

MINUTES OF THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF CHATHAM COUNTY, GEORGIA, HELD ON FRIDAY, MARCH 24, 2006, 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 9:20 a.m., Friday, March 24, 2006.

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II. INVOCATION

Commissioner Patrick Farrell 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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YOUTH COMMISSIONERS

Chairman Liakakis welcomed the following Youth Commissioners who were in attendance: James Small, a Junior at Johnson High School, and Antwan Smalls, a Senior at Groves High School.

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V. PROCLAMATIONS AND SPECIAL PRESENTATIONS

None.

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VI. CHAIRMAN'S ITEMS

None.

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VII. COMMISSIONERS' ITEMS

1. SEPTIC TANK LOT SIZES (COMMISSIONER FARRELL).

Chairman Liakakis recognized Commissioner Farrell.

Commissioner Farrell said, yeah, I asked for this item to be put under my name so that we can have some further information and discussion on the proposal to increase minimum lot sizes for lots that are not served by municipal sewer systems.

Dr. Doug Skelton said, thank you, Commissioner Farrell and members of the Board. I appreciate the questions being raised. One of the things I —. Chairman Liakakis said, Doctor, identify yourself. Dr. Skelton said, Doug Skelton, District Health Director. One of the things I did early in my tenure when I became responsible for the Public Health Program in eight counties up and down the Georgia Coast was to try to look at where we were in all of our regulatory issues in terms of what the recommendations were, State and Federal, reflecting on the best way to protect the citizens and their health. In that analysis, looking at individual sewage waste management systems in areas where there's not either public water or public sewer as part of that assessment. I've asked Saroyi Morris, who is our District Environmentalist, to give you about a ten-minute PowerPoint presentation on the kind of reasoning that led us to recommend that the Board of Health in the two counties that were not using the acre/half-acre standard, that they go to the

acre/half-acre standard. She will give you the reasons for that and also let you know there is a public hearing coming up and we would recommend comments from others in the public, and after that hearing we will take those comments and respond to them as we see the signs telling us to respond, and then make a recommendation to the Board of Health and we'll keep you informed throughout that process.

Ms. Saroyi Morris said, thank you, Dr. Skelton. Good morning. I would like to provide you with a rather brief PowerPoint presentation. Chairman Liakakis said, excuse me. This is being videoed and we're live right now. Is there anyone else, Dr. Skelton, that might operate the equipment there so that we can hear her. Dr. Skelton said, if someone tells Ms. [inaudible] which button to press, then she'll be happy to do it.

Ms. Morris said, good morning again. I am Saroyi Morris. I'm the District Environmentalist for the Coastal Health District and it is my pleasure to present to you this morning some information about the minimum lot size proposal that was presented to the Chatham County Health Department, or Board of Health rather, back in February of this year. In 1998 the State of Georgia adopted a new set of rules and regulations governing the installation of On-Site Sewage Management Systems. The technical manual to support those rules and regulations came out approximately eighteen months following those new rules. Section M of that manual advises and gives us recommendations concerning minimum lot sizes for the entire State of Georgia. Now keep in mind that back in 1998 Chatham County Health Department, as well as the other county in our district that did not adopt the minimum lot size requirement, did adopt all components of the 1998 new rules and regulations, as well as the manual. The minimum lot size requirement portion essentially characterizes lots or size of lots based on the type of water supply. So if a lot is to be served by an individual well in an individual septic system, then we will require a full acre, or 43,560 square feet, to develop that particular lot, and that's of usable land. For lots that are to be served by individual septic systems and municipal water supply, then we will require a half acre, or 21,780 square feet, legal authority. In O.C.G.A. 31-2-7 the Georgia Department of Human Resources has the authority to adopt on-site sewage rules and regulations for the State of Georgia, and that's essentially what happened in 1998. Now, O.C.G.A. 31-3-5 further states that the local boards of health have the authority to specify the minimum lot size or land area that may be served by on-site sewage management systems based on scientific data. And we'll talk about the scientific data a little bit later in the presentation. And this is really essentially the reason why we submitted or the staff and Chatham County submitted that proposal to the County Board of Health back in February.

Ms. Morris said, it's a little bit difficult to read, but this is how we stand in the Coastal Health District presently, and Dr. Skelton has previously stated that all counties in our district with the exception of Chatham County and McIntosh County currently utilize the half acre and full acre minimum lot size requirement that was recommended by the State of Georgia. Currently, if someone is to develop a lot in Chatham County utilizing individual well and septic systems, they can expect to be required to have a land anywhere between 30,000 and 66,000 square feet. If they want to develop a lot utilizing septic systems only, then they can expect to develop a lot anywhere between 15,000 and 33,000 square feet. So essentially what Chatham County is doing is continuing to utilize the 1986 standard which characterizes which characterizes lot sizes based

on soil types. So they adopted all components of the new rule back in '98 with the exception of classifying or sizing of lot sizes.

How do we stand in the State? We know how we look in the Coastal Health District, but how do we look statewide? In the State of Georgia 155 counties or 97% of the counties in the State, have adopted the lot size requirement. Four or 3% of the counties in the State have not adopted this requirement and three of those four do not allow lots of less than 20,000 square feet. So essentially Chatham County, it appears, is the only county in the State that allows lots as small as 15,000 square feet based on soil type. So that is substandard to the minimum that was recommended by the State.

Ms. Morris said, the scientific reasoning for this proposal —, why are we making this recommendation, why didn't the State make this recommendation? Well, essentially, it's based on the Federal Safe Drinking Water Act and essentially the contaminant of concern is nitrate. We want to make sure that nitrates are not getting into our water supply system. Nitrates are nitrogen oxygen units which combine with various other organic compounds and inorganic compounds and they are obviously found in sewage. Why kind of health effects can we expect from people who may be exposed to elevated levels of nitrate? You may expect Blue Baby Syndrome, diuresis, increased starchy deposits, and hemorrhaging of the spleen. So essentially these larger lot sizes are allowing the plume of the sewage to filter or dilute through the land area where they can enter our water sources. So that is the basis for the State making these recommendations.

Commissioner Kicklighter asked, can I ask a question on that? Ms. Morris said, yes sir. Commissioner Kicklighter said, as far as the science and testing, do you find a much larger —, a larger number of the nitrates or whatever in the water system on a smaller lot? I mean, or is it just possible to find them? Or is there any actual testing that proves the theory? Ms. Morris said, testing —, we're not currently testing in Georgia, but a lot of the studies that they —, a lot of states looked at this particular issue and that's essentially how they came up with the half acre. Based on a lot of studies and monitoring in some states they found that the minimum lot size that can actually dilute or hurt those nitrates out of the soils effectively would be a half acre. Commissioner Kicklighter asked, would it be feasible for you to find some volunteers out thereon half-acre lots with septic tanks and wells to volunteer to allow you to test as well as by comparing it to someone on, say, an acre lot, the same thing and do some comparisons? The reason I say that is because some of the other counties they have a lot more land available for development. We're pretty much running out of land in Chatham County and, I mean, if it's —, in other words, if it's needed, it's needed but if it's not there's no reason to hinder development if it's not absolutely needed. But, you know, so I would —, if y'all can test, I'd like to see some testing.

Chairman Liakakis said, move up to the microphone, please.

Ms. Morris said, I'm sure testing is possible, but certainly not in a timely manner. It would possibly be something that would take an extended period of time and the reasoning and the basis, like I said, for the State's standard was based on some testing that was conducted not specifically in Georgia, but in Florida and Wisconsin and some of the other states that utilize similar on-site sewage systems that we've used in the Coast.

Ms. Morris said, so why are we proposing the minimum lot size? Obviously, Dr. Skelton stated for uniformity along the Coastal Health District, as well as uniformity throughout the State of Georgia. And the last slide pretty much gives you a little bit of information about the public hearing and when it's scheduled. One point that was not in the presentation, and I think that it's been a concern for some people, all lots of record will not be —, all lots of record up to the adoption of this proposed standard will not be impacted. So, for example, if you have someone who has a 10,000 square foot lot and it was legally recorded prior to the implementation date of this standard, they will not be impacted. We will honor that substandard lot, if you will.

Commissioner Farrell said, I understand the concern for nitrates and the possibility of harm for people if they consume a lot of nitrates. For uniformity, the State of Georgia probably has to stroke with a broad brush on different conditions throughout the State. If I recall correctly, my brother up in Alpharetta his water source was less than 100 feet deep and the possibility of nitrates going down a short distance like that is a lot more probable, I would think, than in Chatham County where I believe all the water's coming —, deep water's coming through a lime structure and 300 to 350 feet deep. That's an awful lot of migration for the nitrates to contaminate a water supply that would be pumped back up and consumed at such a concentration as to affect health, I would think.

Ms. Morris said, in addition to considering the well issue, we're also considering the fact that in the Coast we have a very — in a lot of cases — a very shallow water table. We're also taking into consideration the drain field area and in a lot of areas we have water tables of less than a foot to consider, and so that also is a consideration in addition to the wells. Commissioner Farrell asked, well, doesn't the 86 regulations address that through soil types and actual on-site inspections and analysis of each particular lot before it's developed or given a septic tank there's a lot of scientific data that's already currently being used because even in our County, although there are some very foggy areas of compacted clays and that sort of thing, in some areas you've got other areas such as Tybee that is so sandy you have to water your grass every day or it will be brown on the second day I can't if you put a hundred gallons per square foot on it today, there wouldn't be any left there 24 hours from now in the summertime. So we've got a lot of varying conditions and it seems like the current rates address that more accurately than the broad brush of the statewide regulations. Ms. Morris said, well, in addition to considering the half acre and full acre, we also consider the various soil types in the Coast and obviously across the State of Georgia, and there are additional recommendations for soil types, for example, may not use a conventional septic system. So there are additional pretreatment options for those areas that would pretty take into consideration that concern.

Mr. Farrell said, well, for instance, and that brings up another good point. Recently, in my district there was a condominium complex that was proposed and they combined a couple, two or three large lots to come up with, I don't know, maybe eight acres, ten acres, something like that, and there wasn't sewage treatment readily available and they engineered and got approved a system that by everybody's scientific standard would work for that size, but the density was quite high. I mean, it was a condominium complex, and that was all approved. Under these new regulations, and it was already zoned correctly and everything worked out fine. Under these new regulations, would that be possible? Ms. Morris said, well, actually under the new regulations, and it was in

a previous slide in a chart, we look at the maximum sewage flow allowed per acre, and that's 600 gallons per day roughly and with a half acre it's 1,200 gallons per day. So that is certainly taken into consideration. So the issue of a condominium I'm not sure if an acre, depending on the number of bedrooms in that complex, would have been adequate for that large of a development. Mr. Farrell said, well, I'm saying, it was previously approved under the —, and since then it went to, if there was municipal sewage available and they didn't actually have to use it, but if I recall there was probably close to a hundred units on there, 85 to 100 units on that particular piece of property. And my question is, if that same scenario came up as to these regulations, where possibly new regs were implemented in Chatham County, would that project be possible? Could they get permitting to do that with an enhanced system, you know, not just your typical tank and drain field? Ms. Morris said, right. I think it would depend on the number of gallons generated by that particular development. Some developments that are greater than 2,000 gallons per day would be permitted by EPD, so certainly that would be taken into consideration. There would be a joint EPD/Public Health consideration taken for that development, as well as the amount of usable land that they have for that particular development. So it's hard to answer the question.

Mr. Farrell said, all right. Let me make it more simple. With all things being equal, with a project that is zoned for high density that would pass the Health Department —, get permits from the Health Department for a package plan in their own on-site dispersal of effluent, with all things being equal if a large high-density project is possible today, when these regulations if they go into effect, would that same — would it have an adverse effect on that? Would it inadvertently decrease the density on the property? Ms. Morris said, it's possible that it would because we would be considering the total gallons used per day. For example, for an acre we're looking at 600 gallons per day and for a half acre 1,200 gallons per day using that new standard. Mr. Farrell said, and what is the —, just for comparison, how many gallons per day is it today, right now? If you're putting out 600 and 1,200, what would — that's the proposed criteria. What is the current criteria in gallons per day? Ms. Morris said, they adopted all portions of that reg except for the minimum lot size. So technically that should be considered, the gallons —. Dr. Skelton said, it'd be the same. Ms. Morris said, right. That should be considered in any development even at this point. Mr. Farrell said, so —. Ms. Morris said, the number of gallons per day generally. Mr. Farrell said, — there wouldn't be any change. Is that what you're telling me? There's no change in gallons per day. Dr. Skelton said, that was part of what was developed. Ms. Morris said, right. They adopted everything —, all of the 1998 guidelines with the exception of the minimum lot size.

Mr. Farrell said, okay, back to my —, it might take me a minute to understand this. Back to my original example of a real life situation that happened in my district, if this high density —, that every — all the other permits were fine and it was all hinging on Health Department permits to treat the sewage, and let's just say for round numbers there were 85 units in eight acres, that would obviously, with this minimum lot size, you couldn't get in eight acres even with municipal water, you're only looking at 16 units, not 85 units. Ms. Morris said, right. Mr. Farrell said, now with this new regulation, is that going to take that project and put it by the wayside or with the enhanced —, or do we still acknowledged with enhanced technology and the every evolving better ways to handle sewage on site, you know, would that project be feasible going forward after this regulation may be enacted or not. Ms. Morris said, it's possible after considering the number of

gallons per day. There are provisions in Section M that would allow the Board of Health or their agent, the Environmental Health Department, to require larger lot sizes for a project of that size. So there are provisions in the regs now. For example, if someone wants to develop a home of larger than four bedrooms and they want to put in a swimming pool and a tennis court, we both know that that may not be adequate for an individual sewage treatment system and a replacement area, so we have the authority to require a larger lot size to accommodate all of the amenities on that particular piece of property. Mr. Farrell said, I'm only asking, not to go into all the technical regs that you have now, I'm just trying to in my mind understand the differences between current regulations and what the intended and unintended consequences may be of new regulations. Ms. Morris said, it's possible, but I think we do need to consider the number of gallons per day. And, you're right, there may be occasions where we may recommend that you may need to reduce the number of units for the system or for the project to be developed on this particular piece of property. That may be a recommendation. Mr. Farrell said, yeah, but that would —, what I'm just trying to differentiate is that may be currently you would do that and then the same thing would happen if this change —. Ms. Morris said, yes sir. Mr. Farrell said, okay. That's all I'm trying to establish is what's the difference between the current regulations and what you're proposing as far as larger than just single — a single residence with a typical system. Ms. Morris said, right. We would still take into consideration those high density projects, just as we are now.

Chairman Liakakis recognized Commissioner Stone.

Commissioner Stone said, Mr. Chairman, I see that on the 18th of April there's going to be a public hearing. How does this go through the channels? I mean, what are the next steps and does this come back to us for a vote? I'm just curious to know where we go from here. Dr. Skelton said, the County Board of Health has the ultimate authority to take action here. It would go to the public hearing, we will record all votes and comments and then the environmental staff, Saroyi [Morris], the environmentalist here in Chatham County, and perhaps consultation with our State environmental people, we will provide comments on each of those public comments back to the Board of Health, and they will deliberate and make a decision. As I said earlier, I will be happy to keep you informed in the process, but the decision according to law, belongs to the County Board of Health. Commissioner Stone said, thank you.

Chairman Liakakis recognized Commissioner Kicklighter.

Commissioner Kicklighter said, thank you. I would ask, knowing that it ultimately is your responsibility to make the decision there, to please keep in mind when you form your opinion on this, the [inaudible] and restrictions that's been placed on Chatham County and a couple of the surrounding counties, and that basically that's one of the things that has hindered growth, although Savannah/Chatham County's been creative as far as expanding their above-ground water treatment plant, but when developing an area right now that there's — the pipes aren't available from Savannah, you know, what basically will happen here is right now a developer could go in, develop, create a subdivision and sell individual lots with a half an acre each, and each lot owner could put in a septic tank and a shallow well, and this will basically change it where we have to be one acre per unit and that could potentially slow the growth, you know, in the area. But again, if it's truly a safety issue, then I understand you have to do what you have to do, but

please take into account what Commissioner Farrell said with the depth of our, you know, water that they have to withdraw from and everything else, we just really don't, if it's not absolutely necessary, we don't need anything to take more water away from us in this County. So I would appreciate your consideration on treating us as an individual and not just a part of the State on this one, because unfortunately they didn't cap the entire State on their work. They jumped on us and a couple of others, which wasn't fair to start with. So, you know, please keep us separate from the rest of the State on this issue also.

Chairman Liakakis recognized Commissioner Thomas.

Commissioner Thomas said, under the proposed changes, I think you mentioned that there would be a total of two minimum lot sizes based on the type of water source. What are the variations, and maybe I missed it, between the private and the public sector? Dr. Skelton asked, private and public water systems? Commissioner Thomas said, yes. Ms. Morris said, if a lot is to be served by a public water system, then we will require an acre, 20,780 square feet. Dr. Skelton said, half acre. Ms. Morris said, half acre, 20,780 square feet. And if it's served by individual wells and individual septic systems, it's a full acre. Dr. Skelton said, as a minimum. Ms. Morris said, as a minimum. We can certainly require larger lots if the proposed development has several amenities.

Chairman Liakakis asked, anybody out in the audience would like to speak on this issue just a moment? And, of course, where everybody knows, as was just mentioned, on April 18th there will be a public hearing, and at that time, Doctor, if you could bring all the data from the other states, you know, why they have done that, too. I mean, you're not going to have a huge volume of things, but the reason for the health safety that this is being recommended. Go ahead.

Mr. Mike Vaquer said, yes, Mr. Chairman, members of the Commission. I'm Mike Vaquer. I'm appearing here today on behalf of the Homebuilders Association of Greater Savannah. We appreciate the opportunity to be here and address you on this particular issue. We will be following the very closely because, needless to say, this could have a very profound impact on the kinds of activities that we are involved in with our members. We're very pleased to see that those lots that are already platted and planned have been grandfathered in through this particular proposal by the Health Department, but are a little concerned that this is a one size fits all solution — excuse me — being mandated by the State several years ago, and truly we don't have a one size fits all community here. This is a very urbanized area, it is growing and will continue to grow in the future. The costs of housing are increasing, making it more and more important to have affordable housing available for our citizens. We agree that water quality is important and it is important to have septic systems that work and are efficient and effective in treating water. We do know that technology surrounding septic systems is improving quit drastically. It has done so over the past five years. We think that we have the flexibility that we need here in the County with the capability of designating a lot size from 30 to 66,000 square feet for lots that would have a septic system and a private well, and from 15 to 33,000 feet for those would be on a public water system and utilize the septic system. This gives us broad flexibility to go well below the proposed State standard and well above the proposed State standard. There's one aspect that I find very curious in this proposed lot sizing requirement and that is the minimum lot width. — Excuse me.

— For a nonpublic system with a septic tank, the Health Department is proposing 150 feet lot width; for the smaller lot they're proposing a 100-foot lot width. I think all of you who have had anything to do with land development know that we have a large number of pie-shaped, L-shaped, any kind of shaped lots that you can think of and we're not going to be able to meet 100-foot or 150-foot requirement. So right out of the box that's one thing that we would ask the Health Department to look at very carefully and consider for the unique land development characteristics that we have here in Savannah. In doing a little bit of research on this yesterday, I did talk to the folks in Bryan County and it has raised a concern in our mind surrounding the phrase usable soil. Bryan County has adopted the acre for the dual system and the half acre for septic with public water. But what they are telling me, and if I understand correctly, if you're going to put a three bedroom home on that half acre lot, they in fact are requiring three-quarters of an acre because the building itself will cover a certain amount of that square footage, rendering that particular land area not usable soil. So this is something that I would urge the Commission to look at. We would ask — have the opportunity to meet with the Health Department and the Inspections Department prior to the public hearing to discuss some of these things. We will appear at the public hearing and we would respectfully ask that once the Department of Health staff comes up with a recommendation, that they bring it back to this body to at least have you individuals —, give you individuals an opportunity to make some comments additionally and to provide some input to this. I'll be glad to answer any questions? Again, thank you for giving me time to be here today.

Chairman Liakakis said, okay, thank you. We appreciate it. Chairman Liakakis recognized Commissioner Farrell.

Commissioner Farrell said, I've got another question. Are there clear guidelines as to how you would obtain an on-site treatment now? Ms. Morris asked, I'm sorry, the question again please? Commissioner Farrell asked, are there clear guidelines as to how you obtain on-site treatment now for the combined lots? You know, the slightly larger than the usual one house, one family, one septic tank system. Ms. Morris said, yes sir. In Section M of the manual there is a portion that considers, for example, if a lot is to be developed in an area that's considered a DNR brown water recharge area, lots can be increased as much as 150%. I don't know that we have a lot of —, we've implemented a lot of that or if we've had any lots that have been impacted in that nature, but there are provisions in Section M that would require larger lot sizes. Even after considering the minimum. Commissioner Farrell said, okay. One of my concerns as a Commissioner is that if this goes forward in such an urban County with such desirable place to live, and we are using every available piece of property that can be legally and properly built on, you know, there's a high desire amongst a lot of people to live here and to build on it. If these guidelines go forward, there's a lot of the County in my district and in some of the other districts that currently don't have any water or sewer available to them. So this regulation will usurp the zoning and become the limiting factor because of the limited amount of space that we have to build new homes and businesses and what have you in the County. And there will be a much higher —, I believe that in the future there'll be a lot more demand from this board to provide water service and sewer service, which may not be a bad thing, but these are intended or unintended consequences of legislation that we need to look at thoroughly and be prepared for that as this land gets taken off the — becomes unusable because it's pie-shaped and doesn't meet this criteria and that criteria and you've got to have these large estate-sized lots when someone just wants a 2,000 square foot

house to raise their small family, then I believe the County needs to be prepared to get into the water and sewer business to service the rest of the community.

Commissioner Kicklighter said, or ten by ten homes about 20 stories high.

Dr. Skelton said, I'd like to reinforce Commissioner Farrell's comments. The way to public safety and protecting the public health on this issue is a public water and sewer system. That's the way to public health, to have that available. I'd also like to thank the gentleman from the Homeowner's Association. He made several points, including some concerns about a lot that are already in the regulations and should have been being enforced in this County for years. So if they haven't been enforced, then we need to take a review of what's going on in the environmental health section of the City, what's been happening out there, but those things are already in the standards. So I don't know what his concern is about them being applied. They are supposed to have been there all along, identified all along. We will be happy to meet with him. We're going to meet with others as well. The reason the public hearing occurs, as you know from your own responsibilities, is to give everybody a fair bit at the apple in the same format and the same system and the same process. So to the extent we have time to meet with individuals or organizations separately, we will do that, but the real issue has got to come to the public hearing process, got to be in those comments, got to be responded to legally in that way. Let me say to you, as well, I love being here in Savannah. It's a beautiful place. It needs to be a beautiful and a safe place with the public health's respect. Frankly, I'm concerned about the fact that they've been building on these smaller lots and what that means with the nitrates and the nitrites are already out there and what they're doing. And the answer to that, again, is the public health answer. Public water and sewer systems everywhere possible. That is the safest way.

Commissioner Farrell said, obviously we have been building on small lots and we've got a lot of grandfathered septic tanks and sewer systems. How many of these —, you showed some different health effects from what high nitrates will do. How many of those health effects are you seeing per year at the Health Clinic now? Dr. Skelton said, well, that is a good question and the way you answer these kind of questions on a scientific point of view is you do science-based studies, and those studies have been done. They haven't been done here, but they've been done so that they influence the Federal Environmental Protection Agency that created the Clean Water Act and they provide information to the environmental health experts that make these recommendations. We don't have these resources to do this kind of research. This is intense environmental health research, but those studies, I think, are reliable studies and I'll be happy to provide you copies of all of them if we can get copies of them.

Commissioner Kicklighter said, if I —. Doctor, I don't think anybody up here wants anything to happen that's going to harm the public. Dr. Skelton said, oh, I know that. I —. Commissioner Kicklighter said, that's our number one goal also is to protect the public. What we're asking is basically you can do a scientific study in California and it's not going to necessarily apply to what happens here scientifically. Before you —, we're asking before you implement something that's going to hurt this County, to do some scientific research here. That's what we're asking. If it harms the citizens here, make it two acres. I mean, whatever it takes. Our goal is to protect them. But until a scientific study has been done here to prove the harm, please don't move

forward with something that's going to hurt us because we need the water, we need everything. But, no, we don't want it to hurt them either, Doctor. Dr. Skelton said, I can understand that. Commissioner Kicklighter said, we respect your job and know what you have to do, but please respect our position that we have to oversee public health. We're the ones that get yelled out when your taxes go up. You come in front of us wanting more money for the budget. That actually comes from revenues from future growth. Hindering that is less money for all departments, less money or either tax increase for the sources living out here. So we have a dual role here and, you know, we respect your position and please respect ours and understand that we don't mind taking whatever step necessary to protect the public, but we would like some scientific data behind it because what happens here as far as the debt and everywhere else is not necessarily happening in Atlanta, Georgia. Proof of that, Triplett Park. Russ Abolt, thank goodness, a determined man, we had to run a sewer line from miles to get there because the orange clay, whatever type mush there, we couldn't even put a septic tank in there. So, you know, individual places there, they're very much different and before this passes, we would just ask, with all due respect because we understand that you have the ultimate authority, to please do some scientific testing here before you pass anything that's going to hinder our growth.

Dr. Skelton said, I appreciate those comments. What we will try to do is look at the scientific studies and see if there's any reason to think that they don't apply here and we'll explore what resources it would take to do some sample tests here. I don't know whether we have the ability to put those kind of resources together. Commissioner Kicklighter said, well, maybe we can even help come up with the resources because before you stall our growth out in this County, we need some tests. Dr. Skelton said, well, it would help if we had the data from the County that would tell us how many potential building sites in current condition and soil conditions would allow building in Chatham County below the half acre right now. We think it's very, very, very small, if at all, but we don't know of any data system that would tell us. It's more anecdotal from the environmentalist in the field that if you go —, if you use the current standard and do the soil samples, you won't be able to build on less than a half acre using the current standard, but that's an impression. That's not a fact. We don't have a way to get that data to my knowledge. Commissioner Kicklighter said, well, I'm sure that staff will be glad to provide any and all information which would —. County Manager Abolt said, whatever MPC has plus SAGIS, we'll be glad to provide. Commissioner Kicklighter said, thank you. Dr. Skelton said, thank you.

Chairman Liakakis recognized Commissioner Odell.

Commissioner Odell said, good morning, Doctor. Just for clarification, when some Commissioners say we and we've not voted, they're not speaking for me. I would like to know the cost of any request for additional scientific analysis, what kind of additional costs the Health Department is going to occur to do that request. That's it. Thank you.

Chairman Liakakis recognized Commissioner Stone.

Commissioner Stone said, I think Commissioner Kicklighter said this very clearly, but I do think it's extremely important that we do protect our drinking water. This is one of the first obligations of this Board is the public safety, and I realize that we will not have the final say, but I think that

we would support whatever strong evidence that you have to protect the citizens of this community and our drinking water system.

Chairman Liakakis said, thank you very much, Doctor. We appreciate your presentation. There's no vote or anything on that today.

ACTION OF THE BOARD:

A presentation was made by Dr. Doug Skelton and Ms. Saroyi Morris on the proposal to increase minimum lot sizes for lots that are not served by municipal sewer systems. No action was required on this issue.

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2. PER DIEM RATE FOR COMMISSIONERS ATTENDING CONFERENCES (COMMISSIONER FARRELL).

Chairman Liakakis said, it's got one Commissioner's name down here, but several of the Commissioners have discussed this, and on a number of occasions what occurs is the, you know, the Commissioners have to go to, as we were a couple of weeks ago, at Washington, DC. We went for the National Association of County Commissioners [sic] where they had a legislative session and it was important that we went there because we were able to also do some lobbying to help us in the Chatham County area for our citizens. So what I'd like to do right now is call on Commissioner Farrell to talk about it and then any other Commissioners.

Commissioner Farrell said, well, going up to Washington, DC, for the National Association of County Commissioners [sic] Legislative Conference in early March, and I went down to get a little breakfast before it got started and spent over \$20 for what I could buy in Savannah for \$5 or \$6. It just kind of opened my eyes that the current per diem is not really adequate to cover expenses, and I think some of the other Commissioners that have traveled and have gone to some of these other cities have noticed that it's a little more expensive to go out of town and to feed yourself than it is in Savannah. So anyway, I just thought it was time that we brought it up for discussion. I know there have been some comparisons to the City of Savannah. They have a different —, a little higher per diem and that perhaps we look at that as a model for what the County Commission should be paying.

Chairman Liakakis said, I think it was in 1997 the same circumstances occurred with the City Council people and it was voted on to increase it then because they showed the statistics about how much it costs when you go to these areas, as an example, that when he spent some \$20 for a breakfast, and we can see that several of the Commissioners that have gone either to Atlanta even, they've gone to New York, they've gone to other parts of the country, and they've had to pay out of their own pockets, you know, for their per diem expenses. So this is something that is a concern. Chairman Liakakis recognized Commissioner Gellatly.

Commissioner Gellatly said, I'm not opposed to this, but I want us to think of something else here too. I think when the City raised theirs, it was deeply, deeply resented by the employees of the City. When a Commissioner or a City Alderman goes and pays \$20 for breakfast, and I know they're expensive, well, if there's a City or a County Engineer or a City employee or a County employee, they also have to attend conferences, also have to go out of town, I will not support anything that's going to put Commissioners above County employees' per diem. I think that is grossly wrong. It was —, it occurred in the City and it was deeply resented by the employees, and as a matter of fact I was one of those employees when that happened. And I deeply resented it. And I swore if I ever got elected to an office, I wouldn't let that happen again.

Chairman Liakakis said, well, there's one difference, too, you see. The Commissioners are not making a huge amount of money, as everybody knows. Commissioner Gellatly said, neither are the County or the City employees. Chairman Liakakis said, yeah. Well, correctly, but when they go to a conference, and I'm not taking away, because we must always realize and we care about our employees. I think all of our employees know that we have stood up for them. We're look after their benefits and all, but when an employee —, and not taking away from anything from anybody —, when an employee goes, they are being paid. The County Commissioners that go on these trips for the benefit of the citizens of Chatham County, they are not being paid for that. They don't receive their salaries. So there's a big difference in that also that there is income coming in, you know, in that respect. Anybody else? Helen [Stone]? Anybody like to —? Chairman Liakakis recognized Commissioner Stone.

Commissioner Stone said, I was just curious. I mean, I think that if we travel it should be in line with the City, but having listened to what Commissioner Gellatly said, what is the difference? I mean, should we look at the difference of what our employees get per diem? I mean, I certainly don't want to be out of line, but it is —, I have experienced that it is difficult at times to — that you don't end up supplementing your per diem for your meals, but I certainly want to be in line with what the employees are compensated.

Chairman Liakakis recognized Commissioner Holmes.

Commissioner Holmes said, thank you, Mr. Chairman. Let me —, I have traveled with the County since I've been on board and I don't want no one to think that I'm going to base my spending on someone else's spending because I don't base my life on that. What one person does, they do it. I budget my money and you should let them budget their money. But let me ask a question. How long have we been working on the per diem that we have now?

County Manager Abolt said, if I understand this correctly in talking with Ms. Cramer, you all participated in probably the same program that applies to all who travel for Chatham County. It's distributed by IRS rates. What the Chairman brings up is true. When an employee does goes, we get no more than you nor you get more than us. The situation is this. When it applies to you, if the rate is higher in compensation than the IRS rate, it is incumbent upon the County as an employer to report that on a 1099 Form. You would have to show the expenses you incurred. Otherwise, you consider it [inaudible]. But it can be done. It's your choice.

Commissioner Holmes said, well, I just base —, I have been out and I have been in my personal money also, but then there's a time that I went out, depending on where I'm at and how I ate, and I spend money, I didn't spend it all. So it's a twofold thing, and I just don't want it to be judged on what one person does versus what another man does. If we decide that we want to go with an increase, I don't want it based on what somebody else is doing.

Chairman Liakakis recognized Commissioner Odell.

Commissioner Odell said, let's see if we can close this down. I do not believe that we should have a separate and equal policy. I realize that when we travel as Commissioners, contrary to the general belief, we are not compensated for our time. My time has some value; it is not absolutely free, whereas the employee who travels, they are compensated for their time. It's a balancing act. What I would like to see if what the Board of Education does, how they handle this, and what the City of Savannah, and have a staff recommendation maybe. County Manager Abolt said, it will be your choice. You can do it either way. Commissioner Odell said, yeah. County Manager Abolt said, we'll give you the demographics and all that stuff. Commissioner Odell said, okay, let me —. I understand that, but my question is, I don't know what the Board of Education is doing, I don't know what the City is doing, and having that information will help me make a choice. And I understand it's our choice, but if we could put this off for two weeks and take a look-see at it and —, I think that David [Gellatly] is absolutely correct. If we dust this pile up and it looks like Commissioners can have a \$20 breakfast and the average employee who travels can have a \$7.50 breakfast, that creates some resentment and I don't think anyone of us wants to do that. So when we make those decisions, we want to consider not only what the actual cost is, but what it costs as far as goodwill. I think now we have we have a good rapport with our employees, who we've asked them to do some difficult things and go above and beyond, and I think they've done it. I don't want to chip away at that and, David [Gellatly] hadn't been Chief in —, how long? Commissioner Gellatly said, 100 years. Commissioner Odell said, in 100 years and he's still upset that Aldermen got more money for their breakfast than what he did as the Chief of Police. I think we can get around that, I really do. I hope that we can, but I would like to know how the Board is doing and how the City is doing it, and I'd like for us after we do the survey to share that with that, share our findings with them because I'm certain that the City doesn't know what we're doing, the Board doesn't know what we're doing. We're all local public officials and it might be good if we all had one policy on something that's very simple.

Chairman Liakakis recognized Commissioner Thomas.

Commissioner Thomas said, I'm going to reserve most of my comments for later when we have the update information; however, I would like to state that for the record just — I'm speaking for me — that I have always supplemented: food, whatever, traveling in my car everyday. When we're attending meetings, and sometimes I attend like five or six or seven meetings in a run of a day, this is seven days a week, not five days or five days or two days per month when you come up here. I've never made any comments about it, I just go about what I have to do. Whatever I've had to pay, I paid, and I have paid lots of money out of my pocket to represent Chatham County. That's all I'm going to say at this point. Chairman Liakakis said, okay. Commissioner Thomas said, I reserve the right to speak further later.

Chairman Liakakis said, Mr. County Manager, just do that, just get some information. We'll have a discussion with the County, you know, with the Commissioners and we'll take it from there.

Commissioner Odell said, and maybe we can see what our local association probably has a position or policy, NACo and the —. Commissioner Farrell said, ACCG. Commissioner Odell said, ACCG.

Chairman Liakakis said, okay.

ACTION OF THE BOARD:

Staff was directed to determine the per diem paid by the Board of Education and City of Savannah, as well as any policies set by ACCG and NACo. This issue will be carried forward to our next meeting on April 7, 2006.

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3. NEW, TEMPORARY PUBLIC WORKS POSITION (COMMISSIONER KICKLIGHTER). *NOTE: STAFF ANALYSIS WILL BE DISTRIBUTED ON THURSDAY.*

Chairman Liakakis recognized Commissioner Kicklighter.

Commissioner Kicklighter said, thank you, Mr. Chairman. I attended a meeting Wednesday night with officials from Garden City and concerned residents living along Pipemakers Canal. Basically we were experiencing some problems with the new flood gates and all on Pipemakers Canal and the, I guess, backup water there, it was actually worse for the residents than it was with the old gates in, and at that point I let them know that I would do whatever possible to move forward. So I contacted our wonderful County Manager over there, and he's already pretty much taken care of this matter. County Manager Abolt said, it's been solved, sir. Commissioner Kicklighter said, it's been solved. I requested a temporary Public Works position when I put this on the agenda, but in the memo here basically Russ [Abolt] has instructed staff to be on site four times a day to manually open and shut the gates, and we're withholding money from the contractor, I guess —. County Manager Abolt said, and the Engineer and this will all be wrapped up in five calendar days from today. Commissioner Kicklighter said, yes sir. So to let the public know out there, basically at this point the gates will open and shut when the river was actually two feet lower than the canal, which was losing probably four or five hours of drainage time. So thank goodness I recommended and Russ [Abolt] is putting it into action, the gates will now open when the tide is actually one foot lower than the canal. So that's going to eliminate the flooding in the area, and I appreciate it. And I would ask that, Russ [Abolt], if you would please find out, get all the names from Rhonda Farrell, the Interim City Administrator at Garden City, of the people that attended that meeting, if you would get their names and addresses, send them a copy of the inter-office

memorandum that's dated March 22nd with the solution, along with the letter stating that I requested that they receive the information that we anticipate the problem being solved.

County Manager Abolt said, yes sir, you're very kind with your gratitude expressed to me. I really don't deserve it. I want to pass on to both Al Bungard and Bill Uhl and Robert Drewry for coming up with the solution as they always do. They're outstanding individuals. Commissioner Kicklighter said, yes sir, and we appreciate everything.

Chairman Liakakis said, and what's the good part about this is the contractors are going to be paying for this extra work that's being done because we had the money in a hold-back on them.

Commissioner Kicklighter said, Mr. Chairman, let me say this one thing. I said it with confidence because I know Mr. Bungard out there that the problem would be solved and I said that, and rarely will I commit to something. I'll say I will try to do this or I will try, but I said that problem will be solved, and that's complete confidence in Mr. Bungard out there and the rest of the staff, and I appreciate it. Thank you.

ACTION OF THE BOARD:

County Manager Abolt advised the Board that this problem has been resolved; therefore, no action was required.

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4. MOSQUITO CONTROL SERVICES FOR BRYAN AND EFFINGHAM COUNTIES (COMMISSIONER ODELL).

Chairman Liakakis said, I want to call on Commissioner Odell.

Commissioner Odell said, before I start the overview of the Mosquito Control services for Bryan and Effingham, let me just say that I too agree that Russ Abolt is just a little wonderful, and I know he's very modest, but I have not a request, and I get probably 10 or 15 requests a month from people in my district for various things, and Russ [Abolt] has always responsive. Always responsive. I think we have a good County Manager and I think we have an excellent staff, and I say that with all sincereness, Russ [Abolt], and I enjoy embarrassing you like this, to see you blush. County Manager Abolt said, thank you very much.

Commissioner Odell said, but we appreciate what you do is what we're saying. Having said that is that for those who do not know, we are going to purchase a fixed wing airplane, which is going to cost approximately \$350,000, and it's going to be necessary and the necessity is that we have a concern as far as West Nile. In addition to that, our current plane is older than Dean Kicklighter and we can no longer get parts. Commissioner Shay asked, for Dean? Commissioner Odell said, for the airplane. Commissioner Kicklighter said, but it's not quite as old as some other

Commissioners. Commissioner Odell said, and we won't mention the Chair. But we're going to have to do that. The thought was that in that we're going to have to buy this fixed wing plane that we authorize the Chairman, along with our Mosquito Control staff and our County Manager, to again approach Bryan County and Effingham County regarding whether or not they will be interested in sharing some of the potential services that can be afforded by this new plane as far as spraying for mosquitos in the area. The upside for us is that potentially it could reduce our operating costs, and that's simply an economy of scale if you —, I know that Bryan County does not have a spraying service and I don't believe that Effingham does. In that they have a new Commission and mosquitos do not honor boundary lines, it might be a good opportunity for us to provide a necessary service to them which they cannot individually afford and also concurrently reduce our operating costs, and —. I'm sorry, Russ [Abolt].

County Manager Abolt said, because you'd considered this option during your recent deliberation, we prepared draft letters. The only error I see in the letter was it was prepared for my signature, but it was meant for the Chairman, but if you approve this, and certainly if the Chairman concurs, we have letters that can go out today to Chairman Burnsed and Chairman Sapp. The former is with Bryan County and the other is with Effingham, and saying if they're interested, staff certainly and a designated person on their end will sit down with them and spend whatever time necessary to hammer out an intergovernmental agreement.

Commissioner Odell said, if we could develop, say, a summary, i.e., talking points for the Chair, then there's some obvious advantages. But if we could put those down because I think that most counties now are tempted to tighten their belts and we are scheduled for a rainy season this year. If we could hit, they need to make certain that —. County Manager Abolt said, just for your information, on the Effingham side you might remember a few years ago Dr. Lewandowski actually prepared an agreement and it was based on choices of how lean do they want to be, how ambitious they want to be, and we gave them all the information possible, and we can certainly update it, and if they want to sit down, we can give them something that will stand I think the litmus test and I'm sure it will be beneficial to both if not all three counties.

Chairman Liakakis said, because it will reduce —, it will help them at a lower cost for that and it will reduce their mosquito population and will help us too because mosquitos go both ways. Chairman Liakakis recognized Commissioner Stone.

Commissioner Stone said, I would just like to commend Commissioner Odell for this because I think that as other municipalities grow, we need to start addressing other regional issues as well, and I think this is a step in the right direction. I commend you for picking up on that, Commissioner Odell.

Chairman Liakakis said, and the other thing too is Dr. Skelton also said that he would assist in this also talking to the other Chairmen of the Commission. Chairman Liakakis recognized Commissioner Kicklighter.

Commissioner Kicklighter asked, how about South Carolina, right across the river, talking with someone that —? County Manager Abolt said, if you will allow me. I mean, again I don't want

to be too far ahead of where you might want to be, but there is no reason why this cannot truly be a regional mosquito control. Commissioner Kicklighter said, I believe a mosquito can fly across the river over here if we're not treating them. County Manager Abolt said, and as a point was made a few days —, seriously, as the point was made a few days ago, we have an international airport and your whole operation is out of this international airport. It doesn't make any sense to me within reasonable fly distance why any municipality or county should be talking about doing anything but this type of intergovernmental agreement. It's just so logical it defies any argument in my estimation.

Commissioner Odell asked, can we do that in —, what county is Hardeeville? Several Commissioners said, Jasper. County Manager Abolt said, we can do whatever you want. May I suggest, because this is kind of like missionary work, let's get a couple of converts and then expand the flock and the congregation as the word gets out. Commissioner Odell said, and we will individually meet with the various counties, not a group meeting of —. County Manager Abolt said, no. Commissioner Odell said, okay. I'd like to see us individually meet. County Manager Abolt said, if there is a letter back or a conversation from either Chairman that I've just indicated to the Chairman, we'll focus just on them. The experience with Effingham has taught me, and I believe Dr. Lewandowski, we can't do this as, you know, we're here to solve your problems. They've got to first identify what their problems are and agree to pay for it. And in one county it's kind of like Mr. Vaquer said, one size doesn't fit all, and in this particular case we don't want to get too big too quick because they'll misinterpret the desire to help as potentially a way in which we plan to take over, which is not the issue.

Chairman Liakakis said, all right, then we'll just see about Bryan and Effingham at this particular point, and just for general information, Commissioner Gellatly and I did go over to Hardeeville, South Carolina, to discuss with the other surrounding counties in that area and their cities about doing regional things, not only mobility but other things too. The City has done that also, and then I had another meeting with them, and I think we can bring this up at that particular time. We'll see what happens on the local level and we'll see a big difference, you know, of all of us coming together on a regional basis where we've already done that.

Commissioner Kicklighter said, I believe they have a new chairperson in that county. Commissioner Odell said, they do, they do. Commissioner Kicklighter asked, they rotate them?

Chairman Liakakis said, all right, so we've given instructions to the County Manager.

ACTION OF THE BOARD:

The County Manager was directed to address letters to the Chairmen of Bryan and Effingham Counties requesting whether or not they will be interested in sharing some of the potential services of Chatham County that can be afforded by the new fixed wing airplane as far as spraying for mosquitos in the area, and then possibly contact others in this regard.

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VIII. TABLED/RECONSIDERED ITEMS

Unless action is contemplated at today's meeting, staff report and file material has not been duplicated in your agenda packet. The files are available from the Clerk. Those on which staff is requesting action are indicated by asterisk (*).

- * 1. **SEE "SECOND READINGS" FOR REVISION TO CHAPTER 4, ARTICLE III, OF THE CHATHAM COUNTY CODE BOOK, EMERGENCY MANAGEMENT (CIVIL DEFENSE). *At meeting of January 27, 2006, item was tabled until meeting of February 24, 2006. At meeting of February 24, 2006, item was tabled until March 24, 2006, meeting.***

Chairman Liakakis said, I'd like a motion to take off the table about the revision of the Chatham County Code Book, Emergency Management. We have tabled this for a couple of meetings.

Commissioner Kicklighter said, motion to take off the table. Commissioner Thomas said, second, Mr. Chairman. Chairman Liakakis said, let's go on the board. The motion carried unanimously. [NOTE: Commissioner Stone was not present when this vote was taken.] Chairman Liakakis said, the motion passes.

Chairman Liakakis said, okay. All of you have been given this information about emergency management. I've looked over this a couple of times. I see as always that Phillip Webber, who is the Executive Director, Clayton [Scott], his staff, all of them have put together, you know, going by state statutes concerning emergency management in our area for municipalities and specifically for the County. It addresses a tremendous amount of areas, what should be done, how to handle that, and it gives some [inaudible] authority, but mainly following the guidelines and requirements of the State of Georgia. So what I'd like to do right now is have a motion on the floor to adopt this Emergency Management, Article III.

Commissioner Gellatly said, motion to adopt. Commissioner Kicklighter and Commissioner Thomas said, second. County Manager Abolt said, sir, you have to take it off the table first. Chairman Liakakis said, we already did. We just voted for that. County Manager Abolt said, I'm sorry. Chairman Liakakis said, okay, any discussion? Let's go on the board. The Clerk said, I'm sorry, I missed that. Commissioner Odell said, David [Gellatly] made the motion and you've got two seconds: Thomas and Dean [Kicklighter] —. Chairman Liakakis said, okay, let's go on the board. The motion carried unanimously. Chairman Liakakis said, the motion passes.

ACTION OF THE BOARD:

- a. Commissioner Kicklighter moved to untable Item VIII-1 for consideration by the Board. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Stone was not present when this vote was taken.]

- b. Commissioner Gellatly moved to approve a revision to Chapter 4, Article III, of the Chatham County Code, Emergency Management (Civil Defense). Commissioners Kicklighter and Thomas seconded the motion and it carried unanimously.

[NOTE: See Item XII-3 for copy of Chapter 4, Article III.]

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2. REQUEST FOR RENEWAL OF SUNDAY SALES OF BEER, WINE AND LIQUOR POURING LICENSE FOR 2006. PETITIONER: COBY GARRETT BROOKS, D/B/A HOOTERS OF SAVANNAH, INC., LOCATED AT 4 GATEWAY BOULEVARD. [DISTRICT 7.] *At meeting of February 24, 2006, item was tabled until questions are answered.*

Chairman Liakakis said, from what we understand at this point they have not answered all the questions, so —. Commissioner Kicklighter said, just leave it on the table. Chairman Liakakis said, let’s just leave it on the table.

ACTION OF THE BOARD:

This item was not untabled for consideration by the Commissioners.

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3. PURCHASING ITEMS. *Items were tabled at meeting of March 10, 2006.*

ITEM	DEPT.	SOURCE	AMOUNT	FUNDING
D. Annual software maintenance agreement	Assessor	ESRI, Inc. (Sole Source)	\$16,265	General Fund/M&O - Assessor
E. Annual software maintenance agreement	Assessor	Radiant Software, Inc. (Sole Source)	\$27,325	General Fund/M&O - Assessor

Chairman Liakakis said, these are items for the Assessor’s office, and what I’d like to do is ask the representatives of the Assessor’s office to come up. We have one of our Commissioners or more that would like to find out about these specific items that were put on the agenda for funding: Item D, annual software maintenance agreement. Will you come up and —.

Commissioner Kicklighter said, I make a motion to remove Item 3 from the table. Commissioners Thomas said, second. Chairman Liakakis said, all in favor go on the board. The motion carried

unanimously. [NOTE: Commissioner Stone was not present when this vote was taken.] Chairman Liakakis said, the motion passes.

Chairman Liakakis asked, Sheryl [Snider], do you want to come discuss that first D item?

Ms. Sheryl Snider said, good morning. Sheryl Snider with the Board of Assessors. The Item D is our annual software maintenance agreement between the County and Radiant Software —, I'm sorry, ESRI. That is our GIS software and that's the Geographic Information System that maintains the County tax maps that we use. We update those to reflect ownership changes, we update those to reflect new parcels and so forth, and we have used this software since about 1993 or thereabouts. And we have brought these to the Commissioners each year since the early 90's.

Chairman Liakakis recognized Commissioner Shay.

Commissioner Shay said, yeah, I'm an old-fashioned sort of analog thinker so I need you to help me a little bit. I saw a sticker on the front of the newspaper this morning about, you know, a special price for oil changes and filters and so forth, and when I think of maintenance I guess I'm stuck in my analog world thinking about that. But what exactly is the nature of a maintenance that these softwares provide? I'm not sure I understand why —. Ms. Snider said, it gives us the opportunity for them to come down if we have malfunctions with the software or if we need any type of changes to the software programming that we don't have the ability to do in-house. Commissioner Shay asked, so it's kind of a troubleshooting service then? Ms. Snider said, I guess you could say that, yes. When we have problems, and we have had failures in the past where we've had to have the Charlotte office come down to fix whatever problems we have run into. Commissioner Shay said, so we engage them, then it's kind of a retainer to —, we pay them to make sure that they're available when we do have troubles? Ms. Snider said, if you want to call it that, then I guess that's true. You know, it's used in a variety of County departments other than us. Commissioner Shay asked, well, how do we know that their services are completed and, you know, we've received full value? I mean, what is it — and again I'm stuck in the analog world. When I take my car in to get it serviced, you know, J.J. comes back and says here's the brakes that we took off and, you know, I can hop in the car and suddenly it stops better. How do you know that these services have actually been received and that we've gotten full value for them? Ms. Snider said, the software works again. Commissioner Shay said, so it's basically —. Ms. Snider said, we literally have had times when we have been down and we couldn't do anything because the software for whatever the problem was that we had encountered, we had a failure and we have had to have them come down and do whatever it is they do to the programs to get us up and going again. Commissioner Shay said, so basically what we're doing then is paying in advance and a flat rate for their ability and willingness to respond to your needs as quickly as possible. Ms. Snider said, yes. Commissioner Shay said, so it would be like me going to J.J. and saying, "J.J., here's \$1,000; whenever my car is broken I want you to fix it no matter what it is." Ms. Snider said, based on my understanding, that's correct.

Chairman Liakakis said, well, this is one of those maintenance contracts that they might not have to come down —. Ms. Snider said, that's true. Chairman Liakakis said, — but because of this

the maintenance contract it could save you a lot of money. Instead of costing \$16,000 when they come down, they charge you by hourly rate plus the expenses plus hotels and all of that and it could cost a lot more. I'm familiar with these kind of contracts, but this is the same type you're talking about. It pays all of the expenses for them to come down and maintain the system. Ms. Snider said, I think that —, I don't have the contract in front of me and I don't remember what it says about whether or not we pay for their costs to come down here, but it seems like in past years we have had to pay some expenses.

Commissioner Farrell asked, in addition to this agreement? Ms. Snider said, yes sir.

Commissioner Odell said, so if we pay some expenses in addition to this agreement, then it's your position that this still is a cost-value to the County? Ms. Snider said, if we have a software failure, Commissioner Odell, then we can't do anything. Commissioner Odell said, I understand that and I'm not saying that it's not necessary, but my question is in that we pay some amount, whether or not that is offset by the up-front retainer, and I understand you may not be able to answer that question in that (a) you do not have the contract before you. Is that true? Ms. Snider said, I don't. Commissioner Odell said, and you do not have what the expenses were last year. Is that also true? Ms. Snider said, the expenses last year for this particular contract were probably \$13,000. We had to buy additional licenses for the new appraisers that we added last year in order for them to have access to the software at their PC. Commissioner Odell said, okay. So last year we spent approximately \$16,000, whatever that contract amount was, and plus that an additional \$13,000. Is that what you're trying to —. Ms. Snider said, we spent about \$13,000 last year for the annual software maintenance contract. Commissioner Odell said, okay. Ms. Snider said, we — you all approved four additional appraisers last year and we had to buy additional licenses to get those people up and running where they could access the GI system software. Commissioner Odell said, I understand that, but my question is you spent \$13,000 —. Ms. Snider said, last year. Commissioner Odell said, — last year and was —, can I substitute that \$13,000 for the \$16,265? Ms. Snider said, I mean, we didn't pay that last year. Commissioner Odell said, I know. I know you didn't, but what I'm trying to determine —. Ms. Snider said, but if you want to substitute it —. Commissioner Odell said, let me finish my question and I'm not certain if we're communicating. What I'm trying to determine is what was the contract amount last year? Ms. Snider said, it was a little over \$13,000. Commissioner Odell said, okay, that's the first thing. According to what you said earlier, we paid the travel and other things occasionally if they happened to come down and also said that the system was shut down, which I presume they had to come down. What is the second part of that, the additional amount, if any, for that? That's my question. Ms. Snider said, that's unknown because it depends on what —. Commissioner Odell said, you know what it was last year. Ms. Snider said, there were no additional fees last year. Commissioner Odell asked, so the total amount was \$13,000? Ms. Snider said, that's correct. Commissioner Odell said, okay. So when they came down because when our system shut down and failed, we did not receive any additional charges. That's what you're telling me, right? Ms. Snider said, there have been some additional charges in the past. Now I —. Commissioner Odell said, no, let's stick to 2005, that budget year. Ms. Snider said, okay. In 2005 we did not have a system failure that caused them to come down here. Commissioner Odell said, thank you.

Commissioner Shay said, Mr. Chairman, I still have some questions I'd like to ask. Chairman Liakakis recognized Commissioner Shay. Commissioner Shay said, my next question is, how do we know that these vendors really are the only source for these services? How do we know that in the 13 years that have transpired since these were originally engaged, these vendors, that there haven't —, that there aren't other vendors that are out there in the world that can provide these services? Ms. Snider said, since these vendors are the provider of the software, I don't think there's anybody else out there that can work on their software. Commissioner Shay asked, but we don't know that for a fact, we just assume that because they're the licensor? Ms. Snider said, I don't think you could get anybody else. Now based on my understanding, I don't think you could get anybody else that provides this service that could come in and do any kind of changes to there software. Commissioner Shay said, and so I guess what we're saying is, getting back to my analogy, since I've got a Volkswagen and for a period of time it was under warranty, that nobody else would be allowed to work on that Volkswagen, and that goes on in perpetuity. Ms. Snider said, I don't think you can compare the two. Commissioner Shay said, okay, well, I think I can, but let me ask then the follow-up question to that is how do we know that that price that we get quoted every year is fair then? If they're a sole vendor with a sole product, I mean, how do we know that the taxpayers are getting a fair deal from these software vendors? Are we just —, we just got of sort of say they're nice people and so they wouldn't overcharge us? Ms. Snider said, ESRI is the industry leader for this type of software. I don't know who else is out there that has this type of software. Commissioner Shay said, that's part of the problem is we don't know who else out there has this type of software, and ESRI I hope is a very reputable company and they may be the industry leader, but that doesn't mean that we're automatically getting the best price for this annual maintenance agreement. As a matter of fact —, I'm going to [inaudible]. But — so that's my concern is that we are sort of routinely renewing these contracts without really going out there and finding out whether there are other people that might be providing them.

Commissioner Shay said, let me ask another question then. How were the sole source vendors requalified? I mean, I understand you say ESRI and maybe Radiant Software is also a great company. How do you know that? I mean, do you have a process where you check on their financial stability or you check on, you know, references annually? Do you go back and you talk to —, I mean, how do you do it? How do you know that they're go? Ms. Snider said, to my knowledge, Commissioner Shay, I don't think that any of these people have been rechecked since the original contracts were generated. Commissioner Odell said, what about 1991? Commissioner Shay said, and 1993? Then I've got to —, back to the next question that I have, why was ICS, you know, our own countywide experts on Information and Technology Systems, why weren't they consulted? Why weren't they asked to give their advise on whether or not there might be other vendors, whether or not these are reputable companies, whether or not these are fair prices? Ms. Snider said, in 1991 and 1992 I can't answer that. Commissioner Shay said, no, but I'm talking about the annual maintenance contract that we're talking about today. According to your response here, ICS was not engaged to review either of these contracts. I'm just curious as to why they weren't? Ms. Snider said, my understanding of the question was that these contracts were the contracts that were originated back when we first —. Commissioner Shay said, no, no. I'm asking about the maintenance contract that we're being asked to vote on today for \$16,000 and \$27,000. Why was ICS not asked to review these agreements? Ms. Snider said, they've never been answered in the past and I didn't realize it was necessary to do that on a go-

forward basis. Commissioner Shay said, well, it might be. It just seems to me that if we have a sole source vendor that is not being requalified by anybody else, that's being able to sort of send to us a bill for work that they will provide maybe if they're requested to in the future, that it would be wise for us to make sure that our own ICS were reviewing that because I'm not qualified, that's clear, because the only analogy that I have is for J.J.'s Amoco and obviously J.J.'s Amoco and a software vendor is two different are two different things. Ms. Snider said, well, I can tell you that this is the first increase that we've had from ESRI in several years and the annual software cost for Radiant has remained the same at least for the last five years.

Commissioner Shay said, will these softwares become obsolete after the work that NovaLIS has already been paid for is completed? Will they become no longer necessary for us to keep these annual —. Ms. Snider said, the Radiant Software will no longer be used after we go or transitioned to the new vendor. Commissioner Shay said, and so the \$27,325 annual maintenance agreement would not longer be necessary? Ms. Snider said, that's true. Commissioner Shay said, because we had certainly hoped —. Ms. Snider said, but there would be another maintenance agreement for whatever vendor we had in place. Commissioner Shay said, right. So that segues into my next question, which is are the maintenance contract prices for the NovaLIS brand software in the future known now? Do we know what it's going to cost for us to have an annual maintenance contract on the software that's been paid for already? Ms. Snider said, we don't know those until we actually get the bills, but we have projected a stable price in our budget. Commissioner Shay asked, but did that come from the vendor or is that just a hope?

Mr. Larry Lower said, if I may inject. We're —. Chairman Liakakis said, Larry [Lower], come up to the microphone and identify yourself please. Mr. Lower said, my name is Larry Lower. I'm Chairman of the Board of Assessors. To answer your question on future contracts, we are now in discussion with possible vendors, and that is a point that's being brought up, is what is going to be the maintenance contract on a go-forward basis. That's being worked on within the people we're discussion.

Commissioner Shay said, I think as follow to that, and I think that's a good thing and I applaud you for taking a look at that on a going-forward basis. Another reason why I think that involving our own ICS to have a look at that contract to —, you know, because they deal with software matters day in and day out, they might better help us to help you make sure we have a good agreement for the out years, going from this —. Mr. Lower said, we're in favor of that. In fact, it is my recommendation that all maintenance contracts to do with software or within the County should go through and should be handled by ICS. I think it should be their's. They should automatically look at it. They know that we're going to need maintenance and they should do it themselves. We shouldn't be here talking about a maintenance contract.

Commissioner Shay said, okay. The \$27,325 maintenance contract for Radiant Software is to maintain the CAMA System. Is that right? Ms. Snider said, that's correct. Commissioner Shay said, and that system we had hoped would be obsolete by now, is that right? Ms. Snider said, that's correct. Commissioner Shay said, we had hoped that the NovaLIS System would have replaced it by how. Ms. Snider said, that is correct. Commissioner Shay said, the testimony from

you and Larry [Lower] and again in August that it was going to be obsolete. So that the \$27,325 that we are being asked to spend to renew that contract, where's the funding from that coming? It couldn't have been in the budget last year? Ms. Snider said, Commissioner Shay, we have budgeted for these maintenance contract every year. Commissioner Shay said, okay. So last year you budgeted for the maintenance contract even though you thought it was going to be obsolete? Ms. Snider said, no, I budgeted for a maintenance contract, whether that maintenance contact which was still Radiant, which was formally [inaudible], or whether that contract was going to be NovaLIS, I budgeted for a maintenance contract with a dollar value. Commissioner Shay said, I see. So basically there's no warranty period. Again, I'm Mr. Automobile here, but you don't get when you buy new software, you don't get like a year of debugging that comes with performance in that contract? You basically buy the contract and in the same year you have to budget for maintenance and debugging as the same year as the software is actually being installed? Mr. Lower said, we — in the negotiation and discussions we're having with the vendors now, no. We will have a year warranty. Then the maintenance contract will start a year later from that date. Commissioner Shay said, okay. Well, then that still needs to be —. Mr. Lower said, we won't be paying —, we will not be paying for a maintenance contract the first year because it's under warranty. Commissioner Shay said, but you budgeted —, but you budgeted for it this year anyway? Mr. Lower said, we budgeted because we did not know where we were going to be at this year. We had to have it there. Once the system goes down, especially that system is very vulnerable, it could go down, then we're going to be out there searching for somebody to put it back together so that we can use it, and we're in the critical part of the year now. We're in the digest part of the year. We cannot afford that. I agree with you, we can take a chance and not spend it, but even if we move forward with a vendor to complete the system that we started, we're looking at after July before we can even start up again because we have to work on the digest.

Commissioner Shay said, well, and I don't want to belabor it any longer. We were supposed to have a short meeting today and we've already had a long one, but, you know, because we have to build a digest and we have to get that submitted to the State and if we don't do that, then we won't have any revenue for any other department up here, I'm going to ask that we vote in favor of these two maintenance contracts with the provision that there would be a review by ICS before the language of those, you know —, we're just voting on a number here, guys. You know, we're being — nobody's presented a contract to us and I get nervous about that when we sort of say it's a number, it's all about the future, we may or may not need to spend it. My observation as a Commissioner is this is just feels like a protection racket to me where somebody's saying you need to pay us \$27,000 in case, you know, your store front windows get busted out and somehow magically when you pay it the store front windows don't get busted out.

Mr. Lower said, Mr. Shay, I think we're all familiar with maintenance contracts and you keep referring back to vehicles, but I bought a maintenance contract for my vehicle and I have the shirt and things that go that I can get done that are under that maintenance contract, but other than that I can't. You know, I have to pay additional expenses, and this basically works the same method.

Commissioner Shay said, yeah, and we'd like to make sure that our ICS Department because you have said today that you really believe that on a going-forward basis that we should be the ones

that are using our expertise to acquire these things instead of you guys —. Mr. Lower said, that's right. Commissioner Shay said, — deciding and sending it over to us as a sole source purchasing requirement. Mr. Lower said, I think it should be shifted to them.

Chairman Liakakis said, okay. Commissioner Shay said, so I make a motion that we adopt Items D and E. Chairman Liakakis said, all right, and then we'll have a second? Commissioner Farrell said, second. County Attorney Hart said, I don't think you've removed Item E from the table, have you? Commissioner Kicklighter said, I did. Chairman Liakakis said, yes. The Clerk said, he just said, Item D. Commissioner Kicklighter said, I made it a motion to remove Item 3 a little while ago, which is D and E. The Clerk said, excuse me, I thought you said, D.

Commissioner Shay said, well, let me restate my motion. I make a motion that we approve Item 3-D and 3-E with the provision that before any contract is signed that we have a full review — a thorough review by our ICS Department. Commissioner Thomas said, second. Commissioner Kicklighter said, second.

Chairman Liakakis recognized Commissioner Kicklighter.

Commissioner Kicklighter said, thank you, Mr. Chairman. I see the need. I see paying in advance is insurance. We pay medical insurance hoping that we don't have a heart attack, but if you have one you're glad you have insurance. So I understand the concept. I don't pretend to know how much it should cost. Do we pay maintenance agreements on software for other County departments? We do? Okay. I see that you've agreed to talk with ICS. I think that's great. It's in your budget and I understand why this was pulled, but I appreciate your kindness to the questions and your understanding that you want to work with ICS, and thank you for all you do. When I pull up your website it's easy to get things rolling through there and find what you need. Thank you for what you do and I'll call for the question. Oh, was there somebody else? I'll withdraw that.

Chairman Liakakis recognized Commissioner Odell.

Commissioner Odell said, I've just got two points to clarify. In response to Mr. Shay's question, you indicated that ESRI, Incorporated, had not increased their amount over the last several years. Is that true? Ms. Snider said, Radiant hasn't increased their amount. Commissioner Odell said, Radiant. But ESRI has? Ms. Snider said, ESRI increased their amount this year because we had to buy additional license for the appraisers or the staff members that you all approved for this budget year. Commissioner Odell said, right, and that's about a 25% increase. Ms. Snider said, I'm not sure how much it was. I don't have —, I didn't bring that document with me. Commissioner Kicklighter said, \$13,000 to \$16,265. Chairman Liakakis said, it's \$3,000 more than last year. Ms. Snider said, well, in the staff report it says 7%, but memory says it was around \$13,000 last year. Commissioner Odell said, and when we use the term sole source, that is based upon the 1991 conclusion. I mean, there was nothing done this year to determine other sources and we've done it basically the same way for 14 or 15 years, so we determine it's the sole source by what happened in 1991 or '92. Is that a yes or no? Ms. Snider said, well, they are the owner of —, they own the proprietary rights to the software and we could not get another vendor to come

in and do anything with that software. Commissioner Odell asked, and we made that check and determination? Ms. Snider asked, that they are the only? Commissioner Odell said, no, no. We made that determination that in 14 years no other vendor can operate or repair this system, and we made that this year. Ms. Snider said, maybe Jon Hart could help us out with —. County Attorney Hart said, I take my car to J.J.'s. I don't know anything about computers. Ms. Snider said, — who has the right to make changes to the software.

Chairman Liakakis said, let me make a statement on this because I have some familiarity with this. When a company that has software, they have the proprietary rights to it and nobody else can go into that software. It belongs to them. You have to buy a license from them to utilize their system and so consequently another company cannot come in and do maintenance work on it because they don't own it and the software is different. It's not like buying an automobile and ten different people can work on that car. It doesn't have to be the dealer, just somebody that's familiar with repair work.

Commissioner Odell asked, but doesn't that cause you to be held hostage? Chairman Liakakis said, well —. Commissioner Odell said, let me finish. If you produce a software and you determine what the annual maintenance agreement is and no one else because of your unique software, and I do not think that there's such uniqueness in software today that there's not a generic system, then you're being held hostage. You can be charged anything. If I owned a software company, why not charge you a \$100,000, Mr. Chairman. No one else can come in and evaluate the system. Chairman Liakakis said, here's what the deal. You can buy a —. Commissioner Odell said, and I'm saying that with all infection. I'm not angry. Chairman Liakakis said, no. Let me explain that to you. You can buy the maintenance contract, which is really set up to save you money because if you look —, if they come in, and I'm familiar with this because the County paid out some, as I know, about \$14,000 or \$15,000. If they'd had a maintenance contract, it would have only cost them about \$4,000. This is in years past. I'm quite familiar with that, but here's the deal on it. You do not have to buy a maintenance contract, you just pay them when they come in to do the work. Now when they come in and do the work, it could cost maybe \$1,200 to do the repair work, but it could cost \$10,000 to do the work at that one instance. So what you do, you buy the maintenance contract or you just allow them to come in and charge you the services — the charges that they had displayed on those specific items. Commissioner Kicklighter said, it's like a [inaudible], they could bump your bumper or knock the front of your car off.

Commissioner Odell said, yes, but we're answering a question not asked. That question is not asked. That question is not whether or not we need a maintenance agreement. I know that we need a maintenance agreement, but that's not the question. So answering that question doesn't address my question. My question is going forward do we think as a Commission it is a wise decision to use a sole source which will hold us hostage. We went out and bought NovaLIS. Commissioner Thomas said, right. Commissioner Odell said, now they're bankrupt. I guess somebody else got there system. Chairman Liakakis said, but somebody else bought it because we paid for the license. If we hadn't paid for the license, it would cost us a lot more money right now. It would cost us more. We paid for the license. When you pay for the license to utilize their system, and really, Harris [Odell], the deal is this. You don't have to buy a maintenance contract.

The only reason why generally that people buy maintenance contracts is because if something does occur or multiple things occur, it would save you —. Commissioner Odell said, it reduces your exposure. Chairman Liakakis said, yes. Commissioner Odell said, that's the purpose of a maintenance, it reduces your exposure. I understand and welcome that concept. My only concern is if we use, Mr. Chairman, a sole source, this is a moot argument. All of these things need to go through our ICS Department. If all these things go through our ICS Department, this is not a discussion we need to have. We won't have it. This will not be a discussion. The Tax Assessors, it puts them in an awkward position too. You all are not contract experts and you're just trying to get a system that runs so that you can produce the wonderful bills for our citizens and we can spend the money. And it's not criticism. All of this should run through the computer department. Running it outside of the computer department makes all of us lay people experts on things we will not — have no expertise to. Mr. Lower said, we agree with that, Mr. Odell. Take it away from us. Commissioner Odell asked, you don't want some more, Larry [Lower]?

Chairman Liakakis recognized Commissioner Shay.

Commissioner Shay said, Mr. Chairman, my point is that when we get ready to enter into a contract for new software that we would understand what that maintenance agreement is up-front because when we buy the software, as we did with NovaLIS, and we don't really have any of this stuff specified, even how they would perform or when they were done or what's it going to look like when it's finished, then we're buying a pig in a poke, I think is the expression that fits here, and the maintenance contract could be any number. What I'm just saying is we want, on a going forward basis, we want to know those things before we make a decision on what we acquire.

Chairman Liakakis recognized Commissioner Gellatly.

Commissioner Gellatly said, you know, we're discussing something here that we are all pure and genuine amateurs on. I totally agree, and most of you have alluded to, that we should have, Russ [Abolt], we should develop a County policy that we can vote on at our level because we create policy, that everybody, whether it's them or Superior Court or anywhere in this County, that if it involves computers or software or technology or something like that, that this Commission doesn't pay a dime unless ICS approves it and blesses it, and we'd like to have a policy to that effect and we should not be spending our time — I'll speak for myself —, y'all are talking a foreign language to me except for I know that something's not right — that we do employ ICS in this County. They are our experts, they know what they're doing and we should have a policy —, we do create policy, and we should create a policy that all the employees, all the departments have to follow. In other words, if they were like their computer software to be paid for, they'd like their maintenance agreements to be paid for, they'd like their computers to be paid for, they're going to have to follow our — the Commissioners — policy which means it has to go through ICS. County Manager Abolt said, unless you —.

Chairman Liakakis said, let me go —, we're going beyond that because I wrote it down here a minute ago, but Dave [Gellatly] just alluded to it. Commissioner Gellatly said, I read your notes. Chairman Liakakis said, even to ICS, ICS, before they recommend to us something, that we want our County Attorney to look at it because we could have saved a lot of money if this — some

particular contracts had been scrutinized, we wouldn't be in the situation that we are right now. So all departments that have contracts of any consequence, if we're talking about small amounts of money and to those kinds of things, we don't do it, but on contracts like we've had with NovaLIS and others, that what we do is to make sure that the stipulations are in there that protect the County, that it's not going to cost the taxpayers in our County more money because something was left out of a contract and it could cost us huge amounts of money. So if we go with the ICS, as every has said, which is great, but those ICS people have that contract going into our County Attorney.

Chairman Liakakis said, well, we're going to — let's approve this now and develop the policy as making ICS the funnel that everybody goes through because, you're right, it is a foreign language.

County Manager Abolt said, just for your background, you recall, and I can send you a copy of the findings and recommendations of Mr. White on the NovaLIS audit. All this has been put in place. I had Mr. White going back in within 30 days after my directive to verify that all this is now being applied to. I certainly appreciate that the Board of Assessors now understand and welcomes Mr. Leonard and his staff's involvement.

Chairman Liakakis said, okay, let's go on the board. The motion carried unanimously. Chairman Liakakis said, the motion passes.

Ms. Snider said, thank you. Chairman Liakakis said, thank you. We appreciate you coming up.

ACTION OF THE BOARD:

- a. Commissioner Kicklighter moved to untable Item 3 for consideration by the Commissioners. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Stone was not present when this vote was taken.]
- b. Commissioner Shay moved to approve Items 3-D and 3-E and, further, that all software contracts be reviewed by our ICS Department. Commissioners Farrell, Kicklighter and Thomas seconded the motion and it was approved unanimously.

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IX. ITEMS FOR INDIVIDUAL ACTION

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

1. **REQUEST BOARD APPROVAL OF THE FOLLOWING: (1) A TRANSFER OF \$53,100 FROM THE RECREATION GENERAL FUND M&O BUDGET TO THE CAPITAL IMPROVEMENT PROGRAM FUND FOR PURCHASE OF TWO VEHICLES, (2) AN AMENDMENT TO THE CAPITAL IMPROVEMENT**

PROGRAM FUND TO RECOGNIZE THE TRANSFER IN OF \$53,100, AND (3) A \$48,000 TRANSFER WITHIN THE CAPITAL IMPROVEMENT PROGRAM FUND FROM THE DETENTION CENTER PROJECT TO THE SHERIFF FIRE ALARM PROJECT, AND (4) AN AMENDMENT TO THE MULTIPLE GRANT FUND OF \$44,000 TO RECOGNIZE A HOMELAND SECURITY GRANT TO THE SHERIFF'S K-9 UNIT.

Chairman Liakakis asked, do we have a motion on the floor? Commissioner Stone said, move for approval. Chairman Liakakis asked, do we have a second? Commissioner Thomas said, second. Commissioner Kicklighter said, discussion. Chairman Liakakis said, it's been seconded. Any discussion? Chairman Liakakis recognized Commissioner Kicklighter.

Commissioner Kicklighter said, Commissioner Farrell and myself have been pretty vocal lately on improving our Recreation Department and, you know, we've got some facilities out there that's still not up to par. I know there's a \$53,000 transfer from the Recreation General Fund to purchase two vehicles. Is this for Recreation? County Manager Abolt said, yes. County Manager Abolt recognized Mr. Al Lipsey. Commissioner Kicklighter asked, is that to purchase vehicle for the Recreation Department? Mr. Lipsey said, for the Recreation. Commissioner Kicklighter asked, and what would that be? Mr. Lipsey said, you will remember you also approved 16 new employees. We've hired three, we're in the process of hiring an additional three. So those vehicles will be transporting those particular people. Secondly, because we're getting such a good rate this year on the vehicles, we actually only needed one but since we're getting a good rate, we went ahead and purchased a second vehicle anticipating three additional people next year. Commissioner Kicklighter asked, and what kind of vehicles are they? Mr. Lipsey said, they are Ford pickup, extended cab. Commissioner Kicklighter said, so it will seat how many people? Mr. Lipsey said, they seat up to five, possibly six. Commissioner Kicklighter said, up to five or six. That's \$26,000-\$27,000 each. Chairman Liakakis said, this went out on bid. Commissioner Kicklighter said, right. So there's nothing out there a little less expensive that would transport the people? Mr. Lipsey said, I can't answer that. Stuart [Chatham] —, because it went out on bid in his department. You can get a smaller bid, but it wouldn't do what we wanted it to do. Commissioner Kicklighter said, you wanted something to be able to carry people and to spruce up places. All right, thank you. I'm just glad it was going to where I initially looked —, I was hoping we weren't transferring it to some other department. That's good. Thanks.

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

ACTION OF THE BOARD:

Commissioner Stone moved that the Board approve the following: (1) a transfer of \$53,100 from the Recreation Fund M&O Budget to the Capital Improvement Program Fund for purchase of two (2) vehicles; (2) an amendment to the Improvement Program Fund to recognize the transfer in

of \$53,100; and (3) a \$48,000 transfer within Capital Improvement Program Fund from the Detention Center Project to the Sheriff Fire Alarm Project; and (4) an amendment to the Multiple Grant Fund of \$44,000 to recognize a Homeland Security Grant to the Sheriff's K-9 Unit. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Odell was not present when this vote was taken.]

AGENDA ITEM: IX-I

AGENDA DATE: March 24, 2006

TO: Board of Commissioners

THRU: R.E. Abolt, County Manager

FROM: Linda B. Cramer, Finance Director

ISSUE: To request approval of the following: (1) a transfer of \$53,100 from the Recreation General Fund M&O budget to the Capital Improvement Program Fund for purchase of two vehicles, (2) an amendment to the Capital Improvement Program Fund to recognize the transfer in of \$53,100, and (3) a \$48,000 transfer within the Capital Improvement Program Fund from the Detention Center Repair project to the Sheriff Fire Alarm project.

BACKGROUND:

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

FACTS AND FINDINGS:

- 1) The Recreation Department plans to purchase two vehicles using funds in the FY2007 General Fund M&O budget. The cost is \$53,100. Purchases of this amount are more properly recorded in the Capital Improvement Program Fund. A transfer from the Recreation General Fund M&O budget to the Capital Improvement Program Fund is in order. This will require an amendment to the Capital Improvement Program (CIP) Fund to recognize the transfer in. A resolution is attached.
- 2) The expenditures for Sheriff Fire Alarm project in CIP will exceed the original estimates. There is a project budget for Detention Center Repairs that has not started. A transfer of funds (\$48,000) between the two projects will allow for timely completion of the Fire Alarm project. Upon completion of the project, any funds remaining will be transferred back to the Detention Center project.

FUNDING:

Funds are available in the General Fund M&O and the Capital Improvement Program Fund.

ALTERNATIVES:

(1) That the Board approve the following:

GENERAL FUND M&O

- a) a transfer of \$53,100 from the Recreation budget to the Capital Improvement Program Fund for purchase of two vehicles.

CAPITAL IMPROVEMENT PROGRAM FUND

- a) an amendment to recognize the transfer in of \$53,100 from the Recreation General Fund M&O budget for purchase of two vehicles.
- b) a transfer of \$48,000 from the Detention Center Repair project to the Sheriff Fire Alarm project.
- c) upon completion of the Sheriff Fire Alarm project, approval to transfer any remaining funds back to the Detention Center Repair project.

MULTIPLE GRANT FUND

- b) an amendment to recognize revenue of \$44,000 and corresponding expenditures for a Homeland Security Grant for the K-9 Resource Team.

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. PRESENT PLAN OF ACTION TO MAKE NECESSARY ADJUSTMENTS IN LOCATION AND OTHER MODIFICATION OF THE CHATHAM COUNTY EMERGENCY OPERATIONS CENTER (EOC). *NOTE: This matter will*

have been discussed in your CIP work sessions prior to Friday's meeting.

Chairman Liakakis said, this matter, as you know, was discussed in the CIP Work Sessions prior to Wednesday's meeting. Chairman Liakakis recognized County Manager Abolt.

County Manager Abolt said, no need unless you want to go through it again. You lived it in real time a couple of days ago. It's the same thing.

Chairman Liakakis said, okay. Do we have a motion on the floor —. County Manager Abolt said, there's no need for a motion, sir. Chairman Liakakis said, okay, on this one. Okay.

ACTION OF THE BOARD:

No action was required on Item IX-2.

AGENDA ITEM: IX-2

AGENDA DATE: MARCH 24, 2006

TO: Board of Commissioners

THRU: R. E. Abolt, County Manager

FROM: Phillip M. Webber, Director, CEMA

DATE: March 20, 2006

SUBJECT: Relocation of the Emergency Operations Center

ISSUE

Present a plan of action to make necessary adjustments in the location of the Chatham County Emergency Operations Center (EOC).

NOTE: This matter will have been discussed in your CIP work sessions prior to Friday's meeting.

BACKGROUND

1. The Savannah District, US Army Corps of Engineers provided CEMA with the results of a site survey to evaluate the structural stability of the County Administrative Legislative Center in the event of a category 5 hurricane striking the Savannah area. The survey reported that while overall structural failure was not anticipated, partial roof and clock tower failures would result in sufficient roof damage to cause significant water problems, the compromise of communications systems, and a high probability

of water infiltration into the basement that would render the EOC inoperable.

2. Based on the results of the foregoing report, CEMA asked the Corps to reevaluate the impact in the event of a category 3 hurricane. The results were essentially the same: roof and clock tower damage is expected to cause sufficient water damage to destroy the communications room and flood the EOC.
3. Since the final Corps report, CEMA has researched options and funding opportunities for the relocation of the EOC.

FACTS & FINDINGS

1. Based on the threat of hurricanes alone, it is imperative that Chatham County maintains an effective EOC that in the event of threat may be immediately called into service.
2. The existing EOC presents unacceptable risk to the personnel that must staff the facility in the event of impending threat.
3. CEMA has been actively seeking alternative sites and funding sources for the relocation of the EOC. To date CEMA has pursued funding from OHS/GEMA, FEMA, and the Federal Department of Homeland Security in the form of hazard mitigation grant funds as well as homeland security grants. However, as of yet these attempts have not been successful and future -funding opportunities will not be available in sufficient time to prepare for the 2006 hurricane season.
4. CEMA has worked with County Engineering and Special Projects staff to identify the best location for the EOC and in doing so worked to produce cost estimates for hazard mitigation measures and related relocation expenses.
5. Review of County facilities indicates the most suitable location for relocation of the EOC is the Chatham Parkway Annex. The Annex is supportive in the following manner:
 - The Training Room is of sufficient size to support EOC Operations;
 - Additional office and conference space can be made available to support emergency operations;
 - The installed phone and IT infrastructure to support G-8 Operations remains in place and will take minimal funds to reestablish connectivity;
 - The Annex is in a secure location with sufficient parking and capable of restricting access; and
 - Appropriate mitigation measures can be easily installed to protect the facility from wind and water encroachment resulting from a Category 5 Hurricane.
6. The cost of relocating the EOC; reconfiguring the Annex Training Room and adjacent facilities; and the installation of mitigation

protection measures is not expected to exceed \$500,000. (See attached)

FUNDING

Funding is not identifiable this Fiscal Year.

ALTERNATIVES

1. Refer to CIP process and continue to pursue grant-funding opportunities.
2. The EOC continue to operate in its existing location.

POLICY ANALYSIS

By approving this relocation, the County will be better prepared to coordinate the response to and recovery from an Incident of Critical Significance occurring in Chatham County.

RECOMMENDATION

Alternative 1.

Westside Annex Mitigation Measures and EOC Relocation Cost Estimate

- Wind Mitigation - Windows (\$150,000)
- Wind Mitigation - Roof (\$60,000)
- Flood Mitigation (\$98,000)
- Re-establish IT and Phone Infrastructure (\$10,000);
- Expenses incurred with physically moving the EOC (\$5,000);
- Expenses to replace any missing/damaged equipment (\$5,000);
- Expenses for EOC Workstations/Consoles (\$32,000)
- Expenses for any construction (\$10,000); and
- Expenses to move communication capabilities:
 - UHF Radio – 3 (\$5,000)
 - VHF Radio – 3 (\$5,000)
 - Low Band Radio – 1 (\$1,600);
 - Marine Radio – 1 (\$1,600);
 - Hospital Radio – 1 (\$1,600);
 - Amateur Radio - 2 (\$800);
 - Satellite Phone - \$3,000);
 - Ring Down Circuits - 3 (\$800);
 - Media Lines - 4 (\$500);
 - VTC and ISDN (\$1,000);
 - EAS and LEIN (\$500);
 - WebEOC Servers - 2 (\$500)
 - DHCP Server - 1 (\$200)

These services/equipment will need to be **duplicated** (1 at EOC location...1 at office location):

- Beaufort EMA Ring Down (\$600)

- NAWAS (\$500)
- Weather Sentry (\$9,000)
- EM Net (\$5,000)
- VTC Equipment and 3 ISDN Lines (\$40,000)
- 48 port switch (\$5,000)
- digital card for the phone system (\$3,000)

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3. PUBLIC HEARING ON 2006 APPLICATION FOR COMMUNITY DEVELOPMENT BLOCK GRANT.

Chairman Liakakis said, now this is a public hearing and that we —, and I'm required to read this statement: This public hearing on the 24th day of March, 2006, is for the purpose of Chatham County's applying for a 2006 Community Development Block Grant to the Georgia Department of Community Affairs. Before we as the Board of Commissioners begin, let me announce that if any citizens have special requirements or need special accommodations in order to participate equal to all other citizens, including the needs of non-English speaking residents, and you have not previously made arrangements, please let me know now so that you can be accommodated today for this public hearing.

County Attorney Hart said, the public hearing is now open.

Chairman Liakakis said, and right now on this I'd like to call on any public member that would like to come and make any kind of comments on the community needs. I see that there are some proposed projects, but if there's anybody else in here that has a project, after we talk to the three agencies that have made the request, you can also come up and make your proposal. I'd like to call right now the Economic Opportunity Authority, the EOA, and we're asking each particular participant to please try to contain your comments within a 10-minute period of time if that's possible. So, will the EOA please come forward.

Mr. John Finney said, thank you, Mr. Chairman. Just for the record I would like to say that my name is John Finney. I'm the Executive Director and CEO of Economic Opportunity in Savannah. Ladies and gentlemen, I think it's important to point out that our agency was created by a joint resolution of the City, the County and the Board of Public Education in January Of 1965. During the past 41 years we've tried to provide needed services to low income and disadvantaged individuals. I don't want to take up a great deal of time. Each of you were provided with the packet of information, and at this time I'd like to see a show of hands to determine whether you actually have the information in advance. It was a blue packet. Thank you very kindly. Mr. Terry Tolbert is our Deputy for Operations and Economic Development at EOA and we brought around a copy of the architectural conception of our proposed project. This project is primarily a child care development center, but it is not one-dimensional. You walk into this facility and you will be exposed to a center that will train people in the computer-land. It is our understanding that if you

— you can't teach what you don't know. So the parents we are going to serve in this facility will also be exposed to computer-land. Also for the students coming from those families.

Mr. Finney said, [inaudible] by education along with a number of other auxiliary services will be provided in this building. In addition to that, it will be designed to house up to 240 children. It will be broken down into integrals of infants and toddlers, toddlers at six months and infants and toddlers at three and four years of age. I believe that you can see that it's on about two acres of land that's adjacent to the May Street Y. It was my hope that each of you would have a chance to visit the construction site so that you will have a visual representation of what the project is all about. Our consultant is from the State of Kentucky. He works with organizations all around America, and he has informed us that once this project is completed, it will be a state of the art agency and facility, the second largest in the USA. He's not sure about that, but he's checking that out. But it will be a state of the art building. Once you walk in you will see that you have to be identified by the receptionist. We have a lot of the amenities in this particular building and you will be able to talk to your child and also to your child's teacher by video by punching in a particular code. There's also a restricted area in this building. And so, we would like to be the County's advocate for funds from the Georgia Department of Community Affairs, and I believe in the packet that we passed out to you in advance, you will find that we have a copy of our auditor's report. Last year we served over 20,000 in Savannah, both City and County residents. Our budget is almost \$12,000,000 and we employ about 258 people. The auditor's report will show you that we had no questioned cost out of almost \$12,000,000. And so that's the project in a nutshell. The project total cost is about \$3.5 million and we need funds very, very badly to complete our construction project. Do you have any questions? I would be more than glad to answer them. If there are any questions in regard to the audit report, the condensation of the audit report that was provided in the packet, I'll be more than glad to try to answer them or either refer them to the audit company. Are there any questions at this time on the project? Yes sir?

Commissioner Holmes said, you talked about — is there a security purpose in there wherever you're housing the infants at? Mr. Finney said, there is a security section for all children. You cannot advance beyond a certain point. If you are not a parent whose name is listed, then you cannot advance beyond a security point. We do have a panic button that will be tied into the Police Department. We have a check-off list and, once again, I want to indicate that we will be the only childcare center in Savannah, Chatham County, where you can discuss matters with your child's teacher by video and you can also see and talk to your child before advancing beyond the security point.

Chairman Liakakis recognized Commissioner Thomas.

Commissioner Thomas said, first of all, I'd like to commend Mr. Finney and his staff for a job well done. It's been an excellent provider in our community for all these young people. I would also suggest that if you have not had an opportunity to visit this facility, that you would do so. It really is a state of the art building and the purposes for which it is intended I think it will well serve our community. I did not realize until I received some information I believe last night that we can only select one of these applicants, and all three of them are worthy, all three of them, and there may be more, so it's going to be a hard task. But given the fact that the EOA is the component of the

County which was appointed through the Chatham County Board of Education and the City of Savannah, kind of puts me in a dither here. So I've got to make a decision what I'm going to do today.

Chairman Liakakis asked, any other —? Commissioner Odell said, yeah, one other. Chairman Liakakis recognized Commissioner Odell.

Commissioner Odell said, Terry [Tolbert] and I often solved problems. We have people who fall under this right or back to work for welfare mothers and we often have them who have children who need their daycare services. Daycare services are scare. I mean, and Terry and I worked very diligently to try to solve some of this problem of you've got to go to work, but what do you do with your children? Terry [Tolbert], I appreciate what you've done. You've worked with me. Because of where my office is located, I have a lot of people who fall in that crotch, and hopefully at some point America will value people and where they are, not for where they had to come from. I appreciate your help and assistance and always you, John [Finney].

Chairman Liakakis said, the statement that you made, there's some 20,000 —, you assisted some 20,000 population this past year —. Mr. Finney said, yes. Chairman Liakakis said, okay. Mr. Tolbert said, we have in Chatham County —. Chairman Liakakis said, come up to the microphone and identify yourself.

Mr. Tolbert said, I'm Terry Tolbert, Deputy Director for EOA. In the County, the —, the County population is about 15% impoverished and one of the biggest problems that people have is getting to work with childcare. Our services that are offered to these men and women who are working it does not cost them anything and without infants and toddlers program that you have to be in school or to have to be working and so it makes a tremendous difference. What John [Finney] didn't say was that we serve approximately 900 people in Chatham County total. Our Center's on 17 which serves a different type of population, but in the entire council we serve about 900 children for Chatham County, and none of these children pay anything. Not only do we provide services for childcare, but we transport them. They get a quality meal. In addition, we work with their families as well. Not only do we serve the children, we also serve their families as well. We have Family Service Workers who work with them if they need to get their educational attainments, we do that as well. So it's not just the Center itself for the children, it's for the entire family.

Commissioner Odell said, yeah, and what it does is it — what is the incentive if you work a minimum wage job and if you have to get up and then pay daycare, which consumes what a minimum wage job pays? And so, what this program, my reading is, has done successfully is to say this is not a free program. This is a leg up. This is a step up. If your kiddies go here, then you're either going to be correcting some deficiency by completing your education and some parenting instructions or you're going to be gainfully employed. So this is not a give away for nothing. The return to us is that we get people off of the welfare roles and onto the job role, and this is a part of that process. Mr. Tolbert said, the kids at an early age to get them prepared to be better educated, to learn to read, and so that you won't have as many people in this position. We have histories —, we've been around long enough that we can show you very successful kids who

went through Head-Start Program [inaudible] and two twins that are on the Police Department that the Chief hired and they're doing extremely well.

Chairman Liakakis recognized Commissioner Kicklighter.

Commissioner Kicklighter said, three great applicants here. I noticed that it's going to be completed in May of 2006. Were you counting on the \$500,000 to complete it? Or where was it going to come from if it does not come from this? Mr. Finney said, well, we are seeking funds from the City of Savannah and the Georgia Department of Community Affairs. This last week we received a grant of \$25,000 from one of the Wachovia Bank trust funds. In addition to that, we have applications out to a number of other foundations. So in a project of this magnitude, really \$3.5 million doesn't sound like a whole lot of money, but if you're a nonprofit, every little bit helps. It does, so we're seeking multiple funding sources in order to bring the cost —. Commissioner Kicklighter said, I guess my question then would be to everyone, all three, is are you going to be able to do this project that you need to do without this or if it's essential, because there's three good applicants there and you can't say anything bad about any of y'all. Y'all are great. Mr. Finney said, if we say no, we won't get it, and if we say yes, will we get it? Commissioner Kicklighter said, in other words, out of all three groups whoever absolutely has —, just that is it, is —. Mr. Finney said, well, in a nonprofit environment, and for all the people here, we all frankly know each other, so it's not like we don't know each other in this business. We all need it. Commissioner Kicklighter said, right. Mr. Finney said, so to say which one of them needs it more, that's why it's going to be tough to make that decision. Commissioner Kicklighter said, yeah. I guess the question is who cannot complete what they're trying to do without it, is what, you know. Commissioner Farrell said, we will have to hear from all of them. Commissioner Kicklighter said, and y'all are great. I appreciate everything y'all do.

Chairman Liakakis said, a large number of people that were on welfare because of your services have gone into the community being productive as opposed to being on welfare over the last several years. Is that correct? Mr. Finney said, yes. We work very closely with Chatham County Department of —. Commissioner Odell said, Family & Children Services. Mr. Finney said, Family & Children Services and, as a matter of fact, as you know, since 1996, welfare is no longer welfare. It's now called Temporary Assistance to Needy Families. And we work very closely with them to —. Commissioner Odell said, unless you're a tobacco company or a big oil company, it's permanently —. Mr. Finney said, to be frank with you, we have an employment section of our agency that placed 25 people on jobs for the month — the past 30 days alone. So we are not, I guess you might call a single purpose agency. We are multi-dimensional in that we tried to address all of the problems that are socially weak with poverty and low income individuals.

Chairman Liakakis said, okay. Thank you very much. I'd like to call on Union Mission next.

Ms. Lavanda Brown said, good morning. I'd like to thank the Commission for allowing me this opportunity to present before you today. My name is Lavanda Brown and I'm the Chief Operating Officer of Union Mission. Union Mission simply exists to end and prevent homelessness in Savannah. We do that by providing a variety of services. We try to not only address the housing and basic needs of homelessness, but also addressing the causes of homelessness and trying to end

homeliness permanently through employment, through behavioral health services. We have enrichment programs and educational programs for children. Right now we're really focusing on permanent supportive housing, and the reason why we're having to focus on that is as we are ending homeliness through our transitional housing and through our emergency shelter, we're also finding that our folks are having a really difficult time locating affordable housing in the community. As you know, some of the privatization of HUD apartment complexes has reduced affordable housing in this community through the last five or so years. Our folks also have difficulty with some criminal backgrounds and their history. They have low education, low job skills. Last year we placed 321 individuals in full-time permanent jobs. Even with that it's still difficult if you are — if you have any challenges, if you have children, to move on into permanent housing. Currently, we operate over 75 apartments that are scattered throughout the community. Even with those apartments, we're finding that the landlords are not as willing to work with our population. So we're finding that we have to be our own landlord. We just recently purchased the St. Pius Convent from the Franciscan Sisters to provide permanent housing for women, and this project, which we are calling the Dutchtown Project, that's located on Middleground Road, is five acres that we're attempting to do new construction and build anywhere from 38 to 44 apartments, depending on the funding. The reason why the funding is so important at this point is the longer we —, we're laying funding and, as you know, the cost of construction is rising every day, and the more we linger on trying to pull the funding together, the higher the cost is getting. We currently do have HUD dollars that are designated for operating the apartment complex. We will subsidize our tenant's rent. They will also pay a portion of there rent. It is very important to us that our clients live independently but that they also live self-sufficiently. And so they do pay a portion of their rent and also we have some HUD dollars that are already designated to the construction of this project. What started out as a \$1.5 million renovation project has now turned into a \$3.5 or \$5.5 — depending when we get started — new construction project. Initially, we were going to renovate the existing structure. After getting into the building and finding out some of the deficiencies, we realized that it would be more cost effective and we could build a much more state of the art and a much more comfortable facility for our residents. We're looking to do blended housing with one, two and three bedrooms. So we will house single individual as well as families. The Overcoming By Faith Church is building a playground that we will be able to have access to on that same side of Montgomery Crossroad, and we will have a community center for on-site case management, on-site employment services, on-site behavioral health, as well as primary care.

Chairman Liakakis asked, do you have any questions? Chairman Liakakis recognized Commissioner Kicklighter.

Commissioner Kicklighter said, yes. The written part here says seeking fund for 35 units to house people with long-term disabilities. Ms. Brown said, right. According to —. Commissioner Kicklighter said, well, I want to —, but then verbally you said housing people like criminal records and stuff, and I'm going to be honest. This is on Middleground Road. I assume in my district. I assume in my district, and —. Commissioner Odell said, it's my district. Commissioner Kicklighter said, and I want it —, I mean, I —. Commissioner Odell said, but you can approve it. Commissioner Kicklighter said, that's what I'm saying. It's one of those not in my backyard, not in his backyard. Commissioner Odell said, it's in my backyard. Commissioner Kicklighter said,

yeah, that's what I'm saying. You know, helping people with disabilities, that's the people in the world I think we should help people that can't help themselves. But committing a crime is not a disability. That's a totally different story. I personally don't feel sorry for those people. Ms. Brown said, I understand completely. Commissioner Kicklighter said, and I don't want them in my backyard and I don't want them in his and, you know, which is it? You want 35 units for people with disabilities or —, because then you went on to say for people with behavioral disorders —, you know, all that. Ms. Brown said, behavioral health disabilities. Some of our folks, according to HUD there are several types of disabilities. You have behavioral health disabilities, you have physical disabilities, and there are also disabilities related to long-term chronic substance abuse —, I'm sorry, there are four —, and HIV illness. When I spoke of criminal backgrounds, we have some folks who do have —, who have had chronic long-term substance abuse and may have had DUI's in the past. Public housing has very strict policies on — and other private complexes have very strict policies on any type of any type of criminal background. Commissioner Kicklighter said, well, our President had a DUI so, you know, I don't think that —, I don't believe the neighborhood is going to come out raising cane anyway about somebody, although it's not a good thing to have, but crack addicts and whatever that have turned into criminals and disability-wise was easier for anybody to accept, and as far as me anyway supporting as people that has a —, if they have a physical or complete mental disability that they can't function. Ms. Brown said, this particular project, when I was speaking of our folks and the fact that Union Mission is looking at being our own landlord, and we're purchasing property so that we can manage them ourselves, I was speaking of all of our clients and all of the different projects. We're working on several permanent housing projects, as I spoke of at St. Pius Building, you know, and other things that we're working on. This particular project is HUD-sponsored. It will be for individuals that have behavioral health disabilities as defined by HUD. So when I was speaking, I was speaking in general terms as far as the direction that Union Mission is going. Commissioner Kicklighter said, well, y'all are wonderful. Please don't —, somebody, and I appreciate that y'all —, somebody has to help and y'all are doing a great job of it. We've got three choices here and my —. Ms. Brown said, we have met with the neighborhood in that community. We met with them at the, uh —. Commissioner Odell said, the Baptist Church on Tibet. Ms. Brown said, yes, and, you know, we're really supporting —. You know, of course, we've been here before as far as neighborhoods are concerned, but we were very, very proactive and met with this neighborhood. We haven't done anything to the property as of yet, and we've already met with the neighborhood. We're very willing to keep them involved in what we're doing and we understand that, you know, there is a not in my backyard issue, and we all live in neighborhoods so we completely understand. Commissioner Kicklighter said, thank you for doing what you're doing. Just we've got three good choices, so we'll have to —. Thanks.

Commissioner Odell said, this is on the turn on Middleground Road? Ms. Brown said, yes sir. Just on the —. Commissioner Odell said, vacated housed. Okay. Now tell me again, this will be used —, the desire is for people who or families. Is it for individuals or families? Ms. Brown said, either one. We're going to do mixed. Commissioner Odell said, okay, and you're talking about 44 units? Ms. Brown said, we are in this application looking at 35 units. We actually —. Commissioner Odell said, 35. Ms. Brown said, we actually have an architectural rendering that can accommodate up to 48. Commissioner Odell said, okay. And the project has skyrocketed now to \$5.5 million? Ms. Brown said, if we want —, depending on if we want to do the entire five

acres at one time, yes, it could be as much as \$5.5. Commissioner Odell said, I'm not certain if I —. my mind requires the information given to it in a certain way, and I guess my question is am I going to give 35 apartments for \$5,500,000? Ms. Brown said, no, you will not. Commissioner Odell said, okay. Ms. Brown said, if we go to the 48 and do it, you know, at one time —. Commissioner Odell said, I was looking at your unit cost and I was wondering why don't we just buy houses at The Landings. Ms. Brown said, then we would have a problem. Commissioner Odell said, that's one example. And, two, is what was told in that neighborhood association is, the Colonial Village Neighborhood Association, was that it would be families, that no one would be there who had a criminal record. Ms. Brown said, right. Commissioner Odell said, it would be —, everybody hits some hard times occasionally, and a community needs to be compassionate and care. A mother would two children and her only problem is that she married the wrong person and now she's seeking employment, everyone would support that. Ms. Brown said, right. Commissioner Odell said, but I too would share with Dean Kicklighter that if you are on the rape hot list —. Ms. Brown said, oh, no. Commissioner Odell said, I don't care, whatever the problem is, sticking them there in that family environment —. Ms. Brown said, we would not do that. Commissioner Odell said, — is something that I adamantly must oppose. Ms. Brown said, absolutely not, and we don't even do that in our shelter. Commissioner Odell said, I know because kids play in the streets freely. That's a relatively safe neighborhood. Ms. Brown said, absolutely not. Our purpose is to put our folks in a safe environment where they can live to be self-sufficient and independent. Commissioner Odell asked, have you all planned to receive the \$500,000 or this is if we get it, we can do the 48 apartments? Ms. Brown said, we are layering funding and we are hoping to do 48 because, of course, the longer we wait then won't be \$5.5, it would have to do the other 18 units. It will be, you know, a seven or eight million dollar project. So, yes, if we were to do all 48, we would need the \$500,000. Commissioner Odell said, absolutely. But you have not budgeted this money because the grant was not known when the project was an initiated. Ms. Brown said, we bought this land in 2004. Commissioner Odell said, right. And the project as originally framed was a \$1.5 million project. Ms. Brown said, when we purchased it, yes, as a renovation. Commissioner Odell said, and from that it was your intention to do 25, 30 units, and you had funding from HUD or some other places to complete that \$1.5. Is that true? Ms. Brown said, that is true and then construction —. Commissioner Odell said, I know. We need to [inaudible]. Ms. Brown said, — got out of whack and we realized we couldn't renovate what was there and we would have to [inaudible]. Commissioner Odell said, I supported the program although I live right there and my neighbors all lit a torch and it's like in the Frankenstein monster saying that we need to be compassionate about people who find themselves in a crisis and a lot of these people do, and I think it's a necessary worthwhile program. I just wish we had more decision-making and more money.

Ms. Brown said, well, if I could, just add that we do —, as I said, we have over 75 apartments in the community that we pay other landlords to house our clients, and we have very difficult times. You know, we got a call from the City that one of the units is, you know, just not up to code. We have 11 units that aren't meeting HUD inspections, and HUD want reimburse up, and the landlord won't fix it. You know, we're having multiple problems, even just with the apartments that our folks are currently staying in, and our only solution to that is to be our own landlord because we completely understand what our clients need and we want nothing but the best for them, and its not about collecting rent for us. It's about our clients being self-sufficient.

Chairman Liakakis said, okay, thank you. Antwan [Smalls], you wanted to ask a question. Youth Commissioner Smalls said, yes. Would you all be conjoined with DFCS or would you all be supporting the families on your own? Ms. Brown said, as far as supporting subsidizing their rent? Youth Commissioner Smalls said, yes. Ms. Brown said, well, we actually have an employment program where the client can go through and they get employment placement, they learn how to not only obtain employment but maintain employment. We also have some fields training to get them marketable skills. We do work with DFCS, we do have a program, that is funded through DFCS for employment of women who are having a difficult time getting off of [inaudible].

Chairman Liakakis said, thank you very much. We appreciate your presentation. We appreciate your good work. Now we'd like to call on Park Place Outreach.

Mr. Jim Overton said, my name is Jim Overton. I'm a Board member and this is Queen Bing, who is also a Board member. Bob Egan, who is our President, was inadvertently called away and I apologize for him not being here. We are intending on trying to build a new facility next door to the one with have, which is woefully inadequate, and serve the need of children in crisis. Part of our mission is to take children in who are runaways and also children who are being picked up by the Savannah-Chatham County Police Department. We think that we are probably one of the first organizations that has a chance to make a difference with young children in respect that we have peer manners in our organization, help to guide these children and get them hopefully back to the family, and other help to allow them to become responsible adults. We're here to ask your support and aid, and —.

Commissioner Kicklighter asked do you take children also that the parents may not be fit? Mr. Overton said, we do.

Ms. Bing said, may I say this. A lot of times people think that children is the problem. Sometime it's the parents that's the problem. Commissioner Kicklighter said, that's right. That's where my question —. Ms. Bing said, these children, when we put our arms around these children between the age of 11 and 18, we can help them. Children need to know somebody cares. We have children that walk up on the porch, ring the bell, crying. Sometimes they be out there in the street until they get tired. The first thing we do, give them a hot bath, give them some food and a place to stay until we can make other arrangements. Sometimes we can put the child back into the home. Sometimes we have to call in DFCS, but whatever the situation is these children are crying for help. And I've seen changes in the 18 years that I've worked there. I've seen great changes. I've seen kids come in there, we sit around the table and play games, they want to [inaudible]. They always find out they can't read. We have tutors to come in the afternoon and work with these children, and we work with them. DFCS, we work with Juvenile Detention Center, but as I was saying, if we put our arms around these children between the age of 11 and 18 and let them know that there is hope, regardless of what the situation is. There is hope and love as we adults put our arms around these children and let them know we care, and we need your support.

Mr. Overton said, I don't think I could have said that any clearer. Commissioner Kicklighter, with regard to our need, we do need to get application money, funding the business matters at hand or [inaudible]. Our proposal is about \$1,400,000 to do this. We have in equity about \$400,000

and [inaudible] we weren't going to sell the home that we're in to provide some of the funding. We're reaching right now at about \$100,000 in private donations. That's about a half a million dollars. With this grant, it will be another \$500,000 and we'll be two-thirds of our way. From the standpoint of our planning, our design is complete from the standpoint of the schematics. We're currently zoned by the City to allow this to occur, and we think by the beginning of next year we can be under construction and providing just a tremendous facility for these folks who do what Queen [Bing] just told you that we do.

Commissioner Kicklighter said, can I finish —, I was kind of in the middle. I think that what you're doing is absolutely wonderful. I think we now live in a society where from childhood a lot of people are not taught that there are consequences for actions. I think there's a lack of structure and stability for a lot of the kids in the world, and I think what happens when someone grows up knowing that there's no consequences for their actions, I firmly believe that by lacking that knowledge they never learn to respect anyone. And I think what you're doing is definitely back on the right track of correcting —, actually correcting a lot of the problems in society today especially if you can expand and keep expanding to be able to take children in that have unfit parents and, in doing so, what happens is by —, and I know because my wife is an educator —, I know that there is love for entire classrooms from that teacher, and I think you place rules —, there's consequences for negative behavior and the children have that structure in their life. They understand that there's consequences for actions that will in turn teach respect. And I just — I really think that y'all are doing the right thing and I think you're needed. I think you need to expand. I think you ought to dream much larger and eventually get it where you can house every child around that has an unfit parents [sic]. I think it's wonderful and I think there's a lot of great people out there that actually take children into their homes as foster parents, but again there's no —, there's not only a criteria out there, or that's not one to have a child, and because of the lack of space to house children today, I don't know that foster parents are scrutinized as much as they should be. And with groups like yours, there's going to be more than one adult around which most likely would prevent abuse to the children that could occur in foster type situations, and I think you're on the right thing for this because I firmly believe that the others will succeed in their goals without the assistance. Y'all have my support on this.

Ms. Bing said, before I leave, may I tell you all a story. Every time I think of it, it breaks my heart. A little girl was brought in one night —, one morning before day by the Police Department. She had places on her from the side of her face all the way down, it looked like somebody just laid liver. That's just how large the wounds was, the whelps. Her mom came home and she was high on crack and she said a dog was in the bed and she was beating that child. And the child was able to escape and run outside and the neighbor called the police. These children need our help.

Chairman Liakakis recognized Commissioner Shay. Commissioner Odell asked, did the mama go to jail. Ms. Bing said, yes, she did. Chairman Liakakis said, Patrick Shay.

Commissioner Shay said, the reference that you just made to cooperating with the Metro Police Department is interesting to me. One of the things that I've become aware of through participation in neighborhoods association meetings is that after hours our police officers somehow pick up young people on what would be simple curfew violations and because of their other duties and

so forth, this I'm told is one of the places where they could bring young people so that they can —. Ms. Bing said, this is the place. Commissioner Shay said, — be housed or cared for in your case while they're attempting to contact the parents rather than having to ride them out to the Youth Detention Center or in a lot of cases just ride them around in the back of a squad car until the morning comes. Is that correct? Ms. Bing said, yes.

Chairman Liakakis recognized Commissioner Stone.

Commissioner Stone said, I just want to make a comment that some of the research that I've been doing on the recent crime is no secret and it's been stated already here today that some of our most violent crimes now are committed by juveniles, and it seems to me that you all have got the right approach here, starting with 11 to 18, and give these children a sense of being before they reach that breaking point. And if I understood you correctly, I just want some clarification, with this grant you would be about two-thirds of the way to completion. Mr. Overton said, that's correct. Our underwriting for the private funding started about two months. We expect it to take another six months, but the remainder of the monies needed, one-third, will come from private donations from individuals as well as corporations that we're going to solicit, as well as we're going to solicit all of you, too, by the way. Commissioner Stone said, well, I think Commissioner Kicklighter said it very well, so I'll let it go at that, but I just wanted to clarify that this would get you all two-thirds of the way to your position. Mr. Overton said, that is correct. Commissioner Stone said, thank you.

Chairman Liakakis said, just a minute. We've got some more Commissioners that want to ask questions. Chairman Liakakis recognized Commissioner Farrell.

Commissioner Farrell said, after listening to the three presentations, I feel like that your organization ability to reach troubled children at a critical time in their lives is very important in our community right now with the crime rates and the problems that we're having. The function that you provide is critical to our community, and it sounds like this funding is critical to your mission. It's very difficult to sit in this seat today to have to make this decision, but I'm going to speak in favor of your mission and your project on the merits of what you're doing, and I want to just let y'all know that.

Chairman Liakakis recognized Commissioner Thomas.

Commissioner Thomas said, thank you. You certainly do have a great commitment and I did —, someone did call me, I want to make that known, from this particular agency, from Park Place, and I did speak with them. However, at the time when I spoke with them I was not aware of the fact that we could only select one, as I, you know, preferenced my opening statement. So whichever way I go today, even if I do not vote for you today, it doesn't mean that I'm not with you and will not support you, but I will do that. However, I would like to know how different your program is from the Greenbriar Children's Program that we now have in Chatham County, because it seems like some of it will be overlapping because they do — they have been taking them to Greenbriar Center. It deals with the same situation that you're talking about, and what I'm looking at I would like to see most times we center our attention on the middle-aged kids and

above. If we're going to really put a dent in a lot of the problems that we are having, not only in the Savannah-Chatham County community, we have got to start from kindergarten —. Ms. Bing said, up. Commissioner Thomas said, on up. Ms. Bing said, that's right. Commissioner Thomas said, we start from there and not wait until they get 11 to 18, you know, before we start doing something. And so I just want to know how different your program is from Greenbriar? Ms. Bing said, our program is more like an emergency program and we'll have children to come to us and stay a certain length of time. As I told you, we work with the County, we work with DFCS. If DFCS approve it, the child can go back in the home and the family be monitored and the child can go back in the home. If it's long term and we can't find a place, sometimes DFCS places those children at [inaudible] and Greenbriar. But they come to us and we try to work out their situation first. Commissioner Thomas said, all right, I just want you to understand that I may not go with you today and it doesn't mean that I'm not with you. I do plan to do exactly what I said. I can get with you later and try to work out some other activities, some joint activities, to help you to be successful, and I will continue to do that. Ms. Bing said, thank you. Commissioner Thomas said, I just want to say that openly.

Chairman Liakakis recognized Commissioner Gellatly.

Commissioner Gellatly said, Mr. Chairman, I don't have a specific question for them. I just want to be the head out list when you get ready to talk about the three programs in general. I don't have a specific question for them. If there's another Commissioner that has a specific question, when they're seated, I'd like to be the next person to talk.

Commissioner Holmes said, I don't have a specific question for them, per se, but I just wanted to say that we have three dynamic organizations coming before us, and you put all of us in a position to make some tough decisions. But I base my decision on several things. The number one thing that I based it on is watching an agency with their track records. Then I watch an agency to see how the trend of the City is moving, and if you look at the City of Savannah, crime is one of your number one problems. So I'm dealing with the agency that do preventive development other than dealing with the youth. I will not speculate whether I will give you or any other agency my vote, but the power of my vote will be on the decision when I vote.

Chairman Liakakis recognized Commissioner Odell.

Commissioner Gellatly said, I didn't give up my —. Let me rephrase my thing. If no one has any specific questions — Commissioner Odell said, I have some specific questions. Chairman Liakakis said, he has questions. Commissioner Gellatly said, well, when they're finished with them, then I'd like to be first, Mr. Chairman.

Commissioner Odell asked, how many children do y'all serve? Ms. Bing said, we are able to house 12 children. We have 12 beds and a lot of times children come to us and we don't have room for them. Then that's when we call other agencies. We call DFCS to come in and make sure that these children have some place to go. Commissioner Odell asked, and what do they do with the children? Ms. Bing said, we council the children and work with their parents. Sometimes the children can go back into their homes. A lot of times DFCS don't see where they

need to go back into the home after they come to us and find out what's going on in the child's life. Then they have to place them. Sometimes they place them at Greenbriar, sometimes they place them in foster homes. We have a child right now, a dad got angry and just went crazy and beat her up. She's at the Center now. Commissioner Odell asked, is he in jail now? Ms. Bing said, beg pardon? Commissioner Odell said, I hope he's in jail now. Well, talk to me later and we'll arrange that. Next door is the property you desire to purchase and renovate? Mr. Overton said, actually we own the property now. Commissioner Odell said, okay, but you want to renovate it? Mr. Overton said, no, we want to build a new facility and we're going to sell the facility that we're in. So we're just moving next door. Commissioner Odell asked, and what will it increase your capacity to? Mr. Overton said, well, we'll go to 14 students, 14 beds, but more importantly we're able to provide more facilities within the public area of the house to not be on top of one another and to have counseling, private counseling and to have private offices in order to —. Commissioner Odell said, so half a million dollars will increase your capacity by two. Mr. Overton said, well, it's two beds, yes. Commissioner Odell said, right, you're going from 12 to 14. Mr. Overton said, the real need is for the public area to be enhanced and improved. Ms. Bing said, and we might be able to go up to 16 beds. Commissioner Odell asked, you only serve from 11 to 18? Ms. Bing said, yes. Commissioner Odell asked, what happens to the 10 and 9 and 8. Where do they go? Ms. Bing said, well, in emergencies we had one child we took was 10 and a half years old, due to his condition. We had to take him in. We just couldn't let him leave. But the parent —, we contact the child's parents —. Commissioner Odell said, normally you serve 11 to 18, that's part of your mission statement. 10, 9 and 8, where do they go? Do they go to Greenbriar, do they go to Bethesda, do they go combination —, where do they go? Because they just don't emerge at 11. Ms. Bing said, well, that age we call DFCS. Commissioner Odell said, so DFCS would intervene and —. Ms. Bing said, yes. Commissioner Odell said, and find a place for them? Ms. Bing said, yes. Commissioner Odell said, okay. You have \$1.4 million need? Mr. Overton said, that's correct. Commissioner Odell said, and you have approximately a half a million dollars, \$500,000, excluding this amount. Is that true? Mr. Overton said, it breaks down, we need a \$1.4 million for the entire facility. Between the equity that we have in our current project and our donations to date, we have \$500,000. This grant will be another \$500,000, and we're two-thirds of our way, and we need to raise another \$500,000. Commissioner Odell said, okay. Thank you. You'd do great work and I appreciate you.

Chairman Liakakis said, thank y'all very much.

Mr. Overton said, I neglected to introduce two of my colleagues. One, a Board member, Robert Smith, is here to support our need and also Linda Lamas, that you all probably know, our Executive Director.

Chairman Liakakis said, thank y'all very much. Ms Bing said, thank you.

Commissioner Kicklighter asked, are we going to vote? Chairman Liakakis said, yeah, we're going to be voting in just a moment. Commissioner Kicklighter said, okay.

Chairman Liakakis said, now I have to ask another question. Is there any other particular group that would like to come forth with a proposal for this CDBG funding? Any other person in this

audience? Okay, so that closes out. We have three organizations: Economic Opportunity Authority, the EOA, Union Mission, and Park Place Outreach. And one of the things for us to consider, of course, is what you feel that's doing that particular service to the community. It's really sad that we can only pick one today, and hopefully that the other two, if we get additional CDBG funding, that we can have those other two organizations come back, you know, and consider them also so that we can help them because it's important that we help as many of these organizations, especially these three organizations. We can see one that's been here for, you know, 40-plus years, and others, the Union Mission and, of course, the Park Place Outreach, what they have done. They've been really good in our community. So right now I'll take comments from our Commissioners. Dave [Gellatly] is first.

Commissioner Gellatly said, I too think that all three proposals are excellent. I'm only sorry that we don't have enough money to fund the all. Regrettably that we don't, and I'm going to make my decision on several factors. I think that I'm going to vote for the first proposal and I'm going to do that for the simple reason that I'm aware of this organization, have been since 1980. They've always been underfunded. They've —, almost every year that I've —, since 1980 when I've talked to either John Finney or Terry Tolbert, they would tell me how their budget has been cut, but their work product has never been cut. They always produce and when they show us a proposal and they show us the building and well planned, well thought out exactly what they're going to do and how it's going to be used, I think that if we're ever going to break the cycle of poverty and we're forever going to reduce the crime rate, the first thing that we need to do is we need to get people that desperately need employment back into the work force, and to do that these people very often have children that need to be cared for, and I listened very carefully, I looked at the material that was given to us, I know the people that are involved, and I think that is a well thought out program that we're going to get an end product out of. And, like I say, we need to break this cycle and I think that out of the three proposals, this will be the best proposal to break the cycle of poverty and crime, and for that reason I'm going to support the first one.

Chairman Liakakis recognized Commissioner Kicklighter.

Commissioner Kicklighter said, Mr. Chairman, based on the fact that Park Place is smaller than the other nonprofits and my belief that it would probably be harder for them to raise the money to achieve their goals, and only for that reason because I think all three are wonderful, but I just truly believe they're smaller and without this grant, that it would be maybe years before they could complete their goal, I will make the motion to approve the block grant for Park Place.

County Attorney Hart said, Mr. Chairman.

Chairman Liakakis said, well, here's the way I'm going to do it. Commissioner Kicklighter said, we have to end the public hearing first. Chairman Liakakis said, let me just say this, that we have three and we vote on each one separately. Chairman Liakakis said, well, you need to complete your comments and close the public hearing and then vote on the action. Chairman Liakakis said, yeah, and then what I'll do is I'll take one, two, three and then, you know,—. Commissioner Kicklighter said, close the public hearing and then get moving when we get —. Chairman Liakakis

said, in other words, and it's fair, we just go one, two, three and you vote however you feel that —, for whatever organization.

Chairman Liakakis said, all right, Dean [Kicklighter], you've already spoken.

Commissioner Kicklighter said, I make a motion to close the public hearing. Chairman Liakakis said, you've got to let the Commissioners —. Commissioner Kicklighter said, well, we talk before every vote anyway. Chairman Liakakis said, make a clarification on this. County Attorney Hart said, that motion will be out of order. Y'all need to complete your comments and then just close the public hearing.

Chairman Liakakis recognized Commissioner Stone.

Commissioner Stone said, I'll be brief. My reason for supporting Park Place would be with this money they would be two-thirds of the way there, and this could be something that could be implemented, I would think relatively quickly and I just think that that in light of the fact that they're going to try to take these children that don't have anywhere else to go, so I'll close with that.

Chairman Liakakis recognized Commissioner Odell.

Commissioner Odell said, Park Place cannot complete the project with this \$500,000. Their capacity will increase to 12 to 14. So that's about \$250,000 per kid. I think it's an excellent program. Union Mission, this is an opportunity. Their program was initially run from five, now it's \$5.5 and I'm not sure —. EOA has a definite plan. I disagree with the thought that we need to get them when they're teenagers. You all need to get them. Y'all need to get them to stop committing crimes at that age, but you need to get them in daycare. If you wait until they're 11, 12, 13, 14, 15, your conversion rate is almost nil. My vote is based on the most money for the most good, and that to me is EOA.

Chairman Liakakis recognized Commissioner Holmes.

Commissioner Holmes said, very brief. I'm going to base my decision on track record and development, and it goes back to who deals with these kids at an early age to prevent any problems that arouses in your life. So I'm going along with the EOA.

Chairman Liakakis recognized Commissioner Shay.

Commissioner Shay said, I think it's, before we close the hearing it's important for the public to understand that we're not actually voting on a grant, but the Community Development Block Grant people, whoever those are, will actually make the decision about which, if any of these agencies, get funded and because we were not given any information about how CDBG will make their decision, we're basically making King Solomon's decision up here with a blindfold on. All three of these are worthy agencies and all three of these are worthy projects. I have no idea which of them has the best chance of being successful with CDBG, so I just want the public to understand that somebody further up the food chain has made the decision that they would ask us to make

a decision without knowing how they wanted us to make the decision. It's a little frustrating, I think, as a Commissioner to be faced with this choice. That's all I'm saying.

Chairman Liakakis recognized Commissioner Farrell.

Commissioner Farrell said, well, I basically stated what I wanted to state a few minutes ago. I think that their mission is reaching children at a critical time in their lives that have not been reached, that have fallen through the cracks through some of the other systems that we have in place, and that they're the most likely group of people, the runaways and the abused children, to be our next crime problem and our person in the jail, and that sort of thing, and I feel like that their mission is important and if this help gets them out of a ramshackled building and into a modern facility that should carry them into productive use for many, many, many decades, I think it's time that, you know, I could just speak for myself that we reach this group. I don't think I've ever seen them or heard of them coming to the County for any funding before. Some of the other groups are very well established and have been in the community and have ties throughout in many, many different ways, and they're doing great work also and doing a wonderful job in providing very much needed services. This organization seems like they would —, this would have an high impact on their mission and could negatively affect it or postpone their mission to some extent for a longer period of time than perhaps the other two very necessary and productive grantees. So I just think that with the juvenile delinquency problem skyrocketing, according to our juvenile judges reports to us over the last year or so, that, you know, if we don't reach these people now, they're going to be in our jails and they're going to be our big problems in the future. So, you know, this is kind of like a last gasp to put our arms around these particular children and try to save them before they fall off the cliff, and I can't agree more that EOA has got the right idea also that they're the beginning and they're doing the right thing, and I can't express enough support for them. And I'll say again that I feel that I'm in a very difficult position to have to choose one out of these three, and it's only by the slimmest of margins that anyone of them could go ahead of the other because they're all very important missions and very necessary missions.

Chairman Liakakis recognized Commissioner Thomas.

Commissioner Thomas said, I pretty much have stated what I needed to say other than the fact that it is a difficult decision. If I were in a position, I would fund all three of them. However, it has been my feeling that we should really make an impact at an early age, and for the reasons that Commissioner Gellatly gave, I agree with those wholeheartedly because you have got to start from the bottom, the grassroots of the problem and you cannot wait until these people get to be teenagers because it takes longer to turn them around. So, therefore, I will be voting of the EOA proposal.

Chairman Liakakis said, okay, I'd like a motion on the floor to —. County Attorney Hart said, let's close the public meeting and then let's —. Chairman Liakakis said, that's what I'm doing.

Commissioner Farrell said, so moved. Commissioner Gellatly said, second. Chairman Liakakis said, let's go on the board. The motion carried unanimously. Chairman Liakakis said, the motion passes.

Chairman Liakakis said, now I will call for the vote. We have three great organizations, as I mentioned before. What will happen is that, you know, this application will go to the CDBG application and that particular organization that is chosen will work with the County to fill out and talk about their mission and it goes to the Georgia Department of Community Affairs. They're the ones that distribute the CDBG fundings that come from the Federal Government every year. The City of Savannah has had this for many years and there are quite a few projects that they finance through their CDBG funding.

County Attorney Hart said, Mr. Chairman, due to the fact the way our Enabling Ordinance is written, you're going — and my understanding is the preference is to take each one individually and vote —, you're going to have to vote and everybody is going to have to vote. If you're for it, you're going to have to vote yes, but everybody is going to have to make two negative votes, and that's just the way it's written.

Chairman Liakakis recognized Commissioner Kicklighter.

Commissioner Kicklighter said, I'll make it easy. I make a motion that we approve Park Place and I'll state before that that I understand where everybody's coming from. If they created a brand new paint that you could put on a house that would last a hundred years, all new construction should have it on them, but what are we going to do with the existing homes when they need a paint job. Right now we can catch them early, which is great. The EOA, where we have existing children that were not caught early, that they need to be caught now, and that's it. We've got to remodel our paint to existing homes out there, to put it in a different way, so, you know, and like I said, if it was just based on the fact, I don't believe —, I believe it would be very hard for them to succeed, them compared to the other large areas, so based on that I will make a motion to approve Park Place. Commissioner Stone said, second. Chairman Liakakis asked, do we have a second. Commissioner Stone said, second.

Chairman Liakakis said, okay. I'm not going to vote. I've had dealings with two of these organizations, so I at this point am not going to vote. All of these organizations are great. Hopefully, that we get additional CDBG funding, but —. County Attorney Hart said, you need a motion to recuse yourself. Commissioner Thomas said, I move that Chairman be recused from voting. Chairman Liakakis asked, do I have a second? Commissioner Odell said, I'll second. Chairman Liakakis said, all in favor go on the board. The motion carried unanimously. [NOTE: Chairman Liakakis did not cast a vote on this motion.] Chairman Liakakis said, the motion passes.

Chairman Liakakis said, okay, we have a motion on the floor and a second that —. Commissioner Kicklighter said, for Park Place. Chairman Liakakis said, for Park Place. So you either vote yes or no, as our County Attorney just stated. So —. Commissioner Odell said, so you vote no, you're voting —, you potentially want something else. Chairman Liakakis said, that's correct, you're voting for something else. Commissioner Odell said, got you. Commissioners Stone, Shay, Farrell and Kicklighter voted in favor of the motion. Commissioners Holmes, Odell, Gellatly and Thomas voted in opposition. The motion failed due to a tie vote of four to four. [NOTE: Chairman Liakakis was recused from voting.] Commissioner Gellatly said, see what

happens when you excused yourself. County Attorney Hart said, the motion fails. Chairman Liakakis said, the motion fails.

Commissioner Kicklighter said, no one's going to get the grant.

Commissioner Odell said, I vote to approve ERA. Commissioner Gellatly said, second. Commissioner Thomas said, second. Commissioner Shay asked, where does this leave us if I —. Chairman Liakakis said, wait a minute. Well, if you do, all of them — nothing will happen today. I mean, it fails. In other words, if you don't vote for —. Commissioner Thomas said, nobody gets the file. Commissioner Odell said, unless one of the opponents recuse themselves. Commissioner Shay said, this is truly a King Solomon's choice here. Commissioner Odell said, and you're King Solomon. Commissioners Holmes, Shay, Odell, Gellatly and Thomas voted in favor of the motion. Commissioners Stone, Farrell and Kicklighter voted in opposition. The motion carried by a vote of five to three. [NOTE: Chairman Liakakis was recused from voting.] Commissioner Odell said, I think we've got a winner.

Commissioner Kicklighter asked, okay, then can I just go ahead and change my vote and approve it, too, because I have nothing against the group that won now that I see the way it went? Chairman Liakakis asked, Mr. Attorney? County Attorney Hart said, your vote is your vote. Commissioner Kicklighter said, that's all right.

Chairman Liakakis said, okay. All right, we have that approval. Then we have those two. Union Mission has not had anyone speak in their favor so what we'll do then, Mr. County Manager, if you will get with EOA to prepare their —, help them prepare their statement so that we can send that to the Georgia Department of Community Affairs. County Manager Abolt said, yes sir. Mr. Monahan will begin working on it immediately. He is in the back of the room right now.

Chairman Liakakis said, and thank —, we'd like to thank Union Mission and we'd like to thank Park Place because both of those organizations have done a great deal in our community over the years, and hopefully when I saw this CDBG funding available I discussed it with the County Manager and, of course, we didn't know that it had to be just one organization until it was clarified to us, but when some other funding comes in, and I will request that where we can so that we can hopefully help the other two organizations and get funding for them also through this program. Okay. All right, folks. Thank you very much. Appreciate it.

ACTION OF THE BOARD:

- a) Commissioner Farrell made a motion to close the public hearing. Commissioner Gellatly seconded the motion and it carried unanimously.
- b) Chairman Thomas made a motion that Chairman Liakakis be recused from voting on this issue because he previously has done business with some of the applicants. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Chairman Liakakis did not cast a vote on this motion.]

- c) Commissioner Kicklighter moved to approve the application of Park Place to receive a Community Development Block Grant in the amount of \$500,000. Commissioner Stone seconded the motion. Commissioners Stone, Shay, Farrell and Kicklighter voted in favor of the motion. Commissioners Holmes, Odell, Gellatly and Thomas voted in opposition. The motion failed by a tie vote of four to four. [NOTE: Chairman Liakakis was recused from voting on this issue.]
- d) Commissioner Odell moved to approve the application of Economic Opportunity Authority to receive a Community Development Block Grant in the amount of \$500,000. Commissioners Gellatly and Thomas seconded the motion. Commissioners Holmes, Shay, Odell, Gellatly and Thomas voted in favor of the motion. Commissioners Stone, Farrell and Kicklighter voted in opposition. The motion carried by a vote of five to four. [NOTE: Chairman Liakakis was recused from voting on this issue.]

AGENDA ITEM: IX-3**AGENDA DATE: March 24, 2006****Date:** March 16, 2006**To:** Chairman and Members of the Board**From:** R. E. Abolt, County Manager**Subject:** "New Experience" regarding Community Development Block Grant
"Lobbying" in Advance of Hearing on the 24th of March

Ladies and gentlemen, it has become apparent after calls from Commissioner Farrell that you have been, or may be, contacted by agencies interested in receiving subject block grant. Attached is a staff report from your first meeting in January giving you background. Unlike past years, the burden has shifted from the State to the County as far as choice in which agency should be the successful recipient. That's why the calls.

REA:fqr

Attachment

Date: March 16, 2006**To:** R.E. Abolt, County Manager**From:** Pat Monahan, Asst. County Manager

Subject: CDBG Block Grant Applications

Enclosed is a copy of the agenda item from the January 13 meeting when the Board of Commissioners voted conceptual approval to apply for Community Development Block Grant funding based on applications from three community organizations (EOA, Union Mission and Park Place Outreach). Subsequent to this approval, I verified with Georgia Department of Community Affairs that new rules for the CDBG program restrict one application per local government.

As such, at the March 24 meeting, the Board will need to conduct a public hearing on the proposed projects (I would suggest 10 minutes to allow each group to make its presentation), allow for public comment and then the Board will need to decide which applicant's project should be forwarded to the Georgia Department of Community Affairs. Each agency must also agree to the requirements of matching funds and accountability of public funds (Chatham County assumes the final responsibility for accountability).

~~AGENDA ITEM: X-10~~

~~AGENDA DATE: January 13, 2006~~

TO: Board of Commissioners

THRU: R.E. Abolt, County Manager

FROM: Patrick Monahan, Asst. County Manager

ISSUE:

To provide conceptual approval to apply for Georgia Community Development Block Grant funding on behalf of the Economic Opportunity Authority, Union Mission and Park Place Outreach.

BACKGROUND:

Chatham County has received requests from three local agencies to sponsor applications for Georgia Community Development Block Grant (CDBG) funds. The Economic Opportunity Authority (EOA) seeks funding toward its new center, which includes classrooms, Head Start program and administrative space; Union Mission seeks funding for housing and support services for low-income persons with

disabilities; and Park Place Outreach seeks funding for a youth emergency shelter. Each application seeks \$500,000, the maximum allowed under the CDBG program.

FACTS & FINDINGS:

1. Though the application deadline for funding will not occur until April 1, 2006, the three agencies seek conceptual approval to begin preparing an application and enable the start of capital budget planning.
2. Each agency's specific request can be viewed as attachments, as follows:
 - 2a. Attachment 1 (page 3): The Economic Opportunity Authority (EOA) seeks to reapply for funding toward its new center, which includes classrooms, Head Start program and administrative space (EOA applied unsuccessfully for funding in FY 05).
 - 2b. Attachment 2 (pages 4-5): Union Mission seeks funding for 35 units of long-term housing and support services for low-and-lower income persons with disabilities at the Dutch Town campus.
 - 2c. Attachment 3 (page 6): Park Place Outreach seeks construction funds for a youth emergency shelter.
3. Each applicant would assume all responsibility for completing the application. If awarded, the grant would be made to Chatham County as a local governing authority. This means Chatham County assumes responsibility for ensuring the money will be spent as committed and for annual auditing requirements.
4. Each applicant would also be responsible for providing the necessary cash match.
5. Chances are remote that the CDBG program would fund all three of the applications. Nonetheless, each represents a genuine community need and competition between the applicants as well as with other applicants throughout Georgia will determine which receives funding.
6. The City of Savannah receives CDBG funding as an entitlement city because of certain data reflective of low-income in some areas; however, the City of Savannah generally maintains the funding for city programs as its highest priority.

FUNDING:

Not applicable.

ALTERNATIVES:

1. That the Board provide conceptual approval to apply for Georgia Community Development Block Grant funding on behalf of the Economic Opportunity Authority, Union Mission and Park Place Outreach.
2. That the Board provide conceptual approval to apply for Georgia Community Development Block Grant funding on behalf of only one of the interested applicants.
3. That the Board not take any action in considering submission of a grant in 2006.

POLICY ANALYSIS:

The Community Development Block Grant program provides valuable funding but limits the applicants to certified local governments. Since the City of Savannah already receives CDBG funding as an entitlement community, Chatham County serves as the logical applicant for funding through competition.

RECOMMENDATION:

That the Board adopt Alternative 1.

AGENDA ITEM: IX-3

AGENDA DATE: March 24, 2006

TO: Board of Commissioners

THRU: R.E. Abolt, County Manager

FROM: Patrick Monahan, Asst. County Manager

ISSUE:

To schedule a public hearing for 2006 Community Development Block Grant applications and select one project to submit for consideration of funding.

BACKGROUND:

At the January 13 meeting, the Board gave conceptual approval for three community agencies to begin preparation to apply for 2006 Community Development Block Grant (CDBG) funding. Per CDBG requirements, the Board will need to hold a public hearing to allow for public comments and hear if other groups also want to propose

projects for consideration. To date, three agencies have expressed interest, but the Board can select only one among them or from other groups which may want Chatham County to sponsor an application for up to \$500,000 funding from the Georgia Department of Community Affairs.

FACTS & FINDINGS:

1. Attachment 1 (page 3) provides an agenda which the Board will need to follow per the requirements of the CDBG grant program. Most importantly, the Board will need to conduct a public hearing to obtain citizen views, respond to proposals and to obtain citizen participation in the development of new proposals including identification of community needs and proposed activities. The Board will then need to select from the proposed projects.
2. Attachment 2 provides letters of interest from three community agencies which have previously proposed projects. The Economic Opportunity Authority (EOA) seeks funding toward its new center, which includes classrooms, Head Start program and administrative space; Union Mission seeks funding for housing and support services for low-income persons with disabilities; and Park Place Outreach seeks funding for a youth emergency shelter. Each application seeks \$500,000, the maximum allowed under the CDBG program.
3. Each applicant would assume all responsibility for completing the application. If awarded, the grant would be made to Chatham County as a local governing authority. This means Chatham County assumes responsibility for ensuring the money will be spent as committed and for annual auditing requirements.
4. Each applicant would also be responsible for providing the necessary cash match.

FUNDING:

Not applicable.

ALTERNATIVES:

1. That the Board conduct the public hearing in accordance with CDBG rules and public notice and select one proposal to submit an application on behalf of Chatham County to the Georgia Department of Community Affairs.
2. That the Board conduct the public hearing in accordance with CDBG rules but opt not to forward any applications.

3. That the Board take no action.

POLICY ANALYSIS:

The Community Development Block Grant program provides valuable funding but limits applicants to certified local governments. Since the City of Savannah already receives CDBG funding as an entitlement community, Chatham County serves as the logical applicant for funding through competition for other worthwhile community projects.

RECOMMENDATION:

That the Board adopt Alternative 1.

ATTACHMENT 1: AGENDA FOR CDBG HEARING

CHAIRMAN READS THE FOLLOWING OPENING STATEMENT:

This public hearing on this 24th day of March, 2006, is for the purpose of Chatham County's applying for a 2006 Community Development Block Grant to the Georgia Department of Community Affairs. Before we as the Board of Commissioners begins, let me announce that if any citizens have special requirements or need special accommodations in order to participate equal to all other citizens, including the needs of non-English speaking residents, and you have not previously made arrangements, please let me know now so you can be accommodated.

AGENDA

- I. General Public Comments on Community Needs
- II. Proposed Projects
 - Economic Opportunity Authority (10 minute presentation)
 - Union Mission (10 minute presentation)
 - Park Place Outreach (10 minute presentation)
- III. Other Proposed Projects (each proposing agency will be afforded 10 minutes each for presentations, which should identify needs, proposed activities and how the project will address those needs consistent with CDBG program requirements).
 - The selected applicant will be responsible for working with Chatham County to complete the application.
 - The selected applicant will be responsible for the required match of funds.

–The selected applicant must meet the April 3 deadline with an original and three copies.

IV. Consideration of 2006 Application by Chatham County (Board of Commissioners)

V. Closing

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4. BOARD CONSIDERATION OF COUNTY GRANTING QUITCLAIM DEED PERTAINING TO HARMONY TRACT, FORMERLY KNOWN AS JABOT TRACT, FOR PORTION OF ABANDONED RIGHT-OF-WAY OF OLD QUACCO ROAD NOW LOCATED IN THE CITY LIMITS OF POOLER, FOR PURPOSES OF TITLE CLARIFICATION NECESSARY FOR PRIVATE OWNER TO OBTAIN TITLE INSURANCE ON HIS PROPERTY.

County Manager Abolt said, Mr. Chairman, in the interest of time, this should have been on your Action Calendar. I would strongly urge just to make a motion to adopt Alternative 1 and move on.

Commissioner Kicklighter said, so moved. Commissioner Thomas said, second. Chairman Liakakis said, let's go on the board. The motion carried unanimously. Chairman Liakakis said, the motion passes.

ACTION OF THE BOARD:

Commissioner Kicklighter moved to adopt Alternative 1 of the staff report to grant a quitclaim deed pertaining to Harmony Tract, formerly known as Jabot Tract, for a portion of an abandoned right-of-way of Old Quacco Road now located in the city limits of Pooler, for purposes of title clarification necessary for private owner to obtain title insurance on his property. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioners Shay and Farrell were not present when this vote was taken.]

AGENDA ITEM: IX-4
AGENDA DATE: March 24, 2006

DATE: March 20, 2006

TO: Chairman Pete Liakakis and Board of Commissioners

THRU: R. E. Abolt, County Manager

FROM: R. Jonathan Hart, County Attorney

SUBJECT: Harmony Tract (Formerly Known as Portion of Jabot Tract)

ISSUE

The County received a request to provide a Quitclaim Deed to Provident Health Services for a portion of an abandoned right-of-way of Quacco Road for purposes of satisfying a title insurance company in connection with a real estate transaction. The purpose of this Quitclaim Deed from the County is to clarify the chain of title to the property and does not constitute an actual transfer of real property.

BACKGROUND

As part of the construction of a new overpass across I-16, the Georgia Department of Transportation (GDOT) required the removal of the overpass of Quacco Road closing and dead ending Quacco Road on either side of I-16. The County abandoned portions of the right-of-way on the northwestern side of I-16 which has now been annexed into the City of Pooler. Any property rights that the County may have in the abandoned road were assumed by the City of Pooler. Additionally, it would appear that GDOT may have a property interest in the subject property. This request is for a Quitclaim Deed from the County for clarification in the chain of title and allow the owner to secure title insurance policy with no exceptions.

FINDINGS OF FACT

1. As part of an I-16 overpass project, portions of Quacco Road were abandoned and are now located in the City of Pooler. GDOT may also have an interest in the property.

2. The property has no value or use to the County and, as a practical matter, the County does not have a meaningful legal interest in the property.

3. The request being made is for a Quitclaim Deed from Chatham County for purposes of clarifying chain of title in the property, obtain a title insurance policy with no exceptions and correct the Chatham County land records.

4. The property has no value to Chatham County and no property will be transferred.

FUNDING

N/A

POLICY ANALYSIS

The County does not have a title interest in the subject property and should cooperate with the owner of the property by executing a Quitclaim Deed to allow the owner to have a clear chain of title and obtain title insurance policy with no exceptions. It is in the best interest of the County that the Chatham County land records properly reflect the status of the title in this property for the public good.

ALTERNATIVES

1. Execute a Quitclaim Deed to allow the owner to have clear chain of title to obtain title insurance policy with no exceptions.

2. Do not execute a Quitclaim Deed to allow the owner to have clear chain of title to obtain title insurance policy with no exceptions.

RECOMMENDATION

1. Alternative No 1.

RJH/dc

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X. ACTION CALENDAR

(The Board can entertain one motion to adopt the below-listed calendar. Such motion would mean adoption of staff's recommendation. Any Board Member may choose to pull an item from the calendar and it would be considered separately.)

Chairman Liakakis said, we have Items 1 through 8 and under 8 we have Items A through F. Do we have any comments on any of those items?

Chairman Liakakis said, I move to approve. Commissioner Stone said, second. Chairman Liakakis asked, all items? Commissioner Odell said, all items. Chairman Liakakis said, okay, let's go on the board. The motion carried unanimously. Chairman Liakakis said, the motion passes.

ACTION OF THE BOARD:

Commissioner Odell moved to approve Items 1 through 8-F, both inclusive. Commissioner Stone seconded the motion and it carried unanimously. [NOTE: Commissioners Shay and Farrell were not present when this vote was taken.]

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

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1. APPROVAL OF THE MINUTES FOR THE PRE-MEETING AND REGULAR MEETING OF MARCH 24, 2006, AS MAILED.

ACTION OF THE BOARD:

Commission Odell moved to approve the minutes of the regular meeting of March 10, 2006. Commissioner Stone seconded the motion and it carried unanimously. [NOTE: Commissioners Shay and Farrell were not present when this vote was taken.]

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2. CLAIMS VS. CHATHAM COUNTY FOR THE PERIOD MARCH 2 THROUGH MARCH 15, 2006.

ACTION OF THE BOARD:

Commissioner Odell moved to authorize the Finance Director to pay the claims against the County for the period March 2, 2006, through March 15, 2006, in the amount of \$1,960,302. Commissioner Stone seconded the motion and it carried unanimously. [NOTE: Commissioners Shay and Farrell were not present when this vote was taken.]

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**3. REQUEST BOARD DECLARE SURPLUS AND APPROVE A QUITCLAIM DEED FOR AN APPROXIMATELY 0.14 ACRE PORTION OF THE FOUNTAIN ROAD EXISTING RIGHT-OF-WAY ADJACENT TO U.S. 17, AND TO CONVEY THE SURPLUS PORTION TO DANIEL-THACHER PROPERTIES, LLC.
[DISTRICT 6.]**

ACTION OF THE BOARD:

Commissioner Odell moved to declare surplus and approve a quitclaim deed for an approximately 0.14 acre portion of the Fountain Road existing right-of-way adjacent to U.S. 17, and to convey the surplus portion to Daniel-Thacher Properties, LLC. Commissioner Stone seconded the motion and it carried unanimously. [NOTE: Commissioners Shay and Farrell were not present when this vote was taken.]

AGENDA ITEM: X-3

AGENDA DATE: March 24, 2006

TO: Board of Commissioners

THRU: R. E. Abolt, County Manager

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

ISSUE: To declare surplus and approve a Quitclaim Deed for an approximately 0.14 acre portion of the Fountain Road existing right-of-way adjacent to U.S. 17, and to convey the surplus portion to Daniel-Thacher Properties, LLC.

BACKGROUND: Fountain Road is on the list of unpaved roads to be paved in Unincorporated Chatham County. A portion of the unpaved roadway is not within the County right of way and encroaches on private property (for unknown reasons). The realigned, paved and extended Fountain Road will improve traffic flow into and out of Kellers Flea Market and provide safer access for residents to U.S. 17.

FACTS AND FINDINGS:

1. The realignment of Fountain Road at its intersection at U.S. 17 creates the portion of right of way that will no longer be needed. Additional right of way is also being acquired from the rear of the Daniel-Thacher Properties to construct the new connection to the Kellers Flea Market. The right of way acquisition from Daniel-Thacher Properties totals 1.39 acres.

2. The tax value offer for the 1.39 acres of required right-of-way is \$135,030. This amount will be reduced by \$23,130 for the value of design concessions (i.e. additional driveways and paving) for the Daniel-Thacher Properties, LLC. It will also be reduced by \$16,130 (6,400 square feet at \$2.52/square foot) for the value of the surplus

right-of-way to be quitclaimed to Daniel-Thacher Properties, LLC. The total purchase price is therefore \$95,770.

3. The County has acquired 0.10 acres of right-of-way from the adjacent parcel to realign Fountain road to accommodate a future signalized intersection at US 17.

ALTERNATIVES:

- 1. To declare surplus and approve a Quitclaim Deed for a portion of the Fountain Road right-of-way adjacent to U.S. 17, and to convey the quitclaimed portion to Daniel-Thacher Properties, LLC.
- 2. To not approve the Quitclaim Agreement.

FUNDING: No funds are required to approve the quitclaim.

POLICY ANALYSIS: That the Board must authorize quitclaims of County property.

RECOMMENDATION: That the Board approve Alternative No. 1.

District 6

Prepared by Kirk Thomas

QUITCLAIM DEED

THIS INDENTURE is made this ____ day of _____, 20____, between CHATHAM COUNTY, GEORGIA, a political subdivision of the State of Georgia, as Grantor, and Daniel-Thacher Properties, LLC of said State, as Grantee.

WITNESSETH:

That Grantor, for and in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, does hereby grant, release, bargain, sell and quitclaim unto Grantee, his heirs, executors, and assigns, the following-described property, to-wit:

All that trace or parcel of land being in the Seventh Militia District of Georgia, Chatham County, formerly being a portion of Fountain Road being more particularly described as follows: Beginning at a point located at the intersection of the south existing right of way line of U.S. Highway 17 (aka Ogeechee Road) and the east existing right of way line of Fountain Road which is also the northeast property line of a tract or parcel of land now or formerly owned by Daniel-Thacher Properties, LLC; thence S 50° 26' 05" W along said east existing right of way line a distance of 199.17 feet to a point; thence N 02° 15' 01" W A distance of 47.22 feet to a point located on the west existing right of way line of Fountain Road; thence N 49° 08' 51" E along said west existing right of way line a distance of 102.62 feet to a point located at the intersection of said west existing right of way line and said south existing right of way line; thence N 80° 49' 54" E along said south existing right of way line a distance of 78.78 feet back to said POINT OF BEGINNING. Said area described consists of 0.13 acres, more or less, and is shown in orange on the plat prepared by EMC Engineering Services, Inc. dated March 8, 2006, hereto attached and made part of this description.

Less and except a temporary easement retained by the Grantor on the above described area for the purpose of constructing the Fountain Road Paving Project. Said temporary easement shall expire upon completion and final acceptance by the Grantor of said project.

TO HAVE AND TO HOLD said property, together with all and singular the rights, members, hereditament, improvements, easements, and appurtenances thereunto belonging or in any wise appertaining (collectively the "Premises), unto Grantee, his heirs, executors, and assigns, so the neither Grantor, nor its successors and assigns nor any person or person claiming under it shall have, claim, or demand any right to the above-described property, or its appurtenances.

IN WITNESS WHEREOF, Grantor has caused these presents to be executed by its duly authorized officers and its seal affixed hereto on the day and year first above written.

CHATHAM COUNTY, GEORGIA

By: _____

Pete Liakakis, Chairman
Chatham County Commissioners

Signed, sealed and delivered
this ____ day of _____, 2006

ATTEST:

Sybil E. Tillman
Clerk of Commission

Notary Public

[S E A L]

My Commission Expires: _____

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4. REQUEST BOARD ACCEPT GRANT AWARD OF \$44,000 FROM HOMELAND SECURITY THROUGH THE STATE OF GEORGIA FOR THE MULTI-JURISDICTIONAL REGIONAL K-9 RESOURCE TEAM.

ACTION OF THE BOARD:

Commissioner Odell moved to approve the Sheriff's request to accept grant award of \$44,000 from Homeland Security through the State of Georgia for the Multi-Jurisdictional Regional K-9 Resource Team. Commissioner Stone seconded the motion and it carried unanimously. [NOTE: Commissioners Shay and Farrell were not present when this vote was taken.]

AGENDA ITEM: X-4

AGENDA DATE: March 24, 2006

Date: 15 March 2006

To: Board of Commissioners

Through: County Manager Russ Abolt

From: Al St Lawrence, Sheriff

Ref: Acceptance of \$44,000 from the State Homeland Security Grant

ISSUE:

A request for the Chatham County Commission to:

- a. Accept grant award of \$44,000
- b. Approve expenditure of reimbursable (\$44,000) monies for equipment.

These monies are for the Multi-jurisdictional Regional K-9 Resource Team and are awarded by the Homeland Security through the State of Georgia.

BACKGROUND AND ANALYSIS:

The Chatham County Sheriff's Department K-9 Regional Resource Team is the recipient of \$44,000 from the State Homeland Security Grant. The State of Georgia has awarded this grant to subsidize the dwindling operation funds available from the Byrne Grant. The Multi-jurisdictional Region K-9 Resource Team has grown in scope, depth and continues to adapt the changing times brought about by 9/11. It is necessary that the Multi-jurisdictional Region K-9 Resource Team updates its antiquated equipment which these funds have been made available for.

FUNDING:

The monies for the purchase of equipment will be drawn from Chatham County funds, with the understanding these monies are completely refundable. Monies refunded will come from the State Homeland Security Grant.

ALTERNATIVES:

1. Provide no reimbursable monies for this grant. This would result in the loss of these non-matching grant funds.
2. Alternative number two is for Chatham County to encumber the expense of financing the equipment necessary to update the K-9's unit equipment
3. That the Chatham County Commission fund these completely reimbursable non-matching monies (\$44,000), enabling the Sheriff's Department K-9 unit to procure grant funds for the necessary equipment it needs.

RECOMMENDATION:

That the Chatham County Commission selects alternative #3.

cc: file

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5. REQUEST BOARD APPROVE A GEORGIA DEPARTMENT OF COMMUNITY AFFAIRS GRANT FOR HANDS ON SAVANNAH. [ALL DISTRICTS.]

ACTION OF THE BOARD:

Commissioner Odell moved to approve a Georgia Department of Community Affairs grant for Hands On Savannah. Commissioner Stone seconded the motion and it carried unanimously. [NOTE: Commissioners Shay and Farrell were not present when this vote was taken.]

AGENDA ITEM: X-5

AGENDA DATE: March 24, 2006

TO: Board of Commissioners

THRU: R.E. Abolt, County Manager

FROM: Linda B. Cramer, Finance Director

ISSUE: To request approval of a Georgia Department of Community Affairs grant for Hands On Savannah.

FACTS AND FINDINGS:

- 1) Hands On Savannah has applied for a grant with the Georgia Department of Community Affairs (“DCA”). The grant application was approved, and the DCA will grant \$10,000 to this organization.

- 2) The County is named as local fiscal sponsor for the grant. This means that the County will receive the grant award and pass it through to Hands On Savannah. The County will report the grant receipt and pass-through to the State Auditor’s office as part of the submission of its annual 2006 audit.

- 3) Hands On Savannah will be required to sign the attached Indemnification and Reimbursement Agreement which protects the County’s interests as fiscal sponsor.

FUNDING: The grant receipt and disbursement will be reflected in the Multiple Grant Fund.

ALTERNATIVES:

- 1) That the Board approve the grant for Hands On Savannah; or
- 2) That the Board deny approval and provide other direction.

POLICY ANALYSIS:

DCA requires counties and cities to act as fiscal sponsors for local grant awards.

RECOMMENDATION:

That the Board approve Alternative 1.

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6. **REQUEST FROM THE TAX COMMISSIONER’S OFFICE TO WRITE OFF UNCOLLECTIBLE PERSONAL PROPERTY TAXES FOR THE PERIOD 1999 THROUGH 2005 AND FOR THE BOARD TO INSTRUCT THE ASSESSOR’S OFFICE NOT TO CREATE A 2006 ASSESSMENT AND/OR ANY SUBSEQUENT ASSESSMENT OF THE SAME PROPERTIES.**

ACTION OF THE BOARD:

Commissioner Odell moved to approve the request from the Tax Commissioner's Office to write off uncollectible personal property taxes for the period 1999 through 2005 and for the Board to instruct the Assessor's office not to create a 2006 Assessment and/or any subsequent assessment of the same properties. Commissioner Stone seconded the motion and it carried unanimously. [NOTE: Commissioners Shay and Farrell were not present when this vote was taken.]

AGENDA ITEM: X-6**AGENDA DATE: March 24, 2006**

TO: Board of Commissioners

THROUGH: Russell Abolt, County Manager

THROUGH: Daniel T. Powers, Tax Commissioner

FROM: Shirley F. Creel, Revenue Collector Deputy Ex-Officio Sheriff

ISSUE:

To present a request to the Board for the Tax Commissioner's office to write off uncollectible Personal Property taxes for the period 1999 through 2005. With an additional request for them to instruct the Assessor's Office not to create a 2006 assessment and/or any subsequent assessment of the same properties.

BACKGROUND:

During the period of 1999 through 2005 numerous personal property tax accounts on the County's Tax Digest remained uncollected. These accounts are uncollectible for many reasons such as the owner(s) cannot be located; the owner(s) have moved; the owner(s) are deceased; the business is no longer in operation or has no assets or a bankruptcy judgement has paid less than 100 cents on the dollar. Therefore, the balance outstanding in these accounts cannot be collected.

The amount of uncollectible personal property taxes determined thus far for the period of 1999 through 2005 total \$88,912.16, that consist of 217 accounts and 533 bills as summarized below:

<u>Tax Year</u>	<u>Total Tax Due</u>	<u>County Portion</u>
1999	\$ 6,265.79	\$ 2,307.65
2000	\$13,112.34	\$ 4,675.88
2001	\$14,352.34	\$ 5,156.34
2002	\$15,192.65	\$ 5,651.61
2003	\$11,645.10	\$ 4,259.80
2004	\$10,174.02	\$ 3,526.97
2005	\$18,169.92	\$ 7,219.94

FACTS AND FINDINGS:

- (1) When yearly audits are performed by both External and State Auditors, this has been their recommendation to write off these uncollectible accounts.
- (2) A copy of the schedule listing all the accounts are attached.

ALTERNATIVES:

- (1) Approve the Tax Commissioner's request to write off these uncollectible accounts.
- (2) Do not approve the Tax Commissioner's request.

POLICY ANALYSIS:

By writing off these uncollectible personal property tax accounts the County will be working with an accurate Tax Digest and valid delinquent accounts receivable records.

RECOMMENDATIONS:

That the Board approve Alternative 1.

E&R Summary Sheet
Lists: 25-A to 28-A

	<u>Total</u> <u>Tax Due</u>	<u>County</u> <u>Portion</u>
<u>1998</u>	\$0.00	(\$0.00)
<u>1999</u>	\$ 6,265.79	(\$ 2,307.65)
<u>2000</u>	\$13,112.34	(\$ 4,675.88)
<u>2001</u>	\$14,352.34	(\$ 5,156.34)
<u>2002</u>	\$15,192.65	(\$ 5,651.61)
<u>2003</u>	\$11,645.10	(\$ 4,259.80)
<u>2004</u>	\$10,174.02	(\$ 3,526.97)
<u>2005</u>	<u>\$18,169.92</u>	<u>(\$ 7,219.94)</u>
<u>Total:</u>	\$88,912.16	(\$32,798.19)

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- 7. REQUEST FOR NEW BEER AND WINE POURING AND SUNDAY SALES LICENSES FOR 2006. RENANDE SOUVENANCE D/B/A RENANDE'S CARIBBEAN & AMERICAN CUISINE, LOCATED AT 11 GATEWAY BOULEVARD SOUTH SUITE 7.
[DISTRICT 6.]**

ACTION OF THE BOARD:

Commissioner Odell moved to approve the petition of Renade Souvenance d/b/a Renade's Caribbean & American Cuisine, located at 11 Gateway Boulevard South, Suite 7, for new beer and wine pouring and Sunday sales licenses for 2006. Commissioner Stone seconded the motion and it carried unanimously. [NOTE: Commissioners Shay and Farrell were not present when this vote was taken.]

AGENDA ITEM: X-7

AGENDA DATE: March 24, 2006

TO: Board of Commissioners

THROUGH: R.E. Abolt, County Manager

FROM: GREGORI S. ANDERSON, DIRECTOR OF BUILDING SAFETY
AND REGULATORY SERVICES
WILLIE LOVETT, INTERIM POLICE CHIEF

ISSUE

Request for new beer & wine pouring and Sunday sales licenses for 2006. Renande Souvenance d/b/a Renande's Caribbean & American Cuisine, located at 11 Gateway Boulevard South Suite 7.

BACKGROUND

Ms. Renande Souvenance request approval of new beer & wine pouring and Sunday sales licenses in connection with a new restaurant. The business at this location meets the requirements of the Chatham County Alcoholic Beverage and Sunday Sales Ordinance.

FACTS AND FINDINGS

1. The applications were reviewed by the Police Department for compliance of the applicant and site distance requirements and approved.
2. The returned applications were reviewed by Regulatory Services. The County Fire Marshal inspected the site for compliance with the commercial kitchen requirements and approved the facility.
3. The applications are in compliance with all requirements.
4. The application was advertised in the newspaper as required by county ordinance.
5. The applicant has been notified in writing of the date and time of the hearing.

RECOMMENDATION

The Savannah-Chatham Metropolitan Police Department and Regulatory Services recommend approval.

District 6

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8. REQUEST BOARD APPROVAL TO AWARD BIDS AS FOLLOWS: (Please note that new purchase thresholds of \$10,000 or more have been enacted; however, contracts and change orders of a lesser amount still will appear.)

<u>ITEM</u>	<u>DEPT.</u>	<u>SOURCE</u>	<u>AMOUNT</u>	<u>FUNDING</u>
A. Two (2) pickup trucks	Parks and Recreation	J. C. Lewis Ford	\$53,096	CIP - Vehicle Replacement
B. Engineering services contract for permitting, geotechnical and preliminary engineering work related to the Little Hurst Drainage Improvement Project	SPLOST	Integrated Science and Technology	\$82,000	SPLOST (1998-2003) - Little Hurst Project
C. Confirmation of Change Order No. 2 to the contract for the waterproofing and repair of copper work and gutter systems for additional shingle and copper flashing work	Facilities Maintenance and Operations	The House Doctor	\$3,954	CIP - Old Courthouse window repairs
D. One (1) replacement lowboy trailer	Fleet Operations	ASC Construction Equipment	\$47,966	CIP - Fleet Replacements
E. Extend for an additional one (1) year term the annual contract to provide delinquent real and personal property tax collection services	Tax Commissioner	Delinquent Tax Solutions, Inc.	Fees paid by delinquent taxpayer or from tax sale proceeds	No Cost to the County
F. Change Order No. 2 to the annual contract for elevator maintenance and repair services, to add to the scope of services an hydraulic passenger elevator located in the new CNT facility	Facilities Maintenance and Operations	Otis Elevator Company, Inc.	\$1,800 per year	General Fund/M&O - CNT

ACTION OF THE BOARD:

Commissioner Odell moved to approve Items A through F, both inclusive. Commissioner Stone seconded the motion and it carried unanimously. [NOTE: Commissioners Shay and Farrell were not present when this vote was taken.]

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XI. FIRST READINGS

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

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

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

- 1. THE PETITIONER, JONATHAN YATES, AGENT (FOR CHARLES & JUDY DOUGLAS) IS REQUESTING THE REZONING OF A PORTION OF 835 CHEVIS ROAD (0.23 ACRE OF A 5.17 ACRE TRACT) FROM AN R-A (RESIDENTIAL-AGRICULTURE) ZONING CLASSIFICATION TO AN R-A-WT (RESIDENTIAL-AGRICULTURE/WIRELESS COMMUNICATION/DIGITAL TELEVISION TOWER OVERLAY) CLASSIFICATION AND THE APPROVAL OF NEW TELECOMMUNICATION FACILITY (MPC FILE NO. T-060103-59583-1). THE REMAINDER OF THE PROPERTY WILL RETAIN THE PRESENT R-A ZONING CLASSIFICATION. THE MPC RECOMMENDED APPROVAL OF THE REQUEST TO REZONE 0.23 ACRE OF THE SUBJECT PROPERTY FROM AN R-A (RESIDENTIAL-AGRICULTURE) ZONING CLASSIFICATION TO AN R-A-WT (RESIDENTIAL-AGRICULTURE/ WIRELESS COMMUNICATION/DIGITAL TELEVISION TOWER OVERLAY) CLASSIFICATION.
MPC FILE NO. Z-060109-32729-1
[DISTRICT 6.]**

ACTION OF THE BOARD:

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

AGENDA ITEM: XI-I

AGENDA DATE: March 24, 2006

TO: BOARD OF COMMISSIONERS

THRU: R. E. ABOLT, COUNTY MANAGER

FROM: THOMAS L. THOMSON, EXECUTIVE DIRECTOR

LEGAL NOTICE/AGENDA HEADING:

The petitioner Jonathan Yates, Agent (for Charles & Judy Douglas) is requesting the rezoning of a portion of 835 Chevis Road (0.23 acre of a 5.17 acre tract) from an R-A (Residential-Agriculture) zoning classification to an R-A-WT (Residential-Agriculture-Wireless Communication/Digital Television Tower Overlay) classification and approval of new telecommunication facility (MPC File No. T-060103-59583-1). The remainder of the property will retain the present R-A zoning classification. The MPC recommended approval of the request to rezone 0.23 acre of the subject property from an R-A (Residential-Agriculture) classification to an R-A-WT (Residential-Agriculture-Wireless Communication/Digital Television Tower Overlay) classification. MPC File No. Z-060109-32729-1

ISSUE:

The rezoning of a portion of 835 Chevis Road (0.23 acre of a 5.17 acre tract) from an R-A (Residential-Agriculture) zoning classification to an R-A-WT (Residential-Agriculture-Wireless Communication/Digital Television Tower Overlay) classification and approval of a new telecommunication facility (MPC File No. T-060103-59583-1). The remainder of the property will retain the present F-A zoning classification.

BACKGROUND:

The subject property is located on the west side of Chevis Road about 0.29 miles northwest of its intersection with Wild Heron Road. The property has been zoned R-A since the property was initially zoned in 1962.

FACTS AND FINDINGS:

1. **Existing Development Pattern:** Chevis Road is a collector roadway that is accessed by Highway 17 to the west and Wild Heron Road to the east. The developed properties are mostly single-family residential. A few churches are also located along this road. Several large undeveloped properties in the vicinity with frontage on Chevis Road are planned for single-family subdivisions.

The land uses and zoning districts surrounding the subject property include:

<u>Location</u>	<u>Land Use</u>	<u>Zoning</u>
North	Vacant and Railroad	R-A
East	Vacant, Single-Family	R-A
South	Vacant	R-A
West	Railroad	R-A

2. **Transportation Network:** The property is accessible by Chevis Road which is classified as a collector street. In 2004, the average daily traffic count for this section of Chevis Road was 2,300 vehicles per day.
3. **Existing Development:** The site is currently undeveloped.
4. **Proposed Development:** The petitioner seeks to rezone the site for the purpose of constructing a wireless telecommunications tower.
5. **Public Services and Facilities:** The property is served by the Metropolitan Police Department and the Southside Fire Department.
6. **Land Use Element:** The Chatham County Comprehensive Plan Future Land use Map designates the subject property as Single-Family Residential. The requested zoning would allow a telecommunications tower as the only additional use to the existing permitted uses.
7. **Existing R-A Zoning District:**
 - a. **intent of the R-A District:** According to the Zoning Ordinance, the purpose of the R-A district is to “protect those rural areas

within the urban expansion areas of the county for future urban development, and to protect certain rural highway roadside areas against strip development, which can lead to traffic congestion, traffic hazards and roadside blight.”

- b. **Allowed Uses:** The uses allowed within the R-A district appear in the attached chart.
- c. **Development Standards:** The development standards for the R-A district appear in the attached table (Table 1).

8. Proposed WT Overlay Zoning District:

- a. **Intent of the WT Overlay District:** According to the Zoning Ordinance, the purpose of the WT overlay district is to “permit the development in rural areas of a single commercial wireless telecommunications monopole tower or a digital television where there are large tracts of undeveloped R-A zoned properties, where commercial Wireless Telecommunications Antennas and Towers Ordinance of Chatham County and all other requirements of the R-A district.
10. The WT overlay district requested requires that a development plan be submitted for a telecommunication tower with the rezoning petition (see staff report for T-060103-59583-1).

SUMMARY OF FINDINGS

1. Will the proposed zoning district permit uses that would create traffic volumes, noise level, odor, airborne particulate matter, visual blight, reduce light or increased density of development that would adversely impact the livability or quality of life in the surrounding neighborhood?

Yes ____ No ____

2. Will the proposed zoning district permit uses that would adversely impact adjacent and nearby properties by rendering such properties less desirable and therefore less marketable for the type of development permitted under the current zoning?

Yes ____ No ____

3. Will the proposed zoning district permit uses that would generate a type or mix of vehicular traffic on a street or highway that is incompatible with the type of land use development along such street or highway?

Yes ____ No ____

4. Will the proposed zoning district permit uses that would generate greater traffic volumes at vehicular access points and cross streets than is generated by uses permitted under the current zoning district to the detriment of maintaining acceptable or current volume capacity (V/C) ratio for the streets that provide vehicular access to the proposed zoning district and adjacent and nearby properties?

Yes ____ No ____

5. Will the proposed zoning district permit uses or scale of development that would require a greater level of public services such as drainage facilities, utilities, or safety services above that required for uses permitted under the current zoning district such that the provision of these services will create financial burden to the public?

Yes ____ No ____

6. Will the proposed zoning district permit uses or sale of development that would adversely impact the improvement or development of adjacent and nearby properties in accordance with existing zoning regulations and development controls deemed necessary to maintain the stability and livability of the surrounding neighborhood?

Yes ____ No ____

7. Will the proposed zoning district permit development that is inconsistent with the comprehensive land use plan?

Yes ____ No ____

ALTERNATIVES:

1. Approve the petitioner's request to rezone a portion of the property from an R-A zoning classification to an R-A / W-T classification.

2. Deny the petitioner's request.

POLICY ANALYSIS:

The proposed rezoning is consistent with the Chatham County Future Land Use Plan designation.

MPC RECOMMENDATION: The MPC and Director of Building Safety and Regulatory Services recommend **APPROVAL** of the request to rezone 0.23 acre of the subject property from an R-A (Residential-Agriculture) classification to an R-A-WT (Residential-Agriculture-Wireless Communication/Digital Television Tower Overlay) classification.

PREPARED BY: James Hansen, AICP, Director
Development Services

February 21, 2006

Gregori Anderson, Director
BUILDING SAFETY AND REGULATORY SERVICES

Petition of: Jonathan Yates, Agent; Charles and Judy Douglas, Owners

MPC NO.: Z-060109-32729-1

MPC recommends that the following described property be rezoned from its present R-A (Residential-Agriculture) classification to a R-A-W-T (Residential Agriculture Wireless Tower Overlay) classification.

LEGAL DESCRIPTION

Starting at a point located on the southwesterly right of way line of Chevis Road approximately 320 feet south of its intersection with the southeasterly right of way line of the CSX (Seaboard Coastline) railroad, thence along said southwesterly right of way line of Chevis Road distance of approximately 36 feet to a point, thence southwesterly along a line South 82 degrees 14 minutes West a distance of approximately 14 feet to a point, thence in a northwesterly direction along a line North 58 degrees 20 minutes West a distance of approximately 16 feet to a point, thence along a curve to the left having a radius of 25 feet, a curvilinear distance of approximately 22 feet and a chord bearing North 83 degrees 20 minutes West, thence southwesterly along a line South 71 degrees 39 minutes West a

distance of approximately 682 feet to a point, thence along a curve to the left having a radius of 30 feet, a chord bearing South 52 degrees 42 minutes West and a curvilinear distance of approximately 20 feet to a point, thence southwesterly along a line South 33 degrees 46 minutes West a distance of approximately 84 feet to a point, thence south 71 degrees 39 minutes West a distance of approximately 56 feet to a point, said point being the point of beginning; thence proceeding in a southeasterly direction along a line South 18 degrees 20 minutes East a distance of approximately 90 feet to a point, thence southwesterly along a line South 71 degrees 39 minutes West a distance of approximately 100 feet to a point, thence along a line North 18 degrees 20 minutes West a distance of approximately 100 feet to a point, thence easterly along a line North 71 degrees 39 minutes East a distance of approximately 100 feet to a point, thence southerly along a line South 18 degrees 20 minutes East a distance of approximately 10 feet back to the point of beginning.

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

PIN.: Portion of 1-1003B-01-016

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XII. SECOND READINGS

- 1. AMENDMENT TO THE COUNTY WELL ORDINANCE TO ALLOW PVC CASINGS FOR DEEP WELLS AS AN OPTION. PLEASE NOTE THAT PUBLIC HEARING WILL BE SET FOR THE 24TH OF MARCH, SECOND READING OF THE ORDINANCE.**

Chairman Liakakis said, anyone in the audience today that would like to speak after our Executive Director of this department makes his comment, we will go from their. Greg [Anderson], go ahead.

Mr. Gregori Anderson said, thank you, Mr. Chairman. Before you today is a Second Reading for a proposed amendment to allow PVC well casings as an option in Chatham County. As you've indicated, in the staff report, in previous information to you, this is an option that is available through the State and is an option in numerous other counties across the State and we understand, again, that this is an option for individuals who make prefer to have PVC casings. There's value in both sides of this issue and there are well-drillers who stand up on both sides of this issue. We contend that if, just like any other well casing, if the PVC well casing is done right

and is done per the State requirements, and if the well-driller fulfills his obligation under the State law to put this casing in the way he would put steel or any other allowed casing, that the wells would be protected and the wells would generate safe potable drinking water. We do have the Health Department here who'll make some comments in just a moment about their results and their investigation to this issue, and we also feel and will be taking the opportunity at this time internally to do some revamping of our permitting and our application process for wells in the County regardless of the vote that's taken today. We will be revising the application to clarify what type of casing is going to be used so that it will also clarify at what intervals inspections are required, as mandated by the current Well Ordinance that's in place right now, which has no bearing on what we're talking about today. So we'll take the opportunity to do some revamping of how we handle wells in Chatham County, but we feel that certainly PVC well casings as an option is a viable option that's been done in other counties for over 20 years in this State. We have tried to talk to numerous other counties, Bulloch County, talked personally to individuals who run the program, and Liberty County and Bryan County, and they've been doing it there for a long time and have not had any adverse problems with the PVC casings no more-so than steel or any other type casing. So at this time I'd like to bring up Dewayne Tanner.

Chairman Liakakis said, let me ask you a question as he comes up. Now from what I understand, because I've looked at a lot of information, and this is State —, the State says this can be done, you know, and it — from the other information I had is that it is safe and it also is less expensive than the metal casings. Mr. Anderson said, that's correct. State provisions do allow PVC well casings today. Our local ordinance is what prohibits them from being used in the unincorporated area. Chairman Liakakis said, yes, I understand. Mr. Anderson said, so it is something that is being used and has been being safe.

Mr. Tanner said, Dewayne Tanner, the Environmental Health Director for the Chatham County Health Department. In investigating this, as Gregori [Anderson] asked me to do, I checked with several environmental protection divisions and they have what's called a geological survey that oversees the program. It's actually only one individual that goes out and tests wells and checks well-drillers and makes sure they end up properly. He said that he has seen no problems throughout the counties. Most rural counties allow PVC. Bulloch County does. Checking around, Emanuel County, Effingham County, all have allowed PVC for quite a while. There's no problems that have been found with the Health Department. The Health Departments do most of the testing for individual wells by request, and we've seen no problems as far as the Health Department items.

Chairman Liakakis recognized Commissioner Odell.

Commissioner Odell said, my two experts have agreed: Dewayne [Tanner], you've agreed, no health problems and potable, and Patrick Farrell, who knows more about well, and Pat [Farrell] says it's okay. When can we vote on this?

Chairman Liakakis said, no, we've got to close the hearing before we can vote on it. But you feel, as a member of the Health Department, that this is safe from the information that you got and you agree with the information that you have received from other areas that this is okay and there has

not been any problems with PVC pipe? Mr. Tanner said, that's correct. Chairman Liakakis said, okay. Chairman Liakakis recognized Commissioner Farrell.

Commissioner Farrell said, currently do we — I'm aware that we are using PVC for shallow wells. Is that right? Mr. Tanner said, no, we only made a deal with deep wells. Mr. Anderson said, our current ordinance today, Commissioner Farrell, does not allow PVC for any wells in Chatham County. Commissioner Farrell asked, shallow or —? Mr. Anderson said, that's correct. Now there are provisions in the —, in our current ordinance now that speaks to steel wells and other allowed casings, but classic PVC is not allowed currently in our ordinance.

Chairman Liakakis said, okay. Now this is a public hearing and I'd like for anybody to come up and comment on this please. Pull those microphones down a little bit so we can hear you.

Mr. Jim Turner said, thank you, sir. My name is Jim Turner, Turner Well Drilling. I'm am totally opposed to changing the Well Ordinance in Chatham County to allow PVC wells. Having been here some 35 or 40 years, Chatham County has the best well system in the southeastern part of the State and I think it's primarily because of the Well Ordinance that we carry at this moment. Those wells that are done with PVC have a problem with the grouting. If I could —, prior to me doing that, I have a letter here for you that I'd like to have someone transfer, but I have a letter here from Pete Peterson of Greener Well Drillings, who is also the President of the Georgia Water Well Association, which is a professional group that we all belong to, and his letter reads thusly:

“ Routing requirements in Chatham County require cement grout in deep wells. The heat of hydration of the cement could weaken and possibly collapse PVC casings. If this happens, the well would not be usable and it could prevent you from getting a pump into the well.” And I also have some drawings here, if I could get those passed along to each of you please, then you'll be able to follow me and we can get an idea of the mechanicals aspects involved in the drilling of the well. Now if you will —. Chairman Liakakis said, all right, go ahead. Mr. Turner said, if you will look at this drawing we have before us, on the left hand side it shows an open hole as the well is drilled prior to the driving process. Now, we drill a 7-inch borehole from the top of the group into the Floridian Acquifer. Then inside that 7-inch borehole, we put a 4-inch steel casing. This void around the outside of that steel casing is where the contaminants enter the limestone. They float down it. So State law requires and Chatham County law requires that we grout that string of casings to make sure that surface bacteria and surface waters can't go down it. What we do is we batch up high-pressure cement and we pump it down through the casing string. We build 300 to 500 pounds of pressure pumping that cement down and out the bottom of the casing string, and if you will notice it has to climb back to the top of the ground surface to load that void to make sure that we don't have any salt water or any type of surface water contaminating that. That requires —, that pressure requirement that we have means that PVC which is freshly glued cannot handle the

pressure of 300 to 500 pounds. It tends to blow apart and separate. So you cannot pump grout to it. The second reason you cannot cement grout to the well is that the cement weighs 13 pounds per gallon and the PVC pipe with clear water in it weighs about 7½ pounds per gallon, so you achieve floating and the casing comes out of the ground, there again literally stopping you from being able to grout it with cement. And if the grouting process has not taken place, then we're always going to have contamination. The questions is often asked to me from the counties that do allow it, how much contamination can we have? There's always some on a non-grouted well. All the wells that are non-grouted have some contamination or some leakage. That can vary anywhere between 1% up to 60 or 70%. So you have to grout these wells. Cost factors? Cost factors are a little bit different. Chatham County —, the typical resident's well with the pump, tank, total system installed will run about \$5,000, and it will run \$500 less if we go to PVC. But when you go to PVC, the risk factors change considerably. And, as I said, Chatham County has a high expectance rate for their well system.

Chairman Liakakis said, Mr. Turner, your history of your company, you and your brother's company, you know, have an outstanding record. Y'all have done excellent work, you know, some of the best drillers around, but the information that I have received and some of the other Commissioners, there are similar things that have occurred in other counties around the State of Georgia, and they are not telling us, the information that we've got, is that, you know, that it is safe. The Health Department, they are charged for the safety of the health of the people in our community, and they, you know, did some —, a good bit of inquiries, you know, surveys and those kind of things, so when they bring their recommendation to us, they are saying it is safe and they have out from other companies — other counties. Now, one of the things that —, we've listened to Commissioner Farrell, he knows a lot about that. This particular pipe — they have it around in other places of the State. There's no other area that we have found out that have said you can't use it at this particular point. Now, you —, the excellent work that your company still does, you can continue to use the metal, but from the information that we have, if we want to be fair to the citizens is that PVC is okay because there has been a voluminous amount of information coming to different ones concerning, you know, PVC piping as opposed to metal piping. So we want to let you know that it's not a situation as far as I'm concerned that we are against your comments and the drawings that you have given us and all of the factors about the safety of this, but we need to look at what is done everywhere just about and many other areas of our State and look at it, analyze it, look at the information that has been distributed, listen to our Executive Director of our Inspections Department, of our Health Department, and in that way we have to make a decision. So we want you to know what we're looking at.

Mr. Turner said, I can understand that. I notice that it said given the option, and I was a little bit concerned the term of option for the homeowner. In some cases I feel that it's not really the correct thing to do. For example, when a homeowner has a well that is bad and has to be destroyed, he doesn't have an option other than he has to see that it's destroyed and he has to

hire a licensed driller to do the job. So this is not an option in reality. The option is who he gets to destroy it, but there's certain specifications and, of course, our experience — as I say, we've been here some 35 to 40 years in Chatham County —, we see these outlying areas that are using this, they have a somewhat different surface water conditions, and when they have casing leaks in these outlying areas, the surface water does not show up as bad as it would around here. We have a lot of salt in the upper formation, and that salt will tend to migrate down through a non-grouted area and into the borehole and either be pumped out by the consumer or to leach off and travel southeast into the adjacent well. We do have a lot of wells in close proximity in Chatham County.

Chairman Liakakis said, okay. Any questions to Mr. Turner? Any questions at all? Thank you very much, Mr. Turner. We appreciate you coming up there. If your brother would like to speak also? Identify yourself please.

Mr. John Turner said, thank you, Mr. Chairman. I am John Turner of Turner Brothers Well Drilling. I'm the other half. Now I thought when I left here about six or seven years ago on this same thing that I wouldn't have to show my old cancered scarred up face down here again, but here I am. Now, you talking about the State and it says, oh, it's all right everything's fine, but when we drill a subdivision well, we've got to use steel pipe and we've got to grout it. Now I asked them about this. I said what is the difference in a subdivision and a homeowner and they said the subdivision, oh, that's the public. What in the world is people living on Whitfield Avenue out here, what are they? Aren't they the public? But that —, if you cannot — PVC pipe you cannot grout PVC pipe. Not cement grout. Now, I know why well drillers want to use it. It's easy. They don't have to have chain wrenches and pipe links that long. That's the reason I'm looking like —, I'm just 70 years old, but I look like I'm 90 because that's hard work.

Chairman Liakakis said, let me inject this. You don't look 90. Mr. Turner said, I was fixing to say you're going to say I'm just a young fellow. Chairman Liakakis said, you don't look 90, you look much younger than that, okay.

Mr. Turner said, thank you, sir. But the reasons well drillers use it, it's easy. Where it takes three men to pick up a piece of steel pipe, one man can pick up PVC. You don't use wrenches, you've got to pull out some glue, but you cannot grout that well. Now, a well driller told me a year or so ago, casing is nothing but to hold the dirt back. I had to give him a quick lecture. I told him they didn't put a water tank up 100 foot in the air so high school kids could write Class of 2006 on it. They put it up where they would have 100 —, I mean, 40-pound pressure at the bottom. You have the same thing in a well. You're like Union Camp where you've got a static water level of over 100 feet, that means you've got 40-pound pressure pushing on this PVC non-grouted pipe. All well drillers will tell you every PVC well leaks and it leaks some. Let's don't destroy our good water. We've got so much salt water around here now we don't need a leaking wells. So that's all I've got to say about it, and in fact I hope I don't ever have to come back down here again.

Chairman Liakakis said, thank you very much, Mr. Turner. We appreciate you and your brother coming up. As I said before, your company has a great history in the work that you do in our

community. Any comments from —, anybody else in the audience would like to make comments on this PVC pipe? All right. Questions, anything from our —.

Mr. Anderson said, let me make just one comment, Mr. Chairman. To address the question of grouting of PVC pipe, State law does indicate that there is grouting that's required. It is a different grouting system for PVC well casing than what you use for metalware casings and the State has a provision and a parameter on how you grout PVC casings. Yes, it is a different process, it's a different material that you use compared to steel pipe. I just wanted to clarify that.

Commissioner Farrell asked, and your department inspects that and makes sure it's done properly? Mr. Anderson said, yes, we do and as — and maybe, Commissioner Farrell, you were out of the room when I said initially that we are taking steps to revamp our inspection process and we're going to revamp our application regardless of what your decision is today to solidify that process. Commissioner Farrell said, very good.

Commissioner Odell said, I'm listening to the guys who —, Mr. and Mr. Turner, and their argument tends to be compelling. Mr. Anderson said, well, I'm not here to debate that. Certainly, we've been here before. I think Mr. Turner's correct, we talked about this issue about seven or eight years ago, if you recall, they had compelling arguments then. Commissioner Odell asked, Greg [Anderson], let me ask you. Of the two processes, using steel or PVC, which is the safest or are they equally as safe? Mr. Anderson said, I think they're equally as safe from the feedback that I've been given, and I've talked to some other well drillers who are on the other side of the fence from the Turner Brothers today, and I've also talked to individuals and professionals with the Health Department. And, yes, both casings have pros and cons. Certainly the biggest pro from PVC is the cost of installation, but there have been, from what I understand, safe wells with PVC casings that have been put in up and down the Coast, not just inland and through the North Atlanta area or North Georgia area, but in the Coastal areas they've been in place for a long time and the water was good. They don't have any problems other than standing problems. If you have a problem with the well, then you replace the well. If your water starts [inaudible] how you close the well out. The same provisions for that metal or plastic well. The same types of things. To say — to insinuate that metal casings in a well would never leach, I think is a misrepresentation. I think to say that metal casings are safer than PVC casings, if they're both put in correctly, I think it's somewhat of a misconception on the feedback that I've been given from both the Health Department as well as other well drillers.

Chairman Liakakis recognized Commissioner Farrell.

Commissioner Farrell said, one of my biggest concerns on any well is salt water intrusion and hence the question about, Mr. Anderson, about the inspection process that we definitely need to be on top of that. It's been experienced over my short life that when I was a very young person working with my dad, everything was galvanized pipe and everything in the group, and I recall as a very young child putting in some pipe and as a teenager having to pull it back out 10 years later because it was full of holes. Metal pipe rusts and corrodes. It corrodes from inside and it corrodes from the outside. I was talking with the Mayor from Tybee yesterday and he was mentioning about his water lines at Tybee, they're digging up replacing them, and they're old metal pipes.

I don't think anybody uses any kind of —, anything but PVC because it will last indefinitely underground without UV exposure. It just lasts. It doesn't rust, it doesn't corrode, it doesn't —, the inside of a pipe at Tybee started out this big and when they pulled it out, it was about that big of a swelling and the internal corrosion. So metal piping in wells, especially along the Coast, concerns me somewhat because of the differing acidities and that sort of thing. However, we're not here today to outlaw the use of metal walls, but to merely give the consumer the option to choose between whichever well that he wants to put in, whether it's a PVC, which is significantly cheaper, or the galvanized which is significantly more expensive. This is a consumer question. I think you could go all day long with the pros of one and the cons of the other and vice versa. With the best information that we have here today I would have to agree with staff that it's a viable option and we should give our citizens the choice when they are choosing to drill their own well, if that's what they would prefer to have it on their property. And by all means, any well driller that would want to, you know, at that point to tell the consumer, you know, here are your choices and this is why you should do one or the other, by all means they should do that. But they're both good systems, they're both good wells. PVC has a lot of advantages. That's why we don't use galvanized pipe for water lines anymore. We don't even use it, I don't believe, for sewer lines anymore. Everything is PVC because it lasts so long underground, and once it's in there you have to physically go down there and damage it. It doesn't corrode and it doesn't implode upon itself or fail. So, to me PVC has some definite advantages. I don't know how long it's been around. I would say, just guessing, maybe 40 years. It's a newer product, but technology is here and I think it's been on the market long enough and it's been adequately tested and used in other areas long enough that I feel comfortable giving the consumers in Chatham County the option of going either way and let them make that ultimate decision.

Chairman Liakakis recognized Commissioner Stone.

Commissioner Stone said, I guess one question maybe for the Inspections Department, and that is how long —, I mean, do we have any basis of comparison with PVC versus metal piping to really understand whether over a period of time the PVC is substantial? Mr. Anderson said, well, certainly not in this community, but the communities that I've talked with — Effingham, excuse me, Liberty County, Bulloch and Bryan. The individuals that I talked with who issued the permits there, which is the Health Department staff, they've been using over 20 years. So this is not a new product for those communities and from what I'm hearing, that there's no significant problems with the product that has been used in those communities for at least a decade.

Commissioner Farrell said, and if we saw some significant problems, we can certainly come back and revisit this and pull it, and pull it in a minute if we see that there's problems out there —.

Commissioner Stone said, I just wanted to understand and wanted to make sure that we're not relaying to the public something that may or may not be safe.

Chairman Liakakis said, yes.

Mr. Jim Turner said, this is a major concern of mine because you have information that PVC is basically a forever product, but I have to be realistic with you that we get more calls from PVC

wells that are destroyed by lightning or freezes than we do from deterioration or crustation on steel. We have many more steel wells involved than we do — probably 75 times as many — steel wells as there are PVC because steel wells have been around so long. But when lightning strikes the power line, the high voltage pulse comes in on through the transformer, down — goes down the well to the pump and it arcs through and burns a whole through the pump, and then welds the pump to the casing. We cannot effectively destroy that well, so that well will leak to eternity. The same problem about the well that is a PVC well that the lines freeze and if the discharge lines freeze, the pump builds heat. It takes about 30 minutes for a pump running inside of a PVC well to run hot enough for the PVC pipe to become soft and pliable. So the boiling water does like — heat shrinks too and the PVC grows tight around the pump. You cannot get the pump out again and the couplings separate on it, so there you've got another leak for eternity, and when you're talking about salt water intrusion, links are a nightmare. They're a nightmare and we're worried to death about leaks because PVC pipe is not as a long — does not have the longevity that folks think it does, and that particular use is horizontal lines under the ground —, yes, they're great. If you dig into it with a badkhoe, yes, you'll tear it all to pieces, but it does grow up on the internal side if you're carrying a lot of iron bacteria that will load up just as steel will.

Chairman Liakakis said, okay. Thank you very much.

Mr. John Turner said, the City of Savannah has got 51 big wells. They don't allow the first one PVC. I notice where the Sheriff wants a well out at the jail. I'll guarantee it won't be PVC. That engineer will not draw it up as PVC well. Like I told them down once before, if you believe you can cement grout a PVC well, Christmas morning you'll see sleigh tracks.

Chairman Liakakis said, all right. Thank you. I'd like a motion on the floor to close the public hearing.

Commissioner Thomas said, move for approval, Mr. Chairman. Chairman Liakakis asked, do we have a second? Commissioner Farrell said, second. Chairman Liakakis said, okay, let's go on the board. Chairman Liakakis and Commissioners Stone, Holmes, Farrell, Odell, Kicklighter and Thomas voted in favor of the motion. Commissioner Gellatly voted in opposition. [NOTE: Commissioner Shay was not present when this vote was taken.] Chairman Liakakis said, the motion carries.

Chairman Liakakis said, now I'd like a motion on the floor concerning the PVC casing.

Commissioner Farrell said, I'd like to move that we go with staff's recommendation and open the option to the consumers of Chatham County to have their private individual wells that they will purchase with their money and drink water out of in their house and have the option to case it with PVC material in addition to steel material. Chairman Liakakis asked, do we have a second? Chairman Liakakis said, he's making a motion to approve basically the PVC —, that the public has the option of using the PVC or the metal. Do we have a second? Commissioner Thomas said, second. Commissioner Odell said, I'll second. Chairman Liakakis said, all right. Any other discussion? Let's go on the board. Chairman Liakakis and Commissioners Holmes, Farrell, Odell, Kicklighter and Thomas voted in favor of the motion. Commissioners Stone and Gellatly

voted in opposition. [NOTE: Commissioner Shay was not present when this vote was taken.] Chairman Liakakis said, the motion carries.

ACTION OF THE BOARD:

- a. Commissioner Thomas said, moved to close the public hearing. Commissioner Farrell seconded the motion. Chairman Liakakis and Commissioners Stone, Holmes, Farrell, Odell, Kicklighter and Thomas voted in favor of the motion. Commissioner Gellatly voted in opposition. [NOTE: Commissioner Shay was not present when this vote was taken.] Chairman Liakakis said, the motion carries.

- b. Commissioner Farrell moved to accept staff’s recommendation and open the option to the consumer to have their private individual wells that they will purchase with their money and drink water out of and their house and have the option to case it with PVC material in addition to steel material. Commissioners Odell and Thomas seconded the motion. Chairman Liakakis and Commissioners Holmes, Farrell, Odell, Kicklighter and Thomas voted in favor of the motion. Commissioners Stone and Gellatly voted in opposition. [NOTE: Commissioner Shay was not present when this vote was taken.]

~~**AGENDA ITEM: XI-I**~~

~~**AGENDA DATE: March 24, 2006**~~

AGENDA ITEM: XII-I

AGENDA DATE: March 24, 2006

TO: Board of Commissioners

THRU: R. E. Abolt, County Manager

FROM: Gregori S. Anderson, Director, Building Safety and Regulatory Services

Issue

Proposed amendment to the County Well Ordinance to allow PVC Casings for Deep Wells as an option.

Facts and Findings

- 1. The County Well Ordinance currently allows only steel or concrete casings. Plastic or PVC casings are not allowed for individual or non-public potable water supply wells.
- 2. Bulloch, Emanuel and Bryan Counties have allow PVC well casings for over twenty years with no evidence of aquifer contamination or intrusion.
- 3. Discussions with the Health Department has confirmed that no problems with PVC well casings have been reported. The state

regulations allow for PVC casings as an option for potable water wells.

4. A Public Hearing will be held at the second reading of the proposed amendment at the March 24, 2006, commission meeting.

Funding

Not applicable

Alternatives

1. Adopt the proposed amendment to allow PVC Well Casings as an option.
2. Deny the proposed amendment
3. Provide direction to staff

Policy Analysis

The science of water wells have both advantages and disadvantages for both steel and plastic (PVC) well casings. The installation of plastic casings tend to be less expensive to install than steel. The equipment required for installation is different for steel and plastic, which may have a bearing on the installation cost.

Other than the cost of installation, the use of plastic casing has no threat of rusting or chemical reaction to hard or brackish water. However, water well pumps are subject to lightning strikes. As the result of lightning strikes plastic casings can become cracked and require replacing. A breach of the casing membrane would result in contamination of the potable water and the aquifer.

Even though steel casings are more costly to install, they tend to be more resistant to lightning strikes. The State standard for wells requires that metal casings be steel. Stainless steel is rust-resistant in an underground, underwater application and is used by most contractors. However, it is not unusual for steel casings to be replaced after twenty or greater years of service.

Well drillers are required to be licensed by the State. The licensing program includes installation and regulatory training. The training encompasses all allowed materials including both metal and non-metal well casings.

Recommendation

Adopt Alternative #1, to allow PVC Well Casings as an option.

AMENDMENT TO THE CODE OF CHATHAM COUNTY, GEORGIA

An ordinance regulating the citing, construction, operation, maintenance and abandonment of wells and boreholes; connection of water users to community water systems, if government owned; to provide for the procedures connected therewith; to repeal conflicting laws; and other purposes.

Be it ordained by the Chatham County Commissioners in regular session as follows, to-wit:

CHAPTER 15
ARTICLE VI

15-614 State (and County) Standards for Wells and Boreholes

N. All permanent casing, liner, and other manufactured material used in the well installation shall be new, unless otherwise approved in writing by the owner, and adequate to protect the well against entrance of pollutants or contaminants during the expected life of the well. The casing material shall be of steel or concrete or plastic and meet nationally accepted standards for well casing. ~~Plastic pipe shall not be used for individual or non-public water supply wells.~~

Adopted on _____

Pete Liakakis, Chairman
Chatham County Commissioners

ATTEST:

Sybil E. Tillman
Clerk of Chatham County Commissioners

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2. AMENDMENTS TO COUNTY CODE, ARTICLE III, SECTION 20-301 THROUGH 20-326 TO REFLECT THE CURRENT CONSTRUCTION AND TRADE PERMIT FEES AND ADD REFERENCES TO THE REVENUE ORDINANCE.

Chairman Liakakis asked, do we have a motion on the floor to approve this? Commissioner Farrell said, so moved. Chairman Liakakis asked, do we have a second? Commissioner Stone

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

ACTION OF THE BOARD:

Commissioner Farrell moved to approve an amendment to Article III, Sections 20-301 through 20-326, of the Chatham County Code, to reflect the current construction and trade permit fees and add references to the Revenue Ordinance. Commissioner Stone seconded the motion and it carried unanimously. [NOTE: Commissioners Shay and Odell were not present when this vote was taken.]

AGENDA ITEM: XII-2

AGENDA DATE: March 24, 2006

TO: BOARD OF COMMISSIONERS

THROUGH: R. E. ABOLT, COUNTY MANAGER

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

ISSUE

Amendments to County Code, Article III, section 20-301 through 20-326 to reflect the current construction and trade permit fees and add references to the revenue ordinance.

FACTS AND FINDINGS

1. In 2005, the revenue ordinance was modified to include revised permit fees and construction valuation rates.
2. The current County Code sections reference antiquated construction codes and permit fees.

FUNDING

Not Applicable

ALTERNATIVES

1. Adopt proposed amendments to the County Code
2. Provide direction to staff

POLICY ANALYSIS

The change in the construction valuation rates and permit fees contained in the revenue ordinance must be consistent throughout the

County Code. The proposed amendment will correlate the two documents.

The proposed amendment will also update the construction code, references and associate trade permit fees. The State mandated construction codes are adopted and administered by the Department of Community Affairs and Safety Fire Commissioner.

RECOMMENDATION

Alternative #1, Adopt proposed amendments

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- 3. **REVISION TO CHAPTER 4, ARTICLE III, OF THE CHATHAM COUNTY CODE BOOK, EMERGENCY MANAGEMENT (CIVIL DEFENSE). *At meeting of January 27, 2006, item was tabled until meeting of February 24, 2006. At meeting of February 24, 2006, item was tabled until March 24, 2006, meeting. See change (in bold and italics) on page 11 from version sent out at First Reading.***

Chairman Liakakis said, we voted on that earlier, you know, concerning the Emergency Management where we approved that.

ACTION OF THE BOARD:

See action taken on Item VIII-1 above.

**ARTICLE III
Emergency Management**

§4-301 Statutory Authorization. The General Assembly of the State of Georgia, in the Official Code of Georgia Annotated, Title 38, Chapter 3, Emergency Management, "Georgia Emergency Management Act of 1981," as amended, authorizes and directs each County to establish a local organization for emergency management in accordance with the State Emergency Management Plan and Program; and Georgia Constitution, Article 9, Section II, Paragraph 1, Home Rule for Counties, delegates the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Board of Commissioners of Chatham County, Georgia, acting under the authority granted to it by the Georgia Emergency

Management Act of 1981 and its Enabling Act, Georgia Laws 1984, pp. 5050-5076, as amended, does ordain and enact into law the following emergency management ordinance:

§4-302 Title and Jurisdiction. This Emergency Management Ordinance shall apply to Chatham County, Georgia in its entirety. The Chatham Emergency Management Agency is the only such agency approved by Chatham County Commission for coordinating emergency management functions, and therefore, this Ordinance shall serve all of the municipalities and the unincorporated area of Chatham County plus all municipalities that agree to participate by signing the Chatham County Emergency Operations Plan.

§4-303 Georgia Emergency Management Act of 1981. The provisions of the Georgia Emergency Management Act of 1981 are incorporated herein by reference.

§4-304 Purpose and Objectives.

1. General.

Because of the existing and increasing possibility of the occurrence of emergencies or disasters resulting from man-made or natural causes, and in order to ensure that preparations of this County will be adequate to deal with such emergencies or disasters, and generally to provide for the common defense and to protect the public peace, health, and safety, and to preserve the lives and property of the people of this County, it is found and declared to be necessary:

- a. To create a Chatham Emergency Management Agency (CEMA);
- b. To confer upon the Chairman of the Chatham County Commission or the Chairman's designee the emergency powers provided in the Official Code of Georgia, Title 38, Chapter 3;
- c. To provide for the rendering of mutual aid among the political subdivisions of Chatham County, with other counties, and with the State and Federal governments with respect to the carrying out of emergency management functions; and
- d. To authorize the taking of such steps as are necessary and appropriate to carry out the requirements of the Official Code of Georgia, Title 38, Chapter 3.

2. Coordination.

It is further declared to be the purpose of this Ordinance and the policy of Chatham County that all emergency management functions of the County be coordinated to the maximum extent possible with the comparable functions of the State and Federal governments, including their various departments and agencies, of other counties, states, and localities, and of private agencies of every type, to the end that the most effective preparation and use may be made of the nation's manpower, resources, and facilities for dealing with any emergency or disaster that may occur.

§4-305 Definitions. Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application. Words used in the singular shall include the plural, and the plural the singular; words used in the present tense shall include the future tense. The words "shall," "will," and "must" are mandatory and not discretionary. The word "may" is permissive. As used in this Ordinance, the term:

1. Chatham County Emergency Operations Plan means the officially adopted, and Georgia Emergency Management Agency approved, emergency operations plan for Chatham County, Georgia.

2. Disaster means any happening that causes great harm or damage.

3. Emergency means any extraordinary condition in which there exists the threat or actual occurrence of a disaster or event, including "energy emergency" as defined in the Georgia Emergency Management Act and any amendments thereto, which may result in the large scale loss of life, injury, property damage or destruction, or in the major disruption of routine community affairs or business and government operations, and is of sufficient severity and magnitude to warrant extraordinary assistance by CEMA and other Chatham County departments and other agencies to supplement the efforts of available public and private resources.

4. Emergency interim successor means a person designated pursuant to this Ordinance, in the event an officer is unavailable to exercise the powers and discharge the duties of an office, until a successor is appointed or elected and qualified as may be prescribed by the Constitution, statutes, laws, charters, and ordinances of the State and its political subdivisions, or until the lawful incumbent or his successor is able to resume the exercise of the powers and the discharge of the duties of the office.

5. Emergency management means the preparation for, and the carrying out of, all emergency and disaster functions, as more fully defined by this Ordinance.

6. Emergency management volunteer means any person officially recognized by the Director of the Chatham Emergency Management Agency and assigned duties as an emergency management volunteer.

7. Emergency readiness means the level of readiness for an anticipated or impending emergency as expressed as an operational readiness condition (OPCON) rating.

8. Emergency standing operating procedures (SOP) means the standing operating procedures developed by each emergency response unit for the purpose of preplanning the unit's response to a request for emergency assistance.

9. Energy emergency means a condition of danger to the health, safety, welfare, or economic well-being of the citizens of this County arising out of a present or threatened shortage of usable energy resources; also any condition of substantial danger to the health, safety, or welfare of the citizens of this County resulting from the operation of any electrical power-generating facility, the transport of any energy resource by any means whatsoever, or the production, use, or disposal of any source material, special nuclear material, or by-product, as defined by the Atomic Energy Act of 1954, 68 Stat. 919, 42 U.S.C. 2011 et seq.; also any nuclear incident, as defined by the Atomic Energy Act of 1954, occurring within or outside this State, substantially affecting the health, safety, or welfare of the citizens of this County.

10. Energy resources means all forms of energy or power including, without limitation to, oil, gasoline, and other petroleum products; natural or synthetic gas; electricity in all forms and from all sources; and other fuels of any description, except wood.

11. Incident of Critical Significance means an actual or potential high-impact event that requires a coordinated and effective response by an appropriate combination of State, local, nongovernmental, and/or private-sector entities in order to save lives and minimize damage, and provide the basis for long-term community recovery and mitigation activities.

12. Local offices and local officers mean positions in the political subdivisions of the State.

13. Man-made or Human-caused disasters mean the application of one or more modes of harmful force to the built environment. These modes include but are not limited to contamination (as in the case of chemical, biological, radiological, or nuclear hazards), energy (explosives, arson, and even electromagnetic waves), or failure or denial of service (sabotage, infrastructure breakdown, and transportation service disruption).

14. Natural Disaster means any natural catastrophe including any hurricane, tornado, storm, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, drought, or naturally caused fire, flood, or explosion.

15. Office means the position of head of any and all departments, agencies, boards, or commissions of the State or any of its political subdivisions; all constitutional General Assembly offices; all constitutional and other County offices; all of the judgeships of the State and its political subdivisions; and all of the positions in the legislative departments of the State or its political subdivisions.

16. Officer means the individual who shall hold an office.

17. Political subdivision means cities, counties, towns, villages, authorities, and any other bodies created by the State and exercising any of the governmental powers of the State.

18. State of emergency means the condition declared by the Governor when, in his judgment, the threat or actual occurrence of a disaster, emergency, or energy emergency in any part of the State is of sufficient severity and magnitude to warrant extraordinary assistance by the State to supplement the efforts and available resources of the several localities and relief organizations in preventing or alleviating the damage, loss, hardship, or suffering threatened or caused thereby.

19. State office or State officer means positions in the government of this State.

20. Unavailable means either that a vacancy in an office exists as the result of any emergency as defined in this Section and there is no deputy or other successors authorized to exercise all of the powers and discharge all of the duties of the office, or that the lawful

incumbent of the office, including any deputy exercising the powers and discharging the duties of an office because of a vacancy, and his duly authorized deputy are absent or unable to exercise the powers and discharge the duties of the office.

§4-306 Emergency Management.

1. Emergency Management Function Defined.

"Emergency management" means the preparation for, and the carrying out of, all emergency and disaster functions other than those functions for which military forces or other State and Federal agencies are primarily responsible to prevent, minimize, and repair injury and damage resulting from emergencies or disasters, or the imminent threat thereof, of man-made or natural origin. These functions include, without limitation to, fire-fighting services, police services, medical and health services, rescue, engineering, warning services, communications, defense from radiological, chemical and other special weapons, evacuation of persons from stricken areas, emergency welfare services, emergency transportation, plant protection, restoration of public utility services, and other functions related to civilian population, together with all other activities necessary or incidental to total emergency and disaster preparedness for carrying out the foregoing functions.

2. Emergency Management Concept of Operations.

a. Planning and preparation for an emergency by CEMA is an ongoing activity that is funded, staffed and managed on a countywide basis by Chatham County through its Emergency Management Agency. Funding for CEMA is appropriated annually by the County Commission with supplementary matching Federal funding made available through the State from the Office of Homeland security. CEMA's mission is to create the highest possible state of emergency readiness and to be prepared to react promptly to save lives and property in the County or any of its municipalities when threatened or affected by an emergency or major disaster.

b. CEMA is responsible for the preparation of the County Emergency Operations Plan that is based on the principle that local authorities bear the initial responsibility for emergency preparedness and disaster relief. Each level of government accomplishes the functions for which it is responsible, requesting assistance from the next higher level of government only after resources at the requesting level have

been expended or are clearly inadequate to cope with the effects of the emergency or disaster.

c. The Emergency Operations Plan will be based on four phases of emergency management.

(1) Prevention. Those actions taken to avoid an incident or to intervene to stop an incident from occurring. Prevention involves actions taken to protect lives and property.

(2) Response. Activities that address the short-term, direct effects of an incident. These activities include immediate actions to preserve life, property, and the environment; meet basic human needs; and maintain the social, economic, and political structure of the affected community.

(3) Recovery. The development, coordination and execution of service and site-restoration plans and the services through individual, private sector nongovernmental, and public assistance programs.

(4) Mitigation. Any sustained actions taken to reduce or eliminate long-term risk to life and property from a hazardous event and to encourage long-term reduction of hazardous vulnerabilities. The goal of mitigation is to save lives and reduce property damage.

§4-307 Office of the Chatham Emergency Management Director.

There is hereby established the Chatham Emergency Management Office that shall perform emergency management functions countywide in Chatham County. The Chairman of the Chatham County Commission shall nominate to the State Director of the Office of Homeland Security/Georgia Emergency Management Agency for appointment by the Governor, a Director of Emergency Management for the entire County of Chatham. When appointed, the Director is charged with the following duties:

1. To represent the governing officials of Chatham County and its municipalities on matters pertaining to emergency management;
2. To assist County and municipal officials in organizing County and municipal departments for emergency operations;
3. To assist municipal and County department officials and directors with the development of "emergency standing operating procedures

(SOP)" for each of the local governmental, private, or volunteer organizations that will be responding to the emergency. Each organization must develop its own emergency response plan with CEMA assistance, and it shall be closely coordinated with CEMA's Chatham County Emergency Operations Plan that is an overall coordination plan;

4. To develop in conjunction with municipal and County departments and agencies, the Chatham County Emergency Operation Plan for emergency functions as defined in Section 4-305 of this Ordinance. The Plan will be in consonance with the State Operations Plan, and shall be submitted to the governing officials of Chatham County and its municipalities for approval, and thence to the State Office of Homeland Security/Georgia Emergency Management Agency Director for approval;

5. To maintain CEMA and/or Department at the highest possible state of emergency/readiness as defined herein, and carry out the day-to-day administration of the County emergency management program, including the submission of required reports to the State Office of Homeland Security/Georgia Emergency Management Agency;

6. To submit reports and plans as required by Federal, State, and local authorities in keeping with good management practices (e.g. financial, management activities, etc.);

7. To operate and manage a facility to be used as the Chatham Emergency Operations Center (EOC); and

8. To coordinate the activities of the Chatham Emergency Operations Center staff during periods of a declared emergency.

§4-308 CEMA and Emergency Operations Plan.

1. CEMA.

a. CEMA is responsible for assisting each participating municipal, County, private and volunteer organization, agency, or department that agrees to assist CEMA or participate in the emergency management program, with the development of simple, workable, and understandable emergency SOPs. The purpose of having such an emergency SOP is to ensure that the emergency response unit (department, agency, etc.) is organized and knows exactly what, when, and how it is to accomplish its emergency response function.

Such emergency SOPs will be submitted through the CEMA Director to the appropriate local governing body for approval.

b. The Director of CEMA shall have direct responsibility for the organization, administration, and operation of the local organization for emergency management, subject to the direction and control of the County Commission Chairman and County Manager or their designee. Because CEMA is a countywide organization that coordinates the activities of each municipal and County department or agency, each local government retains authority over its own staff and equipment resources but subordinates itself to the overall coordination and direction of CEMA during an emergency. The extent of the participation of each local government during an emergency is determined in advance by the Plan.

c. The Director is responsible for ensuring that all of the duties and responsibilities assigned to CEMA by the "Georgia Emergency Management Act of 1981" are fulfilled to the highest degree possible given the resources provided for CEMA, including the specific duties listed in this Ordinance.

2. The Emergency Operations Plan.

a. CEMA shall develop and periodically update the emergency operations plan for the purpose of establishing policies, procedures, programs, and projects to implement this Ordinance and enable the County and municipal governments to respond to natural and man-made emergency situations.

b. The Director of CEMA is responsible for the development, execution, and coordination of the Chatham County Emergency Operations Plan. The Plan shall be developed in close coordination with the State Office of Homeland Security/Georgia Emergency Management Agency. It shall also be based on recommended principles and practices promulgated by the Federal Department of Homeland Security and other recognized emergency and disaster preparedness agencies and relief organizations.

c. The Plan shall be submitted to the Chatham County Manager and Georgia Office of Homeland Security/Georgia Emergency Management Agency for review, comment, and recommendation to the Chatham County Commission. The Plan shall be adopted by the County Commission by resolution and may be changed and updated periodically by resolution.

d. Activation of the Chatham County Emergency Operations Plan. The Chatham County Emergency Operations Plan shall become operative as follows:

(1) Automatically by the declaration of a "state of emergency" by the Governor of the State of Georgia as either a state-wide, regional, or local area emergency or emergency alert; or

(2) Automatically by the declaration of emergency by the Chairman or Vice Chairman of the Chatham County Board of Commissioners.

(3) On order of the CEMA Director provided that the existence or threatened existence of a local emergency has been declared by the Governor; or that the Director is acting as the designee of the Chairman of the County Commission.

(a) The CEMA Director is hereby authorized to order the mobilization of any appropriate emergency response organization, or any portion thereof, as required to provide for increased readiness in the event of the threatened existence of an emergency prior to the activation of the Chatham County Emergency Operations Plan.

(b) The CEMA Director is further authorized to order the activation of the full Chatham County Emergency Operations Plan and all emergency response organizations in the event that an emergency has already occurred but neither the County Commission Chairman nor his successor are available, nor can they be communicated with in a timely fashion; or, upon the request of the Mayor, legally appointed successor, or the governing body of any Chatham County municipality or adjacent local government experiencing an emergency or disaster within their jurisdiction.

§4-309 Role of Chatham County and Municipal Governments During Non-Emergency Periods.

1. General Powers and Duties of Local Governments.

a. It is the duty of each local government to provide for the public health, safety, and welfare of its citizens by making provision for emergencies and disasters that may occur at some future date. Each local government within Chatham County is authorized and empowered by the Georgia Emergency Management Act of 1981, as amended, to make, amend, and rescind such orders, rules, and regulations as may be necessary for emergency management

purposes. All such orders, rules, and regulations must be consistent with any orders, rules, or regulations promulgated by the Governor or by any State agency exercising a power delegated to it by the Governor.

b. All orders, rules, and regulations so promulgated shall have the full force and effect of law when a copy thereof is filed in the office of the Clerk of the County Commission or the appropriate municipal clerk's office.

All laws, ordinances, rules, and regulations inconsistent with the Georgia Emergency Management Act of 1981, or with any order, rule, or regulation issued under the authority of the Georgia Emergency Management Act of 1981 or this Ordinance shall be suspended during a Declaration of Emergency and to the extent that the conflict exists.

c. In order to attain uniformity so far as practicable throughout the United States in measures taken to aid emergency management, all actions taken under the authority of the Georgia Emergency Management Act of 1981 and this Ordinance and all orders, rules, and regulations made pursuant thereto shall be taken or made with due consideration to the orders, rules, regulations, actions, recommendations, and requests of Federal authorities relevant thereto and, to the extent permitted by law, shall be consistent with such orders, rules, regulations, actions, recommendations, and requests.

2. Responsibility of Chatham County Departments and Agencies and Municipalities to Develop Emergency SOPs.

Each municipality and County department official is responsible for the development of an appropriate response plan or emergency standing operating procedure (SOP) for each response unit. Each response organization must develop its own emergency SOP with CEMA assistance in order that it is closely coordinated with the Chatham County Emergency Operations Plan that is the overall, county-wide coordination plan. The purpose of an emergency SOP is to ensure that the emergency response unit is organized and knows exactly what, when, and how it is to accomplish its emergency response function. Each emergency SOP must be submitted through the CEMA Director to the appropriate local governing body for approval. It is the CEMA Director's responsibility to assist each emergency response unit to develop an acceptable emergency SOP document.

§4-310 Emergency Response Powers of Chatham County and Municipal Governments.

1. Declaration of Emergency .

a. Grant of Authority.

In the event of actual or threatened occurrence of a disaster or event, including "energy emergency" as defined in the Georgia Emergency Management Act and any amendments thereto, which may result in the large scale loss of life, injury, property damage or destruction, or in the major disruption of routine community affairs or business and government operations in the unincorporated area of Chatham County, and is of sufficient severity and magnitude to warrant extraordinary assistance by CEMA and other Chatham County departments and other agencies to supplement the efforts of available public and private resources, the Chairman of the Chatham County Board of Commissioners or Vice Chairman may declare an emergency for the unincorporated area of Chatham County, including municipalities upon execution of an intergovernmental agreement. The declaration of emergency shall continue until the Chairman or Vice Chairman finds that emergency conditions no longer exist.

b. Effect of Declaration of Emergency.

A declaration of emergency shall automatically activate the Chatham County Emergency Operations Plan as applicable to the unincorporated area of Chatham County, Georgia, including municipalities upon execution of an intergovernmental agreement and shall be authority for the deployment of personnel and use of any forces to which the Plan applies and for use or distribution of any supplies, equipment, materials and facilities assembled, stockpiled, or arranged to be made available pursuant to the Georgia Emergency Management Act of 1981 or any other laws applicable to emergencies or disasters.

A declaration of emergency shall authorize the Chairman to cause to be effective any of the following sections of the Emergency Management Ordinance of Chatham County as appropriate: Sections 4-311, 4-312, 4-313, 4-314, and 4-315. The Chairman shall execute a Declaration of Effective Ordinances During Emergency designating which of the foregoing sections are in effect. If these sections are included in a Declaration of Effective Ordinances During Emergency, they shall be in effect until the declaration of emergency has terminated.

c. Declaration of Emergency.

Upon the declaration of emergency or upon activation of the Chatham County Emergency Operations Plan as applicable to the unincorporated area of Chatham County, Georgia, and municipalities upon execution of an intergovernmental agreement, an official "Declaration of Emergency" in compliance with the attached form shall be signed and communicated to the citizens of the affected area using the most effective and efficient means available. The declaration shall state the nature of the emergency, the geographic area affected by the declaration, the conditions that require the declaration and the conditions under which it will be terminated.

2. Emergency Powers of Chatham County and Municipal Governments.

a. Emergency Powers of Chatham County Government.

The Chairman of the Chatham County Board of Commissioners shall have and may exercise for such period as the declared emergency exists or continues, unless the State government assumes direct control of the emergency, the following additional emergency powers with the unincorporated area of Chatham County, including municipalities upon execution of an intergovernmental agreement:

(1) To enforce all laws, rules, and regulations relating to emergency management and to assume direct operational control of all civil forces and helpers in the unincorporated area of the County;

(2) To seize or take private property for temporary use only if it cannot be acquired, temporarily or permanently, by purchase, donation or lease, and only if there is compelling necessity for the protection of the lives, health, welfare and/or property of citizens;

(3) To sell, lend, give, or distribute all or any such property among the inhabitants of the County and to account to the proper State or local agency for any funds received for the property;

(4) To perform and exercise such other functions, powers, and duties as may be deemed necessary to promote and secure the safety and protection of the civilian population of the County; and

(5) To coordinate the exercise of the above emergency powers within the unincorporated area of Chatham County, including municipalities upon execution of an intergovernmental agreement with

the Mayors of the municipalities of Chatham County and other appropriate local, State, and Federal officials through CEMA.

(6) In addition to any other emergency powers conferred upon the County Commission Chairman by law, the Chairman may specifically:

(a) Suspend any regulatory statute prescribing the procedures for conduct of County business, or the orders, rules, or regulations of any County agency, if strict compliance with any Ordinance, resolution, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency or disaster;

(b) Utilize all available resources of the Chatham County government and subordinate agencies over which it has budgetary control as reasonably necessary to cope with the emergency or disaster;

(c) Transfer the direction, personnel, or functions of any Chatham County departments and agencies or units thereof for the purpose of performing or facilitating emergency services;

(d) Commandeer or utilize any private property if the County Commission Chairman finds this necessary to cope with the emergency or disaster;

(e) Direct and compel the evacuation of all or part of the population from any stricken or threatened area within the State, if the Chairman deems this action necessary, for the preservation of life or other disaster mitigation, response, or recovery;

(f) Prescribe routes, modes of transportation, and destinations in connection with evacuation;

(g) Control ingress and egress to and from a disaster area, the movement of persons within the area, and the occupancy of premises therein;

(h) Suspend or limit the sale, dispensing, or transportation of alcoholic beverages, firearms, explosives, and combustibles; and

(i) Make provision for the availability and use of temporary emergency housing.

(7) When the available funds are not sufficient for the purpose of paying the expenses incident to carrying out the provisions authorized by this Ordinance and Articles 1 through 3 of the Georgia Emergency Management Act of 1981, the County Commission Chairman may transfer from any available fund in the Chatham County treasury such sum as may be necessary to meet the expenses of the emergency or disaster; and the monies so transferred shall be repaid to the fund from which transferred when monies become available for that purpose by the Chatham County Commission, Georgia General Assembly, Federal grant, or otherwise.

(8) In the event that the County Commission Chairman proclaims an emergency or disaster, as defined in this Ordinance, the Chairman may provide welfare benefits to the citizens of the unincorporated area of Chatham County and other municipalities upon execution of an intergovernmental agreement in the form of grants to meet disaster related necessary expenses or serious needs of individuals or families adversely affected by an emergency or disaster in those cases where the individuals or families are unable to meet the expenses or needs from other means, provided that such grants are authorized only when matching State or Federal funds are available for such purposes.

(9) If the County Commission Chairman declares a local state of emergency solely because of an energy emergency, he shall not have the authority to:

(a) Seize, take for temporary use, or condemn property other than energy resources as authorized by this Ordinance;

(b) Sell, lend, give, or distribute property other than energy resources as authorized by this Ordinance; or

(c) Commandeer or utilize property other than energy resources as authorized by this Ordinance.

b. Emergency Powers of Municipalities of Chatham County.

(1) The Georgia Emergency Management Act of 1981, as amended, authorizes the municipalities within Chatham County to exercise the same emergency governmental powers within their municipal boundaries as it authorizes the County Commission to exercise within the unincorporated area of the County.

(2) In addition to the normal agreements embodied in the Chatham County Emergency Operations Plan for mutual emergency assistance with all Chatham County municipalities, the Chatham County Commission may contract with any municipality for the administration of a municipal emergency response program.

§4-311 Overcharging Prohibited. In order to preserve, protect or sustain the life, health or safety of persons, or their property, within an area in the unincorporated area of Chatham County designated in a declaration of emergency, it shall be unlawful, during the duration of the emergency or subsequent recovery period, for any person, firm or corporation located or doing business in the unincorporated area of Chatham County to overcharge for any goods, materials, foods, equipment, supplies, services, labor, motel rooms, temporary lodging or houses, sold or rented, within Chatham County.

1. Definitions.

a. Overcharging means charging prices for goods, materials, foods, equipment, supplies, services, labor, motel rooms, temporary lodging or houses, which are in excess of the customary charges by 25% or, inapplicable cases, in excess of the suppliers' or providers' costs for such goods, materials, foods, equipment, supplies, services, labor, motel rooms, temporary lodging or houses, by 25%. The existence of overcharging shall be presumed from a 25% increase in the price at which the merchandise or rate, fee, cost/rental of housing was offered in the usual course of business immediately prior to the onset of the emergency, but shall not include increases in cost to the supplier directly attributable to the higher cost of material, supplies and labor costs resulting from the emergency.

b. Subsequent Recovery Period means that period during which the emergency continues to cause disruptions in the area designated in the declaration of emergency, but shall not exceed six months after the declaration of emergency has been terminated.

2. This section shall become effective only upon the signing of a declaration of emergency and the signing of a declaration stating that it is in effect.

§4-312 Zoning Regulations Suspended.

1. In order to preserve, protect or sustain the life, health, welfare or safety of persons, or their property, within an area in the unincorporated area of Chatham County designated in a declaration

of emergency, temporary mobile/ manufactured/ industrialized homes, travel trailers, recreational vehicles, campers or mobile/manufactured/industrialized home parks, campgrounds or other living areas may be located on property approved by the Chatham County Board of Commissioners in any zoning district. The parks, campgrounds or other living areas shall be designed by an engineer and plans shall be approved by the Chatham County Health Department, Engineering Department and Public Works Department, and the Building Safety and Regulatory Services Department. Permits may be issued by the Building Safety and Regulatory Services Department to establish temporary mobile/manufactured/ industrialized homes or mobile/manufactured/industrialized home parks for a period not to exceed eighteen months. Such approval may only be extended by the Chatham County Board of Commissioners beyond eighteen months after a public hearing and a demonstrated finding of necessity on behalf of the Chatham County Board of Commissioners. Except as provided herein, the Chatham County Zoning Ordinance shall remain in full force and effect.

2. This section shall become effective only upon the signing of a declaration of emergency and the signing of a declaration stating that it is in effect.

§4-313 Emergency Business License.

1. Before conducting any business within an area in the unincorporated area of Chatham County designated in a declaration of emergency, a business license shall be obtained and posted at the work site. Said business license shall expire at the end of twelve (12) months. The cost of the emergency business license shall be equal to the cost for a license issued under current regulations for the business conducted.

2. Applicants shall provide the following information when applying for a temporary business license:

- a. Name of applicant;
- b. Permanent address and telephone number of applicant;
- c. Local address and telephone number of applicant;
- d. Applicant's date of birth and age, if an individual;
- e. Applicant's Social Security Number or Federal Employer Identification Number;
- f. If applicant is a corporation, the state and date of incorporation;
- g. Tag registration for each vehicle to be used in the business;

- h. List of cities where business has been conducted by the applicant within the past 12 months;
 - i. Georgia Sales Tax number or authorization;
 - j. Georgia State Business License number, if required;
3. The temporary business license application shall be signed under oath by the applicant.
 4. This section shall become effective only upon the signing of a declaration of emergency and the signing of a declaration stating that it is in effect.

§4-314 Emergency Building Permit.

1. Before repairing any structure within an area in the unincorporated area of Chatham County designated in a declaration of emergency, a building permit must be obtained and posted at the work site. The cost of the emergency building permit shall be equal to the cost for a building permit under current regulations. The permit shall only be authorized for repairs. Applicants shall provide the following information when applying for a temporary building permit:
 - a. Name of applicant;
 - b. Permanent address and telephone number of applicant;
 - c. Local address and telephone number of applicant;
 - d. Applicant's Social security Number or Federal Employer Identification Number;
 - e. If applicant is a corporation, the state and date of incorporation;
 - f. Tag registration for each vehicle to be used in the business;
 - g. List of cities where business has been conducted by the applicant within the past 12 months;
 - h. Georgia Sales Tax number or authorization;
 - i. Georgia State Business License number, if required;
2. The emergency building permit application shall be signed under oath by the applicant.
3. This section shall become effective only upon the signing of a declaration of emergency and the signing of a declaration stating that it is in effect.

§4-315 Closed or Restricted Areas and Curfew during Emergency.

1. In order to preserve, protect or sustain the life, health, welfare or safety of persons, or their property, within an area in the

unincorporated area of Chatham County designated in a declaration of emergency, it shall be unlawful for any person to travel, loiter, wander, or stroll in or upon the public streets, highways, roads, lanes, parks, or other public grounds, public places, public buildings, places or amusement, eating places, vacant lots or any other place in the unincorporated area of Chatham County during a declared emergency between the hours of 9:00 p.m. on any day and 6:00 a.m. of the following day, unless otherwise specified by the Chairman, until the curfew is lifted by the Chairman of the Chatham County Board of Commissioners.

2. In order to promote order, protect lives, minimize the potential for looting and other crimes, and facilitate recovery operations during an emergency, the Chairman shall have discretion to impose reentry restrictions on certain areas. The Chairman shall exercise such discretion in accordance with the Chatham County, Georgia Emergency Operations Plan, which shall be followed during all emergencies.

3. The provisions of this section shall not apply in the following instances:

- a. Authorized law enforcement personnel;
- b. Authorized health care providers;
- c. Authorized personnel of Chatham County;
- d. National Guard or Federal Military Personnel;
- e. Authorized firefighters;
- f. Emergency response personnel/volunteers working with or through CEMA;
- g. Authorized utilities repair crews;
- h. Citizens pursuing legitimate means to restore order to their homes or businesses while already on their own property or place of business;
- i. Other authorized persons as set forth in a list compiled by CEMA and/or the Chief of Police or Sheriff of Chatham County with the approval of the Chairman.

4. Enforceability. This section shall be enforced by officers of the Savannah Chatham Metropolitan Police Department, the Sheriff of Chatham County and his lawful deputies, and the officers of any other law enforcement agency authorized by the Chief of Police, the Sheriff of Chatham County and approved by the Chairman to provide aid and assistance during an emergency.

5. Nothing in this section shall prohibit an officer from bringing additional charges under State law.

6. This section shall become effective only upon the signing of a declaration of emergency and the signing of a declaration stating that it is in effect.

§4-316 Liberality of Construction, Enforcement, and Penalty for

1. Liberality of Construction.

This Ordinance shall be liberally construed in favor of the governing body of Chatham County and deemed neither to limit nor repeal any other powers granted under State statutes.

2. Enforcement.

The CEMA Director shall have the legal authority to conduct such necessary and appropriate investigations to carry out the duties prescribed in this Ordinance or properly assigned by the County, and for this purpose to enter at a reasonable time upon any property, public or private, for the purpose of investigating and inspecting the sites involved with emergency management functions.

No person shall refuse entry or access to any authorized representative or agent of the County who requests entry for purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper, or interfere with any such representative while in the process of carrying out their official duties.

The law enforcement authorities of the State and of the political subdivisions thereof shall enforce the orders, rules, and regulations issued pursuant to Articles 1 through 3 of the Georgia Emergency Management Act of 1981 and this Ordinance.

3. Penalties for Violation.

Failure to comply with any of the requirements and provisions of these regulations shall constitute a violation of this Ordinance. Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$500, and in addition, shall pay all costs and expenses involved in the case. The owner of land upon which a violation occurs, and each person assisting in the commission of a violation, shall be guilty of a

separate offense. Each day during which the violation or failure to comply continues shall be a separate violation.

In addition to the remedies set forth in Articles 1 through 3 of the Georgia Emergency Management Act of 1981, and this Ordinance, the Court is authorized under O.C.G.A. §38-3-5 of the Georgia Emergency Management Act of 1981 to obtain an injunction to restrain violations of the provisions of this Ordinance and Articles 1 through 3 of the Georgia Emergency Management Act of 1981.

§4-317 Repeal of Conflicting Ordinances and Resolutions. All ordinances or resolutions or parts thereof in conflict with this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

§4-318 Conflict with Other Laws. Whenever the provisions of this ordinance are more restrictive than the standards required in, or under, any other covenant, ordinance, or resolution, the provisions of this ordinance shall govern. Whenever the provisions of any other statute, covenant, ordinance, or resolution are more restrictive than the standards required in this ordinance, the provisions of said statute, etc., shall govern.

§4-319 Severability. Should any section, paragraph, subdivision, clause, phrase, or provision of this Ordinance be adjudged invalid or held unconstitutional by a court of competent jurisdiction, such declaration shall not affect the validity of this Ordinance as a whole or any part or provisions thereof, other than the part so decided to be invalid or unconstitutional.

§4-320 Effective Date. This Ordinance shall become effective on _____, 2006.

STATE OF GEORGIA
COUNTY OF CHATHAM

DECLARATION OF EMERGENCY

WHEREAS, the Chatham County Board of Commissioners as the governing body of Chatham County, Georgia is vested with the power to protect the lives, health, welfare and property of citizens coextensive with the necessity of the situation and the safeguard of

the public interest, pursuant to Ga. Constitution Art. 9, §2, ¶3, GA. Constitution Art. 9, §2, ¶1 and the laws of the State of Georgia; and

WHEREAS, the Chatham County Board of Commissioners adopted amendments to the Chatham County Emergency Management Ordinance for the protection of the public during emergencies which shall only be implemented upon a declaration of emergency and the signing of a declaration stating that they are in effect; and

WHEREAS, in the judgment of the Chairman of the Chatham County Board of Commissioners, with appropriate advice from the Chatham Emergency Management Agency ("CEMA") and other agencies, emergency conditions exist in (geographic location) due to (conditions which require the declaration to be issued); and

WHEREAS, "emergency" means any extraordinary condition in which there exists the threat or actual occurrence of a disaster or event, including "energy emergency" as defined in the Georgia Emergency Management Act and any amendments thereto, which may result in the large scale loss of life, injury, property damage or destruction, or in the major disruption of routine community affairs or business and government operations, and is of sufficient severity and magnitude to warrant extraordinary assistance by CEMA and other Chatham County departments and other agencies to supplement the efforts of available public and private resources.

NOW THEREFORE, pursuant to the authority vested in me by the laws of the State of Georgia,

IT IS HEREBY DECLARED that emergency conditions exist in (geographic location) due to (conditions which require the declaration to be issued) and that upon the occurrence of (conditions under which declaration to be terminated), this declaration shall be terminated.

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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.

AGENDA ITEM: XIII-2
AGENDA DATE: March 24, 2006

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

<u>ITEM</u>	<u>DEPT.</u>	<u>SOURCE</u>	<u>AMOUNT</u>	<u>FUNDING</u>
Repairs to transmission on tandem dump truck	Fleet Operations	Powertrain, Inc.	\$4,700	General Fund/M&O - Fleet Operations
Steam/hot pressure washer for shop	Fleet Operations	Northern Tool and Equipment Company	\$2,660	General Fund/M&O - Fleet Operations
One (1) used 2003 Ford Taurus	Detention Center	J. C. Lewis Ford	\$9,400	General Fund/M&O - Detention Center
One (1) used 1999 Mercury Grand Marquis	Detention Center	Fairway Lincoln Mercury, Inc.	\$8,100	General Fund/M&O - Detention Center
Two (2) laptop computers	Voter Registration	Dell Marketing (State Contract)	\$3,660	General Fund/M&O - Voter Registration
Furniture for the maintenance shop and hanger	Mosquito Control	VIP Office Supply (WBE)	\$8,726	General Fund/M&O - Mosquito Control
Galvanized wide flange beams for scoreboards at Charlie Brooks Complex	Parks and Recreation	Universal Steel Company	\$5,200	General Fund/M&O - Parks and Recreation
Shelving units for the evidence gun room	CNT	National Office Systems	\$2,976	2005 DSA Bonds - CNT Headquarters

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EXECUTIVE SESSION

Upon motion being made by Commissioner Farrell and seconded by Commissioner Gellatly the board recessed at 12:50 p.m. to go into Executive Session for the purpose of discussing litigation, land acquisition and personnel. [NOTE: Commissioners Shay and Odell were not present when this vote was taken.]

Following adjournment of the Executive Session, the meeting of the Board of Commissioners was reconvened at 1:20 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 Farrell moved to approve a motion to authorize the Chairman to execute an Affidavit that the Executive Session was held in compliance with the Open Meetings Act. Commissioners Stone and Holmes seconded the motion and it carried unanimously. [NOTE: Commissioners Odell and Kicklighter were not present when this vote was taken.]

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ADJOURNMENT

There being no further business to be brought before the Commissioners, the Chairman declared the meeting adjourned at 1:21 p.m.

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APPROVED: THIS _____ DAY OF _____, 2006

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

SYBIL E. TILLMAN, CLERK OF COMMISSION