Commissioners

THRU: R. E. Abolt, County Manager

FROM: Patrick Monahan, Asst. County Manager

ISSUE:

To approve a plan which would renovate the entry to Lake Mayer and fund the project through private contributions.

BACKGROUND:

Staff is presenting a project that would beautify the visual gateway to Lake Mayer Regional Park, the County's most popular recreational venue. The project would be funded through the generosity of private donors.

FACTS & FINDINGS:

1. Attached is a reduced copy of the planned layout. The plan calls for redesigning the existing Lake Mayer entry island (this is the current island with the overgrown bushes and the hidden Lake Mayer bronze marker) with four main features, as follows:
 - (1) At the center of the main entry island would be a bronze statue of a female runner, which would be situated in the center of the island on a berm approximately three to four feet high. The life-size statute will be done in the likeness of Julie Backus Smith, the former county Commissioners, who the County Commission recognized after her death by dedicating the trail as a memorial to her public and civic service, and as a symbol of running fitness.
 - (2) Flanking the statute at the entry to the island would be locations for two commemorative markers. One marker, similar to the historical markers found in landmarks squares, would honor General Henry Mayer and his accomplishments based on the text provided by the "Henry Mayer Committee." The second marker would be a welcome to Lake Mayer plaque.
 - (3) The third area, east of the statue, would provide a passive setting which overlooks Lake Mayer to the east. The area would include a water fountain, benches, landscaping and brick pavers for public seating. At this location, adjacent to the statute, would be a marker as a memorial recognizing the civic and community work of Julie Backus Smith (based on the text previously adopted by the Board of Commissioners).
 - (4) The fourth area would be west of the center. It would be landscaped with small trees.
2. The Backus family has agreed to pay 100% of all costs (except the General Mayer historic marker), including final design, contractor, statue, pavers, benches and landscaping.
3. A civic group will fund the historical marker which recognizes the military and civic contributions of General R. Henry Mayer, commander of the 118th Field Artillery and a former county commission chairman, and the namesake of Lake Mayer.

FUNDING:

Not applicable.

ALTERNATIVES:

1. That the Board adopt the plan as presented in "Facts & Findings."
2. That the Board propose changes in the plan as presented.
3. That the Board take no action and continue the entry island as it exists.

POLICY ANALYSIS:

The Board maintains authority to control county property, per the requirements of Georgia law. A partnership with private contributions to improve the aesthetic appeal and physical improvement makes for a winning project.

RECOMMENDATION:

That the Board adopt Alternative 1.

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7. REQUEST BOARD AUTHORIZE AN EQUAL EXCHANGE OF A PORTION OF SURPLUS PROPERTY LOCATED ON PINE BARREN ROAD IN POOLER. [DISTRICT 7.]

Commissioner Kicklighter said, Mr. Chairman, I don't want to pull Item 7, but I want to just state that this gentleman has helped me in past campaigns, but that has no bearing on my voter support. I just want to disclose that for the record.

ACTION OF THE BOARD:

Commissioner Farrell moved to authorize an equal exchange of a portion of surplus property involving 1.356 acres of land located on Pine Barren Road in Pooler. Commissioner Stone seconded the motion and it carried unanimously. [NOTE: Commissioner Thomas was not present when this vote was taken.]

AGENDA ITEM: X-7

AGENDA DATE: December 2, 2005

TO: Board of Commissioners

THRU: R. E. Abolt, County Manager

FROM: Patrick Monahan, Asst. County Manager

ISSUE:

To authorize an equal exchange of a portion of surplus property located on Pine Barren Road in Pooler.

BACKGROUND:

Chatham County owns a surplus 6.33-acre parcel of property on Pine Barren Road in Pooler. The adjoining property owner has requested an equal exchange of 1.356 acres of the property, which would allow him to develop the adjoining parcel.

FACTS & FINDINGS:

1. Chatham County owns a 6.33-acre parcel (PIN 5-0987-06-009) of property on Pine Barren Road. Staff previously advised the Board that the parcel would be sold as surplus during calendar year 2006.
2. The adjoining property owner has requested that Chatham County exchange a portion of the parcel, which would enable development of the adjoining parcel. The exchange involves 1.356 acres (see Attachment 1).
3. The exchange would be of equal size and type (staff will obtain a confirming appraisal to ensure the properties are of like value). Assuming equality, per Attachment 1, Chatham County would exchange Parcel 1 of 1.343 acres for Parcel 2 of 1.3443 acres. The property owner would pay all expenses related to the exchange.
5. The exchange would not affect future value nor marketing for the sale of the property in the future. Staff anticipates returning to the Board in early spring 2006 to offer the property for sale.

FUNDING:

Not applicable.

ALTERNATIVES:

1. That the Board authorize the exchange of property as noted in "Facts & Findings" related to the equal parcels of 1.356 acres.
2. That the Board not offer the exchange but rather require the property owner to deal with the new property owner after the sale of the property (assuming the property gets sold).
3. That the Board take no action.

POLICY ANALYSIS:

State law authorizes the exchange of publicly-owned property as long as the properties are equal in value.

RECOMMENDATION:

That the Board adopt Alternative 1.

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8. REQUEST BOARD APPROVAL OF THE 2006 HOLIDAY SCHEDULE.**ACTION OF THE BOARD:**

Commissioner Farrell moved to approve the following 2006 holiday schedule: New Year's Day, January 2 (observed); Martin Luther King, Jr. Day, January 16; George Washington's Birthday (President's Day), February 20; Memorial Day, May 29; Independence Day, July 4; Labor Day, September 4; Veterans Day (observed) November 10; Thanksgiving Day (two days), November 23 and 24; Christmas Eve (observed), November 22; and Christmas Day, December 25. Commissioner Stone seconded the motion and it carried unanimously. [NOTE: Commissioner Thomas was not present when this vote was taken.]

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9. REQUEST FOR TRANSFER OF BEER AND WINE POURING AND SUNDAY SALES, AND TO ADD NEW LIQUOR POURING LICENSE FOR 2005. PETITIONER: WILLIAM CHARLES RHANGOS, JR., D/B/A BONNA BELLA YACHT CLUB, LOCATED AT 2740 LIVINGSTON AVENUE. [DISTRICT 3.]

[NOTE: The following discussion was held under the introduction to the Action Calendar.]

Chairman Liakakis said, yes, I have a letter right now that the petitioner is out of town, if you'd like to make a motion that we withdraw that at this time. Until the petitioner, he would like to come back on the next meeting. Commissioner Farrell said, so moved. Commissioner Stone said, second. Chairman Liakakis said, second. Everybody go on the board. The motion carried unanimously. [NOTE: Commissioner Thomas was not present when this vote was taken.] Chairman Liakakis said, the motion passes.

ACTION OF THE BOARD:

Commissioner Farrell moved to pull this item from the agenda at the request of the petitioner. Commissioner Stone seconded the motion and it carried unanimously. [NOTE: Commissioner Thomas was not present when this vote was taken.]

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10. REQUEST FOR TRANSFER OF BEER AND WINE POURING LICENSE FOR 2005. PETITIONER: AIDA M. BITONIO-CARACOL, D/B/A LITTLE SAIGON, LOCATED AT 4700-F HIGHWAY 80 EAST. [DISTRICT 4.]

ACTION OF THE BOARD:

Commissioner Farrell moved to approve the petition of Aida M. Bitonio-Caracol, d/b/a Little Saigon, located at 47000-F Highway 80 East, for a transfer of beer and wine pouring license for 2005. Commissioner Stone seconded the motion and it carried unanimously. [NOTE: Commissioner Thomas was not present when this vote was taken.]

AGENDA ITEM: X-10

AGENDA DATE: December 2, 2005

TO: BOARD OF COMMISSIONERS

THROUGH: R. E. ABOLT, COUNTY MANAGER

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

ISSUE

Request for transfer of beer and wine pouring for 2005, Aida M. Bitonio-Caracol, d/b/a Little Saigon, located at 4700-F Highway 80 East.

BACKGROUND

Ms. Bitonio-Caracol requests approval for transfer of beer and wine pouring in connection with an existing restaurant.

FACTS AND FINDINGS

1. The application was reviewed by the Police Department for compliance of the applicant and site distance requirements and approved.
2. The returned application was reviewed by Regulatory Services. The County Fire Marshall inspected the site for compliance with the commercial kitchen requirements and approved the facility.
3. The application is in compliance with all requirements.
4. The applicant has been notified in writing of the date and time of the hearing.

RECOMMENDATION

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

District 4

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**11. REQUEST FOR TRANSFER OF BEER AND WINE POURING LICENSE FOR 2005. PETITIONER: FAI CHAN, D/B/A HEIWA'S III, INC., LOCATED AT 4700-H HIGHWAY 80 EAST.
[DISTRICT 4.]**

ACTION OF THE BOARD:

Commissioner Farrell moved to approve the petition of Fai Chan, d/b/a Heiwa's III, Inc., located at 4700-H Highway 80 East, for a transfer of beer and wine pouring license for 2005. Commissioner Stone seconded the motion and it carried unanimously. [NOTE: Commissioner Thomas was not present when this vote was taken.]

AGENDA ITEM: X-11

AGENDA DATE: December 2, 2005

TO: BOARD OF COMMISSIONERS

THROUGH: R. E. ABOLT, COUNTY MANAGER

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

ISSUE

Request for transfer of beer and wine pouring for 2005, Fai Chan d/b/a Heiwa's III, Inc., located at 4700-H Highway 80 Est.

BACKGROUND

Mr. Chan requests approval for transfer of beer and wine pouring in connection with an existing restaurant. The business at this location meets the requirements of the Chatham County Alcoholic Beverage Ordinance.

FACTS AND FINDINGS

1. The application was reviewed by the Police Department for compliance of the applicant and site distance requirements and approved.
2. The returned application was reviewed by Regulatory Services. The County Fire Marshall inspected the site for compliance with the commercial kitchen requirements and approved the facility.
3. The applicant and business meets the requirements of the Chatham County Alcoholic Beverage Ordinance.
4. The applicant has been notified in writing of the date and time of the hearing.

RECOMMENDATION

Police and Building Safety recommend approval.

District 4

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12. REQUEST APPROVAL TO PARTICIPATE IN THE MEDICARE RETIREE DRUG SUBSIDY (MEDICARE, PART D) PROGRAM AND AUTHORIZE THE HUMAN RESOURCES AND SERVICES DIRECTOR TO ACT AS THE COUNTY'S PLAN ADMINISTRATOR (AUTHORIZED REPRESENTATIVE).

ACTION OF THE BOARD:

Commissioner Farrell moved approval to participate in the Medicare Retiree Drug Subsidy (Medicare, Part D) Program and authorize the Human Resources and Services Director to act as the County's plan administrator (authorized representative. Commissioner Stone seconded the motion and it carried unanimously. [NOTE: Commissioner Thomas was not present when this vote was taken.]

AGENDA ITEM: X-12

AGENDA DATE: December 2, 2005

TO: Board of Commissioners

THRU: R. E. Abolt, County Manager

FROM: Michael A. Kaigler, Director
Human Resources & Services

Issue: To request Board approval to participate in the Medicare Retiree Drug Subsidy (Medicare, Part D) Program and authorize the Human Resources and Services Director to act as the County's plan administrator (authorized representative).

Background: The Medicare Prescription Drug Improvement and Modernization Act of 2003 (MMA) added a new prescription drug benefit to the Medicare Program (Part D), effective January 1, 2006. The program is administered through the Center for Medicare Services (CMS). Since Chatham County provides prescription drug benefits to its Medicare eligible retirees, the County can apply for a subsidy or reimbursement for a portion of these drug plan costs under certain conditions and requirements.

Facts and Findings:

1. The Medicare Retiree Subsidy Program is designed to encourage employers to continue to provide quality prescription drug coverage to their Medicare eligible retirees. This subsidy only applies to retirees eligible for Medicare, Part A and B and who have not enrolled in the Medicare, Part D Plan.

2. In order to qualify for the Medicare, Part D subsidy, Chatham County's prescription benefits must be equal to or better than the new Medicare, Part D benefit. The program requires that an actuary review our plan to certify that it meets the standard. Staff has worked with Blue Cross Blue Shield to obtain this actuarial certification.

3. Chatham County has obtained conditional approval pending verification of our retiree data. This approval is good through 2006. Staff will periodically reevaluate these programs in conjunction with future group health and prescription drug benefit plan changes.

4. Chatham County is required under the act to provide periodic information to our employees/retirees as long as we provide a group medical plan with prescription benefits to our active and retiree populations. Human Resources and Services staff have offered available counseling to assist those affected participants with an understanding of the new Part D benefits and their option to continue under the County prescription plan.

5. Chatham County is working through Blue Cross Blue Shield, Association of County Commissioners of Georgia, Mellon/Buck Associates, and all necessary agencies to ensure that we are in compliance with the regulations of the Retiree Drug Subsidy Program.

6. Fees associated with the application process will be negotiated with Blue Cross Blue Shield. Any fees or expenses associated with the subsidy program will be offset by the anticipated reimbursements to the fund from CMS occurring in 2006.

FUNDING: No additional funding is required at this time.

ALTERNATIVES:

1. To approve the County’s participation in the Retiree Drug Subsidy Program and authorize the Human Resources and Services Director to act as the plan administrator (authorized representative) for this program and to sign all necessary documents.
2. Provide Staff with other direction.

Policy Analysis: It is the policy of the Chatham County Board of Commissioners to provide high quality health care and prescription drug benefits to our retirees, employees, and dependents in a cost effective manner. Participating in the Retiree Drug Subsidy Program helps us obtain this goal by ensuring that our retirees are able to maintain these benefits by generating revenue it help offset these costs.

Recommendation: Staff recommends that the Board approve alternative #1.

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13. 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. Additional microwave equipment	I.C.S.	Harris Microwave Communications (Sole Source)	\$24,572	CIP - Motorola Radio System Upgrade
B. Confirmation of emergency purchase of a by-pass pump	Water and Sewer	Thompson Pump	\$25,007	Water and Sewer

<u>ITEM</u>	<u>DEPT.</u>	<u>SOURCE</u>	<u>AMOUNT</u>	<u>FUNDING</u>
C. Two (2) scoreboards	Parks and Recreation	Varsity Scoreboards Company	\$14,550	•General Fund/M&O - Parks and Recreation - \$7,550 •CIP - Charlie Brooks Park - \$7,000
D. Contract for the construction of an access road for the Pipemakers Canal Drainage Improvement project	SPLOST	Ace's One Construction, Inc. (MBE)	\$113,968	SPLOST (1998-2003) - Pipemakers Canal
E. Contract to provide a Comprehensive Evaluation and Needs Assessment for the Detention Center	CIP	The Facility Design Group, Inc.	\$79,975	CIP - Facilities Maintenance and Operations
F. Contract for the construction of Tom Triplett Park - Phase III	SPLOST	Collins Construction Services, Inc.	\$1,409,381	SPLOST (2003-2008) - Tom Triplett Park
G. Laser grading of sports fields at Ambuc Park and Jim Golden Complex	Parks and Recreation	Benson Construction	\$27,125	General Fund/M&O - Parks and Recreation
H. Lease for Islands Police Precinct	SCMPD	Wilmington Island Investors, LLC	\$3,765/month	SSD Contingency (pending Board approval of transfer)

As to Item 13-A through 13-H, except Item 13-E:

Commissioner Farrell moved to approve Items 13-A through 13-H, except Item 13-E. Commissioner Stone seconded the motion and it carried unanimously. [NOTE: Commissioner Thomas was not present when this vote was taken.]

As to Item 13-E:

Contract to provide a Comprehensive Evaluation and Needs Assessment for the Detention Center, CIP, The Facility Design Group, \$79,975, CIP - Facilities Maintenance and Operations.

Chairman Liakakis said, what I'd like to do is go to the Action Calendar on Item 13, Item E there, we have some people that have to leave town right away. It's under the Sheriff's Department. It's a contract to provide a comprehensive evaluation and needs assessment for the Detention Center.] As we know, the Sheriff testified earlier. He spoke to us about the overcrowding of the Jail and what we're looking at right now is to go to an evaluation and a study about the Detention Center and what the request is some like an additional 600 units over at the Detention Center. And this is very important because, you know, we could be in big trouble if we don't, you know, do something. But hopefully the prevention types of things that we can put into force so that we can reduce our crime in our community as opposed to just adding jail space.

Commissioner Kicklighter said, Mr. Chairman, at this time I'd like to make a motion to amend the agenda to entertain the item under Action Calendar Item 13-E. Commissioner Odell said, second. Chairman Liakakis said, all right. Let's go on the board. The motion carried unanimously. Chairman Liakakis said, the motion passes.

Commissioner Odell said, Mr. Chairman, I'd like to move to approve Item 13-E. Chairman Liakakis asked, do we have a second. Commissioner Stone said, second. Commissioner Kicklighter said, second.

Chairman Liakakis asked, we understand that? The Sheriff and what needs to be done because we've had a lot of information before. We appreciate you coming up. We have a motion on the floor.

Sheriff St. Lawrence asked, can I make just a comment? Chairman Liakakis said, yes. Sheriff St. Lawrence said, we're in complete agreement, the Colonel and I. The committee that evaluated the firms that's going to do the design work and all. And where I've heard you say that cheapest aren't necessary the better, in this case it is. He's the low bidder. An excellent group have done criminal justice designs and so forth in the State of Georgia and a number of places. The Facility Group's here represented by Mr. [inaudible] this morning. He has [inaudible] that works with him. We're very pleased with him. I wanted to make one comment. I want to thank the Manager and the County Engineer because it's just a few months ago that he met and talked about it. That facility, expanding that facility and the site work out there, and the County Engineer is really, really done a lot of work out there, and all you've got to do is come out there and look to your left. The permitting, and all that kind of stuff, needs to be taken care of. It's underway and that's because of the work that they have done and I want to thank them for that publicly.

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

Commissioner Shay said, I guess I should start off by saying I think you're the best Sheriff in the world. Sheriff St. Lawrence said, thank you. Commissioner Shay said, but you know that's got to be a preface to something. As you move forward —, I mean, this is your jail, you're the man, you know more about this than I ever will be able to, but one of the things that this Commissioner I suppose some day is going to vote on is spending a lot of money to actually build this thing, and I would like to just to ask that you consider — and I know you have limited resources and a limited amount of land and you're doing everything you can with it —, but as part of whatever we build, there is a significant facility for vocational

rehabilitation and training. We have no comprehensive vocational training program in our public school system. As a result of that, we have a lot of young people that drop out of school —. Sheriff St. Lawrence said, absolutely. Commissioner Shay said, — and end up in trouble, and until we are able to address that problem through the public school system, I'm sad to say that our vocational training program may be you. You're already our mental health program, and that's unfortunate, but I just —, I would hope that as you go forward that you would look very much at having facilities, whatever is appropriate, and through Savannah Tech or whoever you think the appropriate provider is, to see that we can help some of these people in there to get jobs skills so that maybe we can help them not to go back. Sheriff St. Lawrence said, I would totally agree with, Commissioner Shay. We're already doing some things and programs, but the Colonel would be better to speak to that issue, but I believe what you say. I have talked to the State about continuing some vocational training when they go into the State system. Just bear in mind that we run supposedly a pretrial facility. Unless they are murder case, they're not year to year. If they're a murder case, they might be here two years. You know, it all depends on what's going on. Colonel?

Colonel McArthur Holmes said, yes, excuse my voice. I'm a little hoarse this morning, but we have several programs. One's our Food Service Program. That program is certified, and once the inmates that work in the kitchen complete this course, they have certificate that qualifies them to go [inaudible]. There are a lot of our extra inmates that are working at many of our finer establishments or food service establishments around the City. Also, we have the Computer Program because [inaudible]. You've got to be able to operate a computer, and we have district training program in those areas, and we have attention's up increasing those vocational programs.

Just one more thing. I passed around an article that has to do with this. It was in today's *Atlanta Journal-Constitution*. It refers to your lawsuit. I had it copied so you'll get a copy of it. The figures are not correct. They talk about 12,000,000 this year, they might spend 18,000,000, it could double. It's going to be a lot more than that if we prevail in that lawsuit statewide. But, be that as it may, Mr. Chairman, I've got Alan Pinkston from The Facility Group if there's any question about this.

Chairman Liakakis said, no, I think that we know how important this is. We appreciate The Facility Design Group to coming in. A number of us know about the reputation of both companies that are involved in this, and I know they'll do a good job, as they have in the past, and we appreciate that. We'll just move on from that.

Chairman Liakakis said, I'd like a motion on the floor for approval —. Commissioner Shay said, we already have it. Chairman Liakakis said, okay. Let's go on the board. The motion carried unanimously. Chairman Liakakis said, the motion passes. Thank you very much. We appreciate all of you.

ACTION OF THE BOARD:

1. Commissioner Farrell moved to approve Items 13-A through 13-H, except Item 13-E. Commissioner Stone seconded the motion and it carried unanimously. [NOTE: Commissioner Thomas was not present when this vote was taken.]

- 2. Commissioner Odell moved to approve Item 13-E. Commissioners Stone and Kicklighter seconded the motion and it carried unanimously.

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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

None.

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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).**

ACTION OF THE BOARD:

A status report was attached for review.

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3. ROADS AND DRAINAGE REPORTS.**ACTION OF THE BOARD:**

Status reports were attached for review.

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4. MONTHLY STATUS NEW RECREATION RESOURCES (RAP).**ACTION OF THE BOARD:**

A status report was attached for review.

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EXECUTIVE SESSION

Upon motion being made by Commissioner Stone, seconded by Commissioner Gellatly, and passed unanimously, the board recessed at 12:53 p.m. to go into Executive Session for the purpose of discussing personnel and litigation. [NOTE: Commissioner Thomas was not present when this vote was taken.]

Following adjournment of the Executive Session, the meeting of the Board of Commissioners was reconvened at 1:35 p.m.

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ITEMS FROM EXECUTIVE SESSION

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

ACTION OF THE BOARD:

Commissioner Gellatly moved to approve a motion to authorize the Chairman to execute an Affidavit that the Executive Session was held in compliance with the Open Meetings Act. Commissioner Farrell seconded the motion and it carried unanimously.

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APPOINTMENTS**1. CHATHAM URBAN TRANSPORTATION STUDY - CITIZENS ADVISORY COMMITTEE (CUTS)****ACTION OF THE BOARD:**

Commissioner Gellatly moved to approve Chairman Liakakis appointment of Russell P. Peterson to serve as his representative on the Chatham Urban Transportation Study, Citizens Advisory Committee (CUTS), through June 30, 2006. Commissioner Thomas seconded the motion and it carried unanimously.

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2. SOUTHEAST REGIONAL PLANNING BOARD**ACTION OF THE BOARD:**

Commissioner Odell moved to approve the following appointments to the Southeast Regional Planning Board with terms to expire July 31, 2008: Louis Caputo, Tammy Johnson, Jeannette Mereski, and Edward Stephens. Commissioner Gellatly seconded the motion and it carried unanimously.

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ADJOURNMENT

There being no further business, the Chairman declared the meeting adjourned at 1:38 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