

MINUTES OF THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF CHATHAM COUNTY, GEORGIA, HELD ON FRIDAY, MAY 12, 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 9:30 a.m., Friday, May 12, 2006.

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II. INVOCATION

Commissioner Gellatly 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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STATE OF THE COUNTY

Chairman Pete Liakakis gave the State of the County as follows:

Chairman Liakakis said, thanks again to each and every one of you for coming to the meeting today. Of course, what we're doing this morning, we want all of our citizens and our staff, and most of the people on the staff know the great things that this County Commission has done since they've been in office since January of 2005.

On behalf of the Board of Commissioners, I am honored to present to the citizens of Chatham County a report on the state of our county government. It's been 16 months since this group of Commissioners came to office. While we all ran partisan races, by and large, we have managed to leave our political hats at the door when we've entered these chambers. As promised, we've worked as a county government and we have brought order and stability and vision to Chatham County's government. Teamwork doesn't mean everyone agreeing on every issue. We've had our disagreements, but we've conducted ourselves in the business of county government in a respectful and thoughtful way.

That teamwork has also extended to the municipalities of our county. As promised, we have had regular and productive meetings with the elected officials of our municipalities, heretofore, never done. Also as promised, teamwork has been evident in the meetings of your County Commission and that it has had with the staff, department heads, and the judges and officials of county government. For those who have served many years, this was unprecedented in their recollection.

Sixteen months ago, too many of our public facilities had gone unattended. Doing business in and with Chatham County was burdensome. Our budget needed serious stabilization and our credit worthiness was at a low ebb. Public services had been adversely affected by under funding. Our parks and recreation services were not serving the needs of our citizens. Much had to be done.

As a team, we began by listening to the ideas of our professionals and elected officials, developing the necessary elements to resolve these issues and prioritizing them strategically. To begin with, we had to deal with budget matters to reflect the elements we would consider to resolve these issues. The extensive budget work included: Updating and adopting a thorough five-year capital improvement program; initiating five-year financial planning, showing mid to long-term impact on various choices; living by adopted and very comprehensive budget policies, giving us financial stability in the mid to long haul. As a result, we're on course and the outlook is good for stable bond rating for Chatham County on Wall Street.

We stopped misleading citizens about the cost of short-term and ill-advised savings that consistently ignored the deterioration of high profile public buildings and parks.

Getting by "on the cheap" had become very expensive.

For years, repairs deferred have made complete replacement the only choice. Here are some of the examples:

parks restrooms; ballfield features like bleachers, backstops, and reliable playing field drainage; boat ramps; long overdue replacement of vehicles; Wright Square Courthouse windows.

These short 16 months have resulted in an aggressive list of new and redefined programs for the Chatham County Commission. Here are many of those noteworthy accomplishments.

1. We approved a recreation action program investing \$500,000 in facilities and programs. You can see the difference.
2. We've taken idle funds from the Recreation Authority to improve boat ramps:
 - a. The Skidaway Narrows, or Butter Bean Ramp, is complete with parking lot improvements which will be on the way in the very near future.
 - b. Next, we will be improving Bells Landings.
3. We cut the ribbon on a new Records Center serving our courts.
4. We are building a new police precinct on Whitemarsh Island. In the meantime, we're renting quality office space on Wilmington Island for those police officers that are protecting that area.
5. Truman Parkway, Phase IV, was opened in September.
6. We're splitting up the new bridge project on Diamond Causeway to expedite road construction on Skidaway Island, thus addressing a critical need. Congressman Kingston has secured funds for a high-level bridge totaling some \$45 million.
7. We put funds into a program to greatly increase the use of court workers for maintenance labor in our Public Works and Recreation Department. Now, there are about 30 individuals doing this work.
8. We're buying a new headquarters for the Counter Narcotic Team, saving \$90,000 annually of taxpayers money. The new facilities have been occupied and are very satisfactory.
9. We're going to build a new animal shelter.
10. We're putting a good roof on the Aquatic Center.
11. In concert with the School District and City of Savannah, we've initiated an anti-truancy program.
12. We're taking the lead on vocational training for young people.
13. We've adopted a new Animal Control Ordinance.

14. We've continued to improve Charlie Brooks Park on Wilmington Island and Tom Triplett Park on the Westside. At Charlie Brooks Park, we had a "red carpet" tour for the public on the 25th of March.
15. Our storm drainage construction program remains a high priority. There was a recent ribbon cutting on the first phase of the Pipemakers Canal.
16. We adopted an ordinance that will eliminate jail time for some offenses. This will reduce Public Defender's expense for crimes that don't warrant jail time, and saving taxpayers money.
17. We met with our State Delegation to get their attention about stopping the County's budget bleeding, as we're required to pick up millions of dollars in state mandates. Some examples of that are the jail and mental health services.
18. We have funding in place to add a fifth floor to the former old jail on Montgomery Street, giving us more office space. Specifically, we can move the Public Defender from rental location, saving well over \$100,000 a year.
19. We just refinanced \$9 million in construction bonds made possible because of the County's solid financial position and lower interest rates. We'll save \$450,000 over the next several years.
20. On the 21st of October, the Board adopted a "score card" for best value contracting. This allows a bid to be awarded based on a real cost to the community.
21. The Commission approved funding for innovative job training program that will guarantee 25 jobs in the home building industry. The Step Up program, which is the Poverty Initiative, is managing the recruitment. The Home Builders have agreed to hire successful graduates of a construction trade curriculum which is being put together by Savannah Technical College. Next year's budget proposes training for 50 more jobs that will help in the poverty area of our community, and this is most important.
22. Currently, the Board is reviewing action steps to complement the community's crime fighting efforts. The keystone of this will be the advanced construction of a minimum 800-bed addition to the Detention Center.
23. We must continue our capital improvement program through SPLOST. We are prioritizing an 800-cell addition to this jail. Expansion of our road programs to make improvements to our transportation network and further flood prevention infrastructure for all the cities and the county. Once again, we are developing this list of projects in conjunction with the municipalities with whom we have met and will meet with until a comprehensive plan is adopted.

- 24. The protection of citizens is always at the forefront of public responsibility. This Commission has been proactive in supporting the efforts of law enforcement community. When the District Attorney needed an additional Assistant D.A. to help senior citizens who were being victimized by crime, we funded the new position. When the Metropolitan Police Department needed additional officers on the street for patrol and other crime prevention measures, we funded the Sheriff's Department to assign deputies to assist the police.
- 25. Board created Historic Review Commission to protect the character and legacy of designated neighborhoods in the unincorporated area.
- 26. Through the Recreation Authority, we're embarking on a program to encourage youth participation in track and field and other athletic endeavors.
- 27. We are exploring private sector sponsorship of our recreation facilities to offset maintenance costs and make desirable upgrades and saving taxpayers money again.

As you can see, this Commission has been working hard and very well to achieve the goals we each put before you when we sought these positions in which we now serve. We've not done it alone, nor will succeed long term alone. We've not done it without the help of others who have been giving us advice.

We are privileged to have such a well-managed professional staff led by Mr. Russ Abolt. The elected and appointed officials are working at their best, because they know they have a Commission who has taken the time to find out what they need to do their jobs. None of this has come easily, but nothing good does. We are dedicated to continue to work hard with respect for one another and only with the best interest of the citizens of Chatham County as our goal.

Thank you very much. And I want everybody to know that this Commission, we are going to continue to do the job for you, because we know how important it is, and we're reaching out in the community, as all the Commissioners are doing.

We're going to take a few minutes break right now so that those -- we have some judges here who have to go back into court for sessions, and anybody else that might like to leave right now, so it'll just be a couple minutes and we'll get right back into our agenda. Thank you.

Commissioner Thomas was recognized by Chairman Liakakis, and said, Mr. Chairman, I would like to add to this. I would like to say that we would like to receive your state of the message with commendation. Chairman Liakakis said, thank you.

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YOUTH COMMISSIONERS

Chairman Liakakis welcomed the following Youth Commissioner who was in attendance: Anthony Williams, a Sophomore at Jenkins High School.

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V. PROCLAMATIONS AND SPECIAL PRESENTATIONS

1. PRESENTATION OF GOVERNMENT FINANCE OFFICER'S ASSOCIATION (GFOA) AWARD OF THE DISTINGUISHED BUDGET PRESENTATION AWARD TO CHATHAM COUNTY FOR THE FISCAL YEAR BEGINNING JULY 1, 2005.

Chairman Liakakis recognized County Manager Abolt and Linda Cramer, who heads up our Finance Department. Mr. Abolt said, Ladies and Gentlemen, 17 years running, 17 years in which this County has been recognized by the most prestigious group of financial managers, planners, and the elite for being exceptional in the way in which the budget is presented. A budget always must be understandable, just not to you as the policy body, but also to our community. Issues must be well defined, goals must be set forth, measurements for those goals, and everything that makes us human in the way in which we are stewards of those precious tax dollars. I am proud again for this year to present to your Finance Director and her staff who have made this remarkable record, through good times, bad times, and now some truly bullish times. I am pleased to introduce to you Linda Cramer and the staff of the Finance Department who receive this plaque, and then hang it on the wall.

Ms. Cramer said, of course, we're delighted to accept our budget presentation award from GFOA. I spent the first part of this week at the GFOA National Conference. Of course, I'm very -- you know, as always, when you go to these conferences you come back and you're very pumped up, and just real excited. They get you ready for whatever comes your way going forward. And I want to talk a little bit about that to you, but before I do, I want to introduce the budget staff that's here today. Estelle Brown, she's our Assistant Budget Officer; Rhonda McCullough spends hours, nights, weekends, here putting your budget book together every year, and we're thinking about installing a hideaway bed for her right there at her desk, we see her so much; Chris Morris, one of our Analysts; Lynn Stennett is our newest Budget Analyst — we moved her over from our accounting side because we needed her expertise; and Michael Grant, another one of our Budget Analysts. Read DeHaven is not here today. He's taking a well-deserved day off, so we appreciate Read's help as well.

Ms. Cramer said, I wanted to talk to you a little bit about the budget document that we did get the award on, which was your first budget together as a Board, and specifically, when the book was rated, I found it interesting that under the long-term non financial objectives and the priorities and

issues statement that you got one outstanding vote from three judges. That was the first time we had gotten an outstanding vote in that area, and this kind of goes along to emphasize the trend that I've seen you moving toward, which is really defining your goals up front. And I've seen over the two years, you know, going into this budget, as well, that you seem to have some really consistent goals and, you know, I think we need to look at that and continue to gel on that and put that in as your long-term plan, really, and just continue to focus on your budget as a planning tool, as a business plan for you, and I think we'll continue to see that recognition through the award program, as we really -- all we do is, we write down what you say, how you do it and how you direct the resources. That's really what the budget document is, so I'd like to compliment you on that. I think that's very exciting for you as a Board. Do any of you all have any comments? Thank you very much.

Chairman Liakakis said, Linda, we'd like to thank you for your leadership in our Finance Department and, of course, all your budget staff and the other staff members that you have, because you all have been doing an outstanding job and giving us recommendations and those things to better financially run the county for the citizens of Chatham County. We do appreciate that.

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2. PROCLAMATION TO DECLARE WEEK OF MAY 21 - 27, 2006, AS PUBLIC WORKS WEEK.

Chairman Liakakis said, what I'd like to do right now is call on Commissioner Patrick Shay. Commissioner Shay read the following proclamation:

WHEREAS, Public Works services provided in our community are an integral part of our citizen's everyday lives and their quality of life; and

WHEREAS, the support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs such as roads, bridges, drainage, water, sewer, parks, and dry trash collection services; and

WHEREAS, the health, safety and comfort of this community greatly depends on these facilities and services; and

WHEREAS, the quality and effectiveness of these facilities and services, as well as their planning, design, construction and delivery of services, are vitally dependent upon the efforts and skill of public works employees; and

WHEREAS, the efficiency of the qualified and dedicated personnel who staff Chatham County Public Works and Park Services is materially influenced by the citizen's attitude and understanding of the importance of the work they perform.

NOW, THEREFORE, I, Pete Liakakis, Chairman, on behalf of the Chatham County Board of Commissioner, do hereby proclaim May 21 - May 27, 2006 as:

“NATIONAL PUBLIC WORKS WEEK”

in Chatham County, and call upon all citizens and civic organizations to acquaint themselves with the issues involved in providing our public works and to recognize the contributions which public works employees make every day to our health, safety, comfort, and quality of life.

IN WITNESS WHEREOF, I, have hereunto set my hand and caused the Seal of Chatham County to be affixed this the 12th day of May 2006.

Pete Liakakis, Chairman
Chatham County Commission

ATTEST:

Sybil E. Tillman, Clerk

County Manager Abolt said, Mr. Chairman, before Mr. Drewry comes up, I would like to take the opportunity to tell you how much I am proud of these men and women. I really feel they have the biggest fan club of any organization in Chatham County. It's shown every week when we receive such kind and considerate thank you's from the citizens we serve. Mr. Drewry and Mr. Lipsey have combined a department, once a Public Works Department, and set aside alone Parks Department, It's now, of course, the Department of Public Works and Park Services. It's a special job of managing that has resulted in quality, but I have to give you a bit side bar, that we've had to delay the recognition of this week for a short period of time because Mr. Lipsey had gone out of town to introduce himself to his new grandson, Dante'.

Mr. Drewry said, Mr. Chairman, Commissioners, I thank you for taking the time to recognize Public Works and Public Works & Park Services employees. I didn't draft that proclamation. It came from the National American Public Works Association, but it does correctly recognize the contribution of Public Works employees to this community's health, safety, comfort, and quality of life. I wish I could have brought all 164 employees up here and introduced them, but I knew I couldn't do that. Instead, what I decided to do was bring up your Employees of the Year for 2005. I thought that'd be very appropriate, bring them up here and introduce you to them.

So if you don't mind, I'd like to start off on the end with Yvonne Quarterman. Yvonne Quarterman is in our Solid Waste Department and she is one of the largest reasons why you don't get a lot of calls for missed dry trash. Next to her, Mr. Lawrence Lanier is our Safety Training Coordinator. Next to him is Mr. Mike Semkens from Drainage Maintenance. Mike is our master Heavy Equipment Operator. You can see him out there on those long-reach boom excavators cleaning your canals. Behind me is Shawn Sweatman from Water & Sewer. I've got good news and bad news about Shawn. The bad news, he's leaving us, but the good news is, he's going to work for

Fred Thompson's shop, so he's still going to be a County employee. Behind me is Mr. Tony Page from Road Maintenance Department. Tony can be seen up — preparing, making, and installing street signs throughout the County. Next to him is Mr. Bobby Kirksey, and I can tell you Bobby is one of the biggest reasons why the turf out at the Soccer Complex looks so good. Next to him is Vicki Blumberg and Vicki really needs no introduction, particularly if you've ever had any contact with our recreational programs. That is our 2005 Employees of the Year, so I think they deserve recognition. [Applause.]

Mr. Drewry said, again, I thank you for the time to recognize Public Works employees. I want to take this opportunity, since it is National Public Works Week, to invite you to an equipment show. It's going to a static equipment show out at Lake Mayer on May 21st. It's a Sunday. We're starting at 11:00 a.m. through the afternoon. Again, May 21st. You'll probably be seeing more about it. We're going to work with the City of Savannah and have some equipment sitting out there just for the public to see and look at and maybe even see a little demonstration, but I do want to invite you to come out there on May 21st. Thank you very much.

Chairman Liakakis said, thank you. Robert, we appreciate your leadership and also Al Lipsey's for the great work that you and your employees do, because we can see a difference, adding those additional employees to your department, so that we could give even more services to our community. Thank you.

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3. PROCLAMATION TO DECLARE MAY 12, 2006, SIMEO SMITH DAY.

Chairman Liakakis said, what I'd like to do right now, we have a special proclamation. All proclamations are special, but we have one for an individual in our community that has done a heroic endeavor on his part, and I'd like to call on Commissioner Patrick Farrell to come and ask Simeo Smith to come to the podium. Is Simeo here this morning? Okay, let's do this. I want to go ahead and let's read this proclamation because a note was sent and hopefully, it got to him, but the note might not have gotten to Simeo. Simeo Smith is the individual, the student from Savannah State University that risked his own safety to save a child in a wrecked automobile, and, you know, it was a great heroic feat on his part, and the County wants to, of course, recognize him for what he did, and I'd like Commissioner Farrell to go ahead and read this proclamation, and we will get with him to present it to him, but it's important that the County recognize him.

Commissioner Farrell said, thank you, Mr. Chairman. It's a great honor to me to present this proclamation to Mr. Simeo Smith. I think he embodies the quality of character that we all wish that our -- that we could impart into our children, and I would like to personally congratulate his parents and all that helped shape this young man to the high standards that we all strive for. Commissioner Farrell read then the following proclamation:

WHEREAS, heros appear in various images. The Chatham County Board of Commissioners are appreciative that the heroic image of Simeo Smith appeared on April 16, 2006; and

WHEREAS, Simeo Smith, a junior at Savannah State University, displayed quick thinking and love for his fellow mankind by, without thought of personal safety, rescuing a baby boy who was trapped inside a car that was involved in an accident; and

WHEREAS, Simeo Smith is to be honored for his unselfish act of caring and kindness in saving the life of a precious human being; and

WHEREAS, the Chatham County Board of Commissioners do hereby recognize and salute Simeo Smith for risking his own safety and secure that of another.

NOW, THEREFORE, I, Pete Liakakis, Chairman, on behalf of the Chatham County Board of Commissioners, do hereby proclaim, Friday, May 12, 2006 as:

SIMEO SMITH DAY

in Chatham County and urge all citizens to use his actions as a reminder of how we are our brothers keeper.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of Chatham County, Georgia to be affixed this the 12th day of Nay 2006.

Pete Liakakis, Chairman
Chatham County Commission

ATTEST:

Sybil E. Tillman, Clerk

Commissioner Farrell said, so all day today, let's everyone try to remember what Simeo Smith did and how he's forever changed the life of one young person and how we can emulate his actions and be ready to help our fellow man when the time is called upon us. Thank you very much for this opportunity.

Chairman Liakakis said, what I'm also going to do on behalf of the County Commission, we are going to present Simeo with a Chatham County medal. We think it's important, because risking his life and doing the things that he has done, and with his great record, we do appreciate what he has done and we thank him.

Commissioner Odell asked Mr. Abolt, Russ, can you give a cost estimate? What I'd like to see done is at some point, a plaque that we've done to have a small picture, and we could start a Wall of Fame, whereas we could take the plaque, picture of the individual, and place it someplace prominent with the proclamation that we've given. I'm just kinda throwing it out. I'd like to look at the potential cost before we obligate ourselves to that. Mr. Abolt said, would you have in mind a particular type of act? Do you recognize what is heroic, as something like this, or other things?

Commissioner Odell said, I think we, as public officials, want to encourage certain behaviors, whether that behavior is act of unselfishness regarding pulling a child out of a car or it could be other instance, like we have physicians who do incredibly good work, no compensation, and I think the Medical Association acknowledges on occasion those individuals. It might be good for us also to acknowledge it. So often, what we do is, we recognize and we promulgate all of the negativism that happens here, but we have a lot of good things that happen in this city and I'd like to have a Wall of Fame so that those people who do good things will be prominently affixed to this county and people can see the good things that are being done. Mr. Abolt said, what we could do, sir, with permission of the Board, we'll come back at the staff level with some recommended criteria, you all approve it, and at that time we'd have some general understanding of what the cost would be. Commissioner Odell said, right, like this kid deserves some place on our wall perimeter. Mr. Abolt said, yes, sir.

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INTRODUCTION OF SPECIAL GUEST

Chairman Liakakis said, what I'd like to do before we go on to the next item, I'd like to introduce my wife, Mary Jean, who supported me for all these many, many years, and has really helped me in many, many things, and she's sitting on the front row. Mary Jean? She's a little bashful. She won't stand up. And, of course, that was my son that came up and shook my hand and hugged me earlier. He had to go. Commissioner Odell said, he kissed him, too. He kissed him on the cheek.

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VI. CHAIRMAN'S ITEMS

- 1. OFFICIALLY SET COMMISSION MEETING FOR JUNE 12, 2006. NOTE: THIS IS BEING CHANGED FROM JUNE 9, 2006, SO THAT COMMISSIONERS MAY ATTEND ACCG TRAINING SESSIONS.**

Chairman Liakakis said, the next item is, we need to set the official Commission meeting for June the 12th. The original approved meeting was for June the 9th, but because there are going to be

a number of the Commissioners, in fact, about five of them, attending the County Commissioners of Georgia's training outside of Columbus, Georgia, we'd like a motion on the floor now to change the June 9th, 2006, Commission meeting to June the 12th.

Commissioner Stone said, so moved, Mr. Chairman. Commissioner Thomas said, second, Mr. Chairman. Chairman Liakakis said, we have a motion on the floor and a second. Let's go on the board. The motion carried unanimously. Chairman Liakakis said, the motion passes.

ACTION OF THE BOARD:

Commissioner Stone moved to officially change the Commission meeting set for June 9, 2006, to June 12, 2006. Commissioner Thomas seconded the motion and it passed unanimously.

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VII. COMMISSIONERS' ITEMS

1. SANDFLY ORAL HISTORY DAY, MAY 20TH (COMMISSIONER SHAY).

Chairman Liakakis said, I'd like to call on Commissioner Patrick Shay.

Commissioner Shay said, thank you. You may have already done it, but in case you haven't, I also think we should recognize Anthony Williams here, our Youth Commissioner. Did you do that? Chairman Liakakis said, yes. Commissioner Shay said, good. Okay, Anthony, you got it twice. He goes to Jenkins High School, which is one of the three high schools that are located in the Third District. I won't say which one's the best, but Jenkins is the tops.

Commissioner Shay said, the reason I put this on here is, Sandfly has an annual Oral History Day, and I've had the opportunity to attend that in the past with Commissioner Stone before I was elected Commissioner. I just wanted to take this opportunity to remind folks that that tradition will continue on May 20th — not tomorrow, but a week from tomorrow, at 11:00 in the morning. It's a great day. They have displays of the very interesting and rich history of that area, which has primarily been passed on by word of mouth. There's not as much written history as there are some of the other areas in Chatham County, and they continue that tradition. They have people come up and tell stories from their childhood that are very interesting, and they also have something that's a real treat for me. It's called a thrill. I'll just leave it at that. You'll just have to go in order to find out what a thrill is, if you don't know. Okay? Thank you.

ACTION OF THE BOARD:

No action required.

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2. SOUTHBRIDGE (COMMISSIONER KICKLIGHTER).

Chairman Liakakis said, okay, I need a motion on the floor to add to Commissioners' Items an item on Southbridge that Commissioner Dean Kicklighter would like to discuss.

Commissioner Odell said, moved for approval. Commissioner Farrell said, second. Chairman Liakakis said, okay, let's go on the board. The motion carried unanimously. Chairman Liakakis said, the motion passes.

Chairman Liakakis recognized Commissioner Kicklighter.

Commissioner Kicklighter said, thank you, Mr. Chairman. Commissioners, Mr. Chairman, I rarely ask what I'm probably going to ask you today. Recently, the MPC — and hopefully never will again ask what I'm going to ask. But recently the MPC approved a community new development in Southbridge. The plan contains several variances. Because the changes were actually variances and not actually a zoning change, the MPC had and has the final say. I've never attended an MPC meeting, much less ever spoken at an MPC meeting, because that's not really what I think we're supposed to do. But considering the passion in the residents' voices when they contacted me, and considering the fact that I believe around 400 signatures were signed opposing the development within 48 hours, I decided, as I've always tried to work and I am their representative, the people's representative, and if they wanted me there, I'd be there, so I went. Right off the bat, I'll tell you, not really understanding what was happening, the MPC has something pretty strange in my opinion. You walk in, you sign a little piece of paper with your name, and then you circle whether or not you oppose or you are for the development. And, you know, I personally don't think you should choose until you actually hear both sides, so I didn't circle anything. I sat there and I listened to the petitioners, and I'll tell you this right off the bat, an unfair tone was set in that meeting. Right off the bat, everyone was told that values, the value of property, could not and would not be allowed to be discussed. That's wrong, because variances — the variances that were requested definitely had an impact on value. Any time you do a variance, that has some type of impact on your value. It can be good or it can be bad.

Unequal time was allotted to the petitioner's attorney. He was allowed approximately 30 minutes to speak, when the attorney for the residents was allowed approximately two minutes to speak. Completely unfair. You know, you get 30 minutes to tell why this is great, you get two minutes to tell why it's not, and you can't even use the basis of the entire argument. And what I'm saying here is basically people, their homes — it's the largest investment that most people will ever make in their life, and these people have invested hundreds of thousands of dollars, and variances were requested that will bring in — and I said it at the meeting — beautiful homes. I mean, I wouldn't mind living in one of them. They're very nice, but it does not meet the same standards as the rest of the homes in Southbridge, and it has, once approved, a definite negative effect on the property values in Southbridge.

Knowing this, I sat there, and basically I stood up and spoke after the attorney and I kinda kept going over my two minute allotment, and I spoke a little bit and basically, at first, you heard from

MPC that, oh, it's not a zoning change. Basically it sounded almost as if you had to approve, not the case. Once a variance is requested — we deal with this all the time — you've opened the door. You have the legal right to either oppose or approve. Based on everything that I knew at that point, I begged the Commission to please consider opposing it and, just to shorten the story, it was approved.

Okay, at best, I will not get into detail on this, but what has taken place since then is, I learned from the development side that actually 600 homes could have gone in that area, and they were putting 500 in. But then I've learned since that point that when the Homeowners Association annexed this area in, that — possibly I will get kind of detailed on this part — but that there was an allotment of 600 homes allowed in the entire development. They've already built homes there and then they've shoving the 500 into this small plot. So basically, at best, the homeowners in this area probably, and I wouldn't advise, I don't give this type of advice, there is definitely — appears to be, and I'm not an attorney, but the legal recourse for some type of civil suit. The shame is — well, this is not a shame, I attended a meeting the other night, probably, oh, I don't know, anywhere from 2 to 400 people in attendance, and they absolutely do not want to pursue that route. They want to pursue what they perceive to be the correct route, through the government, which is the way it should go. It would be nice to live in a world with less lawsuits, unless you're an attorney, and basically what they have asked, and you saw the part, and we've requested a — I requested after that the attorney's opinion on whether or not one of the members should have abstained, recused, disclosed, a potential financial involvement in the matter.

So without getting into that right now with the details, the Southbridge residents, they have a really, really good argument, and I would like to see this handled without going to lawsuits. What I would ask is, based on their request, because they believe that one member should have recused himself, and I will not get into the legalities of that until we have an executive session, and that'll happen at a later date, but based on the fact that they believe that one member should have recused or disclosed his involvement, and based on the fact that unequal time was provided, and in my opinion, based on the fact that some key elements of the opposition was not allowed in there as far as value, I would ask this body to completely step out of the box of what probably has ever been done, and ask the MPC in form of a resolution to reconsider the matter.

A lot of new information is out there now from what first was on board. Part of the reason why is because the residents did not know about this development proposal until the last minute, that they got it together and, believe you me, all I want to happen is whatever is fair, and a fair decision cannot be made without all of the information. So again, I always try to support something that's passionate in your districts. This is beyond a passionate issue for a huge, huge majority of the residents in my district in Southbridge. I ask you to please support this motion asking for a resolution asking the MPC to reconsider this issue, and I put it in the form of a motion.

Commissioner Gellatly said, second.

Chairman Liakakis said, okay, we have a motion on the floor and a second. I'd like to ask our County Attorney, you know, concerning this particular matter. Should we vote on this either way today or would it be wise to get a copy of the minutes and distribute it to all the Commissioners

and so that we can put together something that all the Commissioners agree on, or the Commission votes on, so that, you know, go in the proper manner to the MPC because we need to know, you know, those aspects.

County Attorney Hart said, that would be at this Commission's pleasure, how they wish to proceed. I would state for the record that if the homeowners feel that they were unfairly or inappropriately or denied due process, or whatever their complaints should be, it is incumbent upon them to exercise the appropriate appellate rights or appeal rights that they have from the MPC. It is all well and good that they may not wish to be involved in a lawsuit, but at the same time, if they do have rights, there is a principle called exhausting your administrative remedies, and they need to do that. I'm not encouraging lawsuits or discouraging lawsuits; I'm just saying that if they truly feel that they have been put upon and that there has been a violation of the law, they need to pursue that if they feel strongly enough about it, irrespective of what this Commission chooses to do or not to do. If the Commission wishes to gather more information, it may; at the same time, if it wishes to pass some type of resolution to the extent permitted by law, which I give no opinion on, since I was just asked this a few minutes ago, you may do that also. There may be some limitations as to the MPC's ability to reconsider under Robert's Rules of Order. We will have to look at that. It's been a very rare occasion — rare, extremely rare — the Commission has directed the MPC to reconsider something that is in their purview.

Commissioner Kicklighter said, well, I'm not asking us to direct them to do it; I'm asking them to reconsider. County Attorney Hart said, I stand corrected. Commissioner Kicklighter said, can we direct them to reconsider? County Attorney Hart said, no, sir. Commissioner Kicklighter said, okay, I didn't think so.

Commissioner Kicklighter said, Mr. Chairman, with all due respect, I attended the meeting, and I promise you one thing, everybody here, what you get out of me is an honest person. If I'm wrong about something, it's an honest mistake, and I'm telling you, I attended the meeting, and it was unfair from the beginning, and all I ask is for them to do in part because of new evidence, if you will, that this board reconsider. I'm not directing. We're not stepping out of our lines. We can't tell them how to vote, and I'm not asking us to tell them how to vote. I'm asking them, based on the fact that unequal time was provided and that the homeowners request, because they want and feel that someone, Doug Bean, should have recused himself, and they would like him to recuse himself in a future vote, that the MPC reconsider, and again, that's very important for me and my district. You know, when y'all bring something to me that's very important for your people in your district, you know, I don't see the problem with someone revisiting it.

Chairman Liakakis recognized Commissioner Odell.

Commissioner Odell said, I just need clarification from the County Attorney. Jon [Hart], if we were to impose ourselves, we're not part of the process. County Attorney Hart said, that is my understanding. I would need to make sure to check the appeal rights, but I think the appeal is to Superior Court. I'd want to check that. It may be before this body. Commissioner Odell said, right. Is this time sensitive to appeal? Do they have a certain period of time? County Attorney Hart said, yes, sir, it is time sensitive. Commissioner Odell said, okay, so whether or not the

homeowners don't like litigation, I think the litigation is what you do in a civilized community to solve problems. I'm not encouraging litigation, but occasionally, you have two people who disagree and they are never going to agree, you need to have an impartial arbiter, and that's what the courts are here for. If we interpose ourselves into this, and I agree, I watched it on the cable channel, and there was a disparity as far as time, but I'm not seeing us as being the correct one to resolve that problem, and I have some difficulty with that from that standpoint. If we do do a resolution, whether we say we're not telling you how to vote, that's what we're doing. We're saying to reconsider because obviously, the decision you made is not a decision we're happy with, so if we don't say vote in a different way, that's what a reconsideration is. I'm concerned whether or not we gain any legal exposure from our intervening in an area which, from an ordinance and statute standpoint, we have no right or obligation to intervene. That is my concern. What corresponded, because there's always a this for that. We get involved in something, it's not our bailiwick, we also incur an exposure in that involvement, and you're the best person to tell us that.

Additionally, if they do not exhaust their appeal right, which would be to Superior Court, and they come to us and we do a resolution, does that stay any of the appeal rights? County Attorney Hart said, no, sir. Commissioner Odell said, I'm not finished. If we were to do a resolution --- and I understand the outrage that the people in Dean's district feel, because they feel their very beautiful home --- there's one way in there, isn't it, Dean? Commissioner Kicklighter said, two, now. Commissioner Odell said, two? And you're going to have perhaps 1200 more cars flooding through their gates. It's a major, major issue, but I want to make certain that this Commission does not increase its exposure from a liability standpoint, one, and two is that they know, even if we give a resolution, it doesn't stay what their legal obligation is. If they don't like the decision, go to Superior Court so that at some point, they won't look at us and say, we thought we dropped this in your lap so therefore, you're responsible. We're not responsible. We didn't make that decision. I want to help, but we have a process that everyone follows. I want to know if we deviate from that process, whether or not somebody is going to be serving us with a lawsuit. County Attorney Hart said, there is always that chance. You know, if you direct this the other way and then, you know, there's a different outcome, obviously, you have two sides to this issue, so I would say, you know, the other side's going to be concerned about that. If we're going to talk a lot about the Commission's legal position, I'd like to go in executive session.

Commissioner Odell said, absolutely, and we really need to do this. Dean [Kicklighter], I would ask that we do this before we do a resolution so that when we vote on it, it is a knowing vote as to what exposure. I'm led by emotions, also, but I want to make certain that I know what legal obstacles there are if we take certain actions.

Chairman Liakakis recognized Commissioner Stone.

Commissioner Stone said, Mr. Chairman, I think I understand the concerns of Mr. Kicklighter; however, I don't want to do anything to exceed the purview of this Commission, and as a previous Chairman of the MPC, it's my understanding that it takes a motion from a person on the prevailing side for a reconsideration, and there is, if I remember correctly, a statute of limitations as to how long a period of time can go by, so I don't know that — I don't want to exceed our rights as a Commission that would put any of the Commissioners here in jeopardy, but as I recall, it's

Robert's Rules of Order that state that someone from the prevailing side has to ask for the reconsideration to vote. County Attorney Hart said, that is correct, and the question is — and I just don't know the answer — I'm going to have to spend some time looking at it — whether that motion has to be made at that meeting or at the next regularly scheduled. Commissioner Stone said, and I believe it does, but I don't want to speak out of turn. Commissioner Odell said, I think so, too.

Commissioner Farrell said, from what I'm hearing, I think it would be in the Commission's best interest perhaps to table this motion until such time as we have more information from the County Attorney to base our vote, so that we — that we know where we're going and what the ramifications are of asking for this resolution.

Commissioner Kicklighter said, Mr. Chairman, that's fine, you all can vote it down right now if you want to show the public, show the people, you know, yeah, Commissioner Odell was right, we have no obligation, we're not responsible, we don't have to do a thing. Sometimes, the government is just supposed to do the right thing. Yes, we can get sued. We can get sued for walking outside and somebody tripping coming up here. We can get sued for anything we do. I mean, absolutely we can. We can get sued for all these parks we're building, when somebody falls in the pond. But you know, you don't fill the pond in because you're scared someone is going to drown, you know? And the right thing to do is to request before these people have to take their money and file a lawsuit, see if it can be done through the government without people spending their money. Why encourage a lawsuit when there's possibly a way? Once these people reconsider, if they choose to reconsider, and if they vote against it and if the residents still feel like they're being slighted, at that point, they can go hire an attorney. But we have an option and, you know, the way or whatever anybody up here, you know, you want to do, but, you know, it's — I believe all of your points are made to me, so we can drop it or vote it down or up or whatever. But I will remember, when your people come forward. But, no, I'll tell you what. I represent all the people in the County, not my district. I'm going to vote for the people on every issue, and it's not fun sometimes going up against big, big wealthy developers, but, my God, I was voted in by the people that are asking me to help, not the big business, and when I stop representing them, I might as well just walk on out. Thank you. You all can table it, whatever you all want to do.

Chairman Liakakis said, Priscilla [Thomas], could you hold that just a minute? Dean [Kicklighter], if it's so desired, you know, and this might be something because of your concern, and I understand that, because a number of us have attended not only the MPC, but we've attended other kind of authorities and board meetings and all, that if the Board so desires — and, Mr. Attorney, you can listen to this —, that it was brought up to the County Commission and some Commissioners have seen what occurred at that particular meeting, and there's a concern about the people that were against this particular issue, there is concern that they were not allotted the amount of time as the people that were for it, and some other wording that you might want to put in there, as opposed to asking them to reconsider, because it is right. On reconsideration, as Robert's Rules of Order states, it is — it has to be someone who voted for it, not somebody who voted against it, to ask for a reconsideration and if they get the votes, then they can reconsider the matter. But still, instead of doing that at this particular point, would you consider that there is a concern of the County Commission, this particular thing about the time allotments and whatever

else you want to put in there, put concern as opposed to the word reconsideration, so we can't — we have no authority in that reconsideration. Would you consider that? Commissioner Kicklighter said, a resolution to say —. Chairman Liakakis said, to say that we're concerned about those issues that you were talking about, not asking for reconsideration, and basically that puts them on notice if this Board so desires, that it's a concern, you know, of the Board that was brought out, and here, as Commissioner Odell saw it on television, and he has a concern about it, also, and you brought it up.

Commissioner Odell said, don't lump me in that. My concern is it was the —, I think it was McCorkle who represented the builder, Dean? Commissioner Kicklighter said, yes, sir. Commissioner Odell said, and I watched it. There was a disparity of time. My only concern is, I think that there's a procedure. I think that they're obligated to follow the procedure. I think, with my limited knowledge of Robert's Rules of Order, that a person on the prevailing side at that meeting has to make a motion for reconsideration and that our making a motion for reconsideration is void. We cannot do that. That is an act which extends beyond our authority. If we extend that — do an act which is beyond our authority, I want to know the legal exposure, and it is not that I am afraid of a lawsuit. I litigate all the time. I enjoy litigation. But I want to have a calculated opinion as to the outcome, and I want to know this Commission's exposure. We, too, Dean, want to do the right thing, but right thing to me never means that if someone, we feel, has a down in the court, they don't like the outcome, that we get involved and send the court a letter. I'm concerned. There's a procedure. I want to know the exposure. I'm not opposed to it. I want to know my exposure, which I think is my right, without making me not compassionate about the people who put all their money in their home and their environment is going to substantially change. The peace and tranquility they had when they had 1200 cars zipping through their street, their kids can't ride the bikes there and they can't play there. It changes everything, Dean [Kicklighter]. And I looked at your news conference about potential conflict of interest and I'm sensitive to that. But be sensitive to my needing to know what my legal exposure is.

Chairman Liakakis recognized Commissioner Thomas.

Commissioner Thomas said, thank you, Mr. Chairman. To my colleague here, Commissioner Kicklighter, I want you to calm yourself down. First of all, I want to reiterate the fact that I certainly agree with your concerns and I do support them, but I don't want you to sit up here and say to me and others that if we do not support you, that you will retaliate in the future by not supporting anything that might come up from our standpoint. Please understand that we are just trying to get the best information that we can get to help us through this situation. We are not against what you're saying. I support what you're saying wholeheartedly. I support these people that have this problem. It is a concern of ours. But as has been said, I want to know what my exposure will be, because if I have to be sued and if I have to go to court, I want to be prepared to know why I'm going. You know, I don't want to just walk in someplace not knowing why I'm being sued. I need to know everything so that I may be prepared and that is the only thing. I don't know whether this is a drop-dead date today that we have to do something specifically or can we get further legal opinion as to what our liabilities might be, how ever it may go. I think we need to just walk a treaded line and do what is necessary, that is in the best interest of this Commission.

Chairman Liakakis recognized Commissioner Kicklighter.

Commissioner Kicklighter said, thank you. Dr. Thomas, I know I can get rowdy and I apologize for that. But as far — I did catch the way the tone of that was going a minute ago and tried to come out of that by —, I would like to think I was mean enough to retaliate when you all offer something, but it hit me real quick. I'm not retaliating on y'all, I'm retaliating on the people, so that's why I stopped myself. So, no, ma'am, I would never do it. Commissioner Thomas said, all right. Commissioner Kicklighter said, because that would hurt the people out there. I will just say that I think Harris legally hit it at the end, on the part about it takes the person actually that voted on the prevailing side to vote for reconsideration and that does have to occur at that meeting. Right, County Attorney Hart? County Attorney Hart said, I believe that's the case in most things, unless there's some procedure rule to the contrary.

Commissioner Kicklighter said, I want you to check into that, if you would. County Attorney Hart said, we will. Commissioner Kicklighter said, but based on that, and in checking, and we can look more in the future, I would like to take the Chairman's thoughts and basically send a unanimously approved letter to the Chairman and Commission of the MPC expressing concerns that equal time may not have been — whoa — was not allotted, and that it's still under determination whether or not someone should have possibly recused or disclosed —.

Chairman Liakakis said, well, I don't know if everybody has read that or not, but I did receive in my mail last night about the —, you know, about that person recusing themselves in there, because there was no monetary return to that particular person on that particular subject. But anyway, my concern is this, that what we do, if the Board so desires, is say that the Commission has a concern about equal time to both parties in this particular matter, and that way, so we don't put ourselves in jeopardy, as was stated by our Commissioner and also our County Attorney, and to go from there with it. And so would you make a —.

Commissioner Kicklighter said, and could we also put that values should have been allowed in that discussion? There was no legal reason to rule value out of that discussion when that was being requested, variances. Attorney? County Attorney Hart said, am I being asked? Commissioner Kicklighter said, yes, please. County Attorney Hart, if it was a variance, there are five factors that are granted in variance. Those factors — I hate to use the word vary, but they do vary, depending on what procedure you are in front of the MPC on. I'd want to refer to the rule to look at it. Value, detrimental value to the party that is seeking the variance is evidence that is permitted. You should take evidence on those factors within the purview. Evidence of value in surrounding property not subject to the variance, in many cases, is excluded from testimony. I'd want to take a considered — considerable look at that, so I could read the exact language of the statute, but it is not uncommon not to accept evidence from value of the property not seeking the variance.

Commissioner Odell said, look at Dean's request from the impact of —. County Attorney Hart said, I will, I'll be glad to. Commissioner Odell said, — whether or not if you own property, the property is impacted by traffic or any other quality of life issue. That, too, I think, is what you said is a potential value. County Attorney Hart said, yeah, there's five factors that are — some of them

are extremely broad as to that property, but the law there is looking at it from the viewpoint of whether you should grant or not grant a variance in keeping with the ordinance. I'll be glad to look at it.

Chairman Liakakis said, let me give you a quick experience that I had on City Council. There was, on a couple of occasions where we had, for example, they wanted to put a garage, I think it was a garage, on the corner of Lincoln and Bay Street. And what happened was, the body, what they did was, they just sent notices to the next door neighbor, and those people that lived around the corner in the residential area had no knowledge of that. Then there was another instance where people, there was a — where they wanted to see about building and closing a road that was off of Skidaway Road in an area, and they didn't notify the people that were right there at the road area. So what I did was, so that we wouldn't get involved, I recommended that we extend the areas so people that are in that general vicinity would also be notified, and they adopted that and that's what's occurring with the MPC now. In other words, they advise people that are in that vicinity, like a couple hundred feet or a little bit further than that, and that was able to get resolved. But, you know, as was said here, we don't want to place ourselves in a situation because going into the value thing, too, is that we could place us in a position, Dean [Kicklighter], and I understand that, but if — once they see this, that if this Board desires, that there is concern about equal time to both parties in this particular issue, and just go from that, because they'll look at it, you know, and they'll have to make their own decision, and that way, we're just saying there's a concern, and we're not directing them, we're not placing ourselves in a compromising position, and go from there.

Commissioner Kicklighter said, okay. I so move to amend my motion to write a letter on behalf of the entire Commission and Chairman, signed by the Chairman, to the MPC as mentioned. Commissioner Thomas said, second.

Chairman Liakakis said, okay. Any other concern whether —.

Commissioner Odell said, I've got one last concern, and my last concern is that if we undertake this effort and it does not delay the statute of limitation, should we not, through the County Attorney, send a letter to the Homeowners Association saying, we're not saying that this delays the statute of limitations, the process is A, B, and C? My concern is that we undertake to get involved. If they do not pursue it according to the law and the rules and the statute runs as to this, I don't want us to assume any responsibility for them not acting on the statute. I just personally, I'd like to see that communicated. I'd also, too, like to know whether or not this Commission, in reviewing the Robert's Rules, determines that a person on the prevailing side must make the motion at that meeting for reconsideration, whether or not in the absence thereof our sending this has any effect.

County Attorney Hart said, if I may, Commissioner Odell, I think you raise a good point. That would be — the notification issue would be a voluntary issue on the part of this Commission. There is no legal responsibility to do that. One of the concerns that I do have in zoning matters is generally, you'll have one person asking for it and then you'll have a crowd of people that will be against it and sometimes there'll be 20 of them and then there'll be 25 and then there'll be 18,

and getting the names of those people and trying to notify everybody is, as a practical matter, is just impractical. I do not mind sending a letter to the Homeowners Association at your direction, and if somebody could give me the name of the attorney, I'll be glad to do it.

Commissioner Kicklighter said, if you can just get me the letter, I can distribute it because —, again, I'm not convicting the developer. There's just enough stuff coming up back and forth that it needs to be heard, and the Homeowners Association, like the homeowners are going to tell you, it's still owned and ran by the developer, so that's not necessarily going to get it, you know, in their opinion, so if you can get me the letter, I can get the letter to the developer as well as to the people that's been leading the charge, and that would let them know the process, if there is, you know, to some extent there.

Chairman Liakakis said, okay, so we have a motion on the floor to send a letter that there's a concern, you know, about the time, so let's go on the board. Chairman Liakakis recognized Commissioner Holmes. Commissioner Holmes said, I want to abstain from voting on this, because I don't have enough information, and I'm going to abstain from not voting on it because I'm hearing a defensive side of this and not the other side. Before I make a legitimate decision on what I'm voting on, what I'm voting for, I felt like some more material or information should have been given to us earlier, so I'd like to abstain from voting on this. Commissioner Gellatly said, we have to vote on that.

County Attorney Hart said you have to vote on the abstention, and I'd like to point out, Commissioner Holmes, in all due respect obviously, that the Enabling Act has expressive language that says that every question that comes before this Commission shall be voted on by a Commissioner, and the word is shall. It's not something you have discretion over whether you choose to vote or not to choose to vote. You're sort of forced in that position. I can certainly understand —. Commissioner Holmes said, well, what are we voting on now? County Attorney Hart said, you're voting on whether to send a resolution or letter to the MPC expressing concern as to adequate time for all sides of an issue, is my understanding. Commissioner Thomas said, that's it.

Chairman Liakakis said, that issue, not going into anything else. All right, let's go on the board. Chairman Liakakis and Commissioners Stone, Holmes, Shay, Farrell, Gellatly, Kicklighter and Thomas voted in favor of the motion. Commissioner Odell voted in opposition. The amended motion carried by a vote of eight to one. Chairman Liakakis said the motion passes. Commissioner Odell said, I voted against the motion. Let the record reflect that.

Commissioner Kicklighter said, Mr. Holmes and I —, Commissioner, I was not convicting anyone. I'm just saying there's been enough evidence talked about each and every day for both sides that warrants someone diving into the details to see what the right thing is to happen out there. Commissioner Shay said, we all look forward to it. Commissioner Kicklighter said, thank you.

ACTION OF THE BOARD:

Commissioner Odell made a motion to add an item dealing with Southbridge under the Commissioners' Items. Commissioner Kicklighter seconded the motion and it carried unanimously.

Commissioner Kicklighter made a motion to asking for a resolution asking the MPC to reconsider this issue. Commissioner Gellatly seconded the motion.

Commissioner Kicklighter amended his motion to have a letter reflecting the Commission's concerns be addressed to the MPC. The amended motion was seconded by Commissioner Thomas. Chairman Liakakis and Commissioners Stone, Holmes, Shay, Farrell, Gellatly, Kicklighter and Thomas voted in favor of the motion. Commissioner Odell voted in opposition. The amended motion carried by a vote of eight to one.

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CHATHAM AREA TRANSIT AUTHORITY

Chairman Liakakis recessed the meeting of the County Commission at 10:47 a.m., and reconvened the meeting as the Chatham Area Transit Authority.

Following adjournment of the Chatham Area Transit Authority, the Board reconvened at 11:42 a.m., as the County Commission.

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VIII. TABLED/RECONSIDERED ITEMS

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

- 1. SEE "SECOND READINGS" FOR ADDITIONAL TABLED ITEM.**

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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) TRANSFERS OF \$27,200 WITHIN ADMINISTRATIVE SERVICES BUDGET FROM VARIOUS OPERATING LINE ITEMS TO OVERTIME, (2) A TRANSFER OF \$5,300 WITHIN THE AQUATIC CENTER BUDGET FROM PROFESSIONAL FEES TO SALARIES AND WAGES, (3) A TRANSFER OF \$20,000 WITHIN THE HUMAN RESOURCES AND SERVICES BUDGET FROM SALARIES AND WAGES TO CAPITAL EQUIPMENT, (4) AN AMENDMENT TO THE GENERAL FUND M&O TO RECOGNIZE THE FOLLOWING: A) \$30,000 REVENUE FROM PROBATE COURT FILING FEES AND AN APPROPRIATION OF \$30,000 TO PROBATE COURT FILING FEES EXPENDITURES, B) \$150,000 IN REVENUE FROM REIMBURSEMENTS FROM AGENCIES AND A \$150,000 APPROPRIATION TO REIMBURSABLE EXPENDITURES, AND C) \$20,000 IN TYBEE PIER REIMBURSEMENTS WITH A \$20,000 APPROPRIATION TO TYBEE PIER UTILITIES, (5) AN AMENDMENT TO THE DEBT SERVICE FUND TO RECOGNIZE \$29,881 IN RENT AND APPROPRIATE \$29,881 TO TRANSFER OUT TO THE CAPITAL IMPROVEMENT PROGRAM (CIP), (6) AN AMENDMENT TO THE MULTIPLE GRANT FUND TO RECOGNIZE AWARD OF THE FOLLOWING GRANTS: A) \$4,613 TO THE BOARD OF ELECTIONS FROM THE OFFICE OF THE SECRETARY OF STATE, B) \$6,000 TO JUVENILE COURT FROM THE COUNCIL OF JUVENILE COURT JUDGES, C) \$19,223 TO THE DRUG COURT FROM THE COUNCIL OF SUPERIOR COURT JUDGES, (7) AN AMENDMENT TO THE E911 FUND TO RECOGNIZE REVENUES OF \$420,000 IN CELL PHONE FEES AND APPROPRIATE \$420,000 TO INTERGOVERNMENTAL PAYMENTS TO THE CITY OF SAVANNAH, (8) A TRANSFER OF \$127,000 FROM THE CIP M&O CONTINGENCY TO THE CIP BRIDGES PROJECT FOR REPAIRS TO THE CAUSTON BLUFF BRIDGE, (9) AN AMENDMENT TO THE DSA REVENUE BONDS SERIES 2005 FUND TO RECOGNIZE \$200,000 IN INTEREST EARNINGS AND APPROPRIATE \$200,000 TO THE BEHAVIORAL HEALTH CLINIC PROJECT, (10) A TRANSFER OF \$20,000 FROM THE CORONER'S BUDGET TO THE CIP FUND FOR PURCHASE OF A COOLER, (11) AN AMENDMENT TO THE CIP FUND TO RECOGNIZE THE TRANSFER FROM THE CORONER'S BUDGET, AND (12) AN AMENDMENT TO THE STREET LIGHTING FUND TO**

RECOGNIZE REVENUES OF \$150,000 AND APPROPRIATE \$150,000 FOR UTILITY PAYMENTS.

ACTION OF THE BOARD:

Commissioner Odell moved to approve, second by Commissioner Gellatly, and approved unanimously.

Commissioner Shay asked Chairman Liakakis if he would read this item again and Chairman Liakakis said, sure, you can come back to my office later and read it together.

AGENDA ITEM: IX-1

AGENDA DATE: May 12, 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) transfers of \$27,200 within Administrative Services budget from various operating line items to overtime, (2) a transfer of \$5,300 within the Aquatic Center budget from professional fees to salaries and wages, (3) a transfer of \$20,000 within the Human Resources and Services budget from salaries and wages to capital equipment, (4) an amendment to the General Fund M&O to recognize the following: a) \$30,000 revenue from Probate Court filing fees and an appropriation of \$30,000 to Probate Court filing fees expenditures, b) \$150,000 in revenue from reimbursements from agencies and a \$150,000 appropriation to reimbursable expenditures, and c) \$20,000 in Tybee Pier reimbursements with a \$20,000 appropriation to Tybee Pier utilities, (5) an amendment to the Debt Service Fund to recognize \$29,881 in rent and appropriate \$29,881 to transfer out to the Capital Improvement Program (CIP), (6) an amendment to the Multiple Grant Fund to recognize award of the following: a) \$30,000 revenue from Probate Court filing fees and an appropriation of \$30,000 to Probate Court filing fees expenditures, b) \$150,000 in revenue from reimbursements from agencies and a \$150,000 appropriation to reimbursable expenditures, and c) \$20,000 in Tybee Pier reimbursements with a \$20,000 appropriation to Tybee Pier utilities, (5) an amendment to the Debt Service Fund to recognize \$29,881 in rent and appropriate \$29,881 to transfer out to the Capital Improvement Program (CIP), (6) an amendment to the Multiple Grant Fund to recognize award of the following grants: a) \$4,613 to the Board Of Elections from the Office of the Secretary of State, b) \$6,000 to Juvenile Court from the Council of Juvenile Court Judges, c) \$19,223 to the Drug Court from the Council of Superior Court Judges, (7) an amendment to the E911 Fund to recognize revenues of

\$420,000 in cell phone fees and appropriate \$420,000 to intergovernmental payments to the City of Savannah, (8) a transfer of \$127,000 from the CIP M&O contingency to the CIP Bridges project for repairs to the Causton Bluff bridge, (9) an amendment to the DSA Revenue Bonds Series 2005 Fund to recognize \$200,000 in interest earnings and appropriate \$200,000 to the Behavioral Health Clinic project, (10) a transfer of \$20,000 from the Coroner's budget to the CIP Fund for purchase of a cooler, (11) an amendment to the CIP Fund to recognize the transfer from the Coroner's budget, and (12) an amendment to the Street Lighting Fund to recognize revenues of \$150,000 and appropriate \$150,000 for utility payments.

BACKGROUND:

In the course of reviewing the Third Quarter Financial Report for FY2006, Finance Department staff noted areas where collections of dedicated revenues (i.e. grants, street lighting assessments, E911 surcharges) have exceeded original estimates. Amendments to these budgets are presented below. Detail information on the funds is included in the Third Quarter Financial Report. Board approval is required for budget amendments and transfers between organizational units.

FACTS AND FINDINGS:

- 1) The Administrative Services Manager has requested transfers of \$27,200 within the department's budget from various operating line items to the overtime line item. A copy of the request is attached.
- 2) The Recreation Director has requested a transfer of \$5,300 within the Aquatic Center budget from professional fees to salaries and wages. A copy of the request is attached.
- 3) The Human Resources and Services Director has requested a transfer of \$20,000 within the department's budget from salaries and wages to capital equipment.
- 4) Probate Court receives filing fees that are in turn paid out for professional fees in some proceedings. The amount collected and disbursed has exceeded original budget estimates. An amendment to the General Fund M&O to recognize \$30,000 in revenue from and appropriate \$30,000 to Probate Court filing fees expenditures is in order. A resolution is attached.
- 5) Chatham County receives reimbursement from several agencies for expenditures. The volume has exceeded original estimates. An amendment to the General Fund M&O to recognize \$150,000 in reimbursements from agencies with a \$150,000 appropriation to reimbursable expenditures, and \$20,000 in Tybee Pier reimbursements with a \$20,000 appropriation to Tybee Pier utilities is in order. A resolution is attached.

- 6) The Debt Service Fund receives rental income that is used to retire debt and pay for maintenance on the property. The amount collected will exceed the budget. An amendment to recognize \$29,881 in rent and appropriate \$29,881 to transfer out to the Capital Improvement Program (CIP) for repairs and maintenance is requested. A resolution is attached.
- 7) Chatham County has received the following grants: \$4,613 to the Board Of Elections from the Office of the Secretary of State; \$6,000 to Juvenile Court from the Council of Juvenile Court Judges; and \$19,223 to the Drug Court from the Council of Superior Court Judges. An amendment to the Multiple Grant Fund to recognize award of the grants has been prepared and is attached.
- 8) The E911 Fund receives revenue from surcharges on cell phones that is remitted to the City of Savannah. Collections have exceeded budget. A resolution to recognize revenues of \$420,000 in cell phone fees and appropriate \$420,000 to intergovernmental payments is attached.
- 9) The Public Works and Parks Director has requested a transfer of \$127,000 from CIP Contingency to the CIP Bridges project for repairs to the Causton Bluff bridge.
- 10) The Behavioral Health Clinic project in the DSA Revenue Bonds Series 2005 Fund requires additional Funding. An amendment to recognize \$200,000 in interest earnings and appropriate \$200,000 to the project has been prepared.
- 11) The Coroner has identified savings in the current budget that can be applied toward the purchase of a cooler for cadavers. A purchase of this amount (\$20,000) should be budgeted and reported in the CIP fund. A resolution to amend the CIP Fund to recognize the transfer from the Coroner's budget is attached.
- 12) Chatham County collects assessments from property owners to pay the utility bills for streetlights. Revenues and corresponding expenses increase when additional subdivisions are added. An amendment to the Street Lighting Fund to recognize revenues of \$150,000 and appropriate \$150,000 for utility payments is attached.

FUNDING:

Funds are available within the respective departmental budgets and in the CIP M&O Contingency for the transfers. The budget resolutions will set up funding in the funds that are being amended.

ALTERNATIVES:

- (1) That the Board approve the following:

GENERAL FUND M&O

- a) transfers of \$27,200 within Administrative Services budget from various operating line items to overtime.
- b) transfer of \$5,300 within the Aquatic Center budget from professional fees to salaries and wages.
- c) transfer of \$20,000 within the Human Resources and Services budget from salaries and wages to capital equipment.
- d) an amendment to recognize the following: a) \$30,000 revenue from Probate Court filing fees and an appropriation of \$30,000 to Probate Court filing fees expenditures, b) \$150,000 in revenue from reimbursements from agencies and a \$150,000 appropriation to reimbursable expenditures, and c) \$20,000 in Tybee Pier reimbursements with a \$20,000 appropriation to Tybee Pier utilities.
- e) a transfer of \$20,000 from the Coroner's budget to transfer out to the Capital Improvement Program(CIP) Fund for purchase of a cooler.

DEBT SERVICE FUND

an amendment to recognize \$29,881 in rent and appropriate \$29,881 to transfer out to the Capital Improvement Program (CIP) Fund.

MULTIPLE GRANT FUND

an amendment to recognize award of the following grants: a) \$4,613 to the Board Of Elections from the Office of the Secretary of State, b) \$6,000 to Juvenile Court from the Council of Juvenile Court Judges, and c) \$19,223 to the Drug Court from the Council of Superior Court Judges.

E911 FUND

an amendment to recognize revenues of \$420,000 in cell phone fees and appropriate \$420,000 to intergovernmental payments to the City of Savannah.

CAPITAL IMPROVEMENT PROGRAM FUND

- a) a transfer of \$127,000 from the CIP M&O contingency to the CIP Bridges project for repairs to the Causton Bluff bridge.
- b) an amendment to recognize the \$20,000 transfer in from the Coroner's budget.
- c) an amendment to recognize the \$29,881 transfer in from the Debt Service Fund.

DSA REVENUE BOND SERIES 2005 FUND

an amendment to recognize \$200,000 in interest earnings and appropriate \$200,000 to the Behavioral Health Clinic project.

STREET LIGHTING FUND

an amendment to recognize revenues of \$150,000 and appropriate \$150,000 for utility payments.

- 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. PRESENTATION OF THE FISCAL YEAR 2006 THIRD QUARTER REPORT DATED MARCH 31, 2006, TO THE BOARD.

Mr. Abolt said, Mr. Chairman, Ladies and Gentlemen, Ms. Cramer will do the detailed presentation but again, in your desire to be kept current on all of our financial conditions, both in the middle of the fiscal year and what we'll be doing in a few moments as far as looking at the next fiscal year, this is your third quarter report. On balance, it's in balance. There's some issues that I know Commissioner Stone raised but, because of the outstanding staff that we have in the Finance Department, we're keeping on top of issues. We're presenting trends to you. Overall, as you'll see in the budget proposal and you're already aware of, we have some stability and we're proud of it. We know you're proud of it. Linda [Cramer].

Ms. Cramer said, yes, overall, we have a very positive outlook here at the end of the third quarter. We've added some new pages for you this time. We've been working very hard on our capital programs upstairs, and so you do have some detailed project information on all your sales tax projects, as well as your general capital improvement planned projects, so if any of you are looking to track a particular project, be it Truman Parkway V or whatever, that detail is provided in the proposal. Our main general fund, our revenue outlook is very positive. We have good property tax collections so far this year, and this is prior to what is really the first installment billing, which comes in May that the Tax Commissioner does.

We also, and we mentioned this before, we've noted that the local option sales taxes remain strong for the year, so we reflected, we noted that in this report, and our interest income has gone up as the interest rates have risen. We've been able to make a little bit more money off of our investments. Some of the expenditures that — or the revenues that are a little bit low, one of those is our housing prisoners billing for the City of Savannah, and we have a really lengthy time lag in that process. We just billed out the January billings on that. There's a lot of dialog between

the city and the county before we ever bill, so we do expect that number to come up by the end of the year.

And we still have some money in our field contingency accounts, so we feel like we may need to come back with more transfers before the year end of our overages in departments, but we're keeping an eye on that. But just in the M&O Fund, revenues were 85.3 million and we spent 85.6 million, so we spent a little bit more than came in from M&O, but I think that's okay at this point. In the SSD Fund, we had revenues of 17.2 million and we spent 20.7 million, but I do want to remind you that you transferred some funds out, 4.2 million, over to the CIP Fund. About half a million dollars of that transfer was for the police vehicles, and the rest of it, you just put over there to fund projects as you approve them, so that means that in SSD, you're still okay for the year. Your revenues are still ahead of what you've spent. In our Small Funds, we — and you noted on the lengthy omnibus that we have done a little bit of clean-up on some of our departments, and some of our smaller funds, like the E-911 fund, which you just did an amendment for, to make sure our budgets and our revenues and expenditures are lining up as we approach year-end, so we see some of that.

Hotel-motel, there was an interesting article in the paper this morning about what a great month we had in March in hotel-motel tax, and obviously, we don't have as many hotels as the City, but we still had, from last year to this year, we were up about \$14,000 for that month. Year-to-date, we're still off the prior year in hotel-motel tax. I don't know how that's going to affect us. What happened this year is, because we have a July 1 fiscal year start, Katrina, I guess, August, September, those numbers were really low, and that kind of set us back this fiscal year in that fund. Maybe we can make that up.

Commissioner Kicklighter said, can I ask a question? Hotel-motel tax, that money can only be applied towards tourism, right? I mean, it wouldn't affect the SSD budget. Mr. Abolt said, no, sir. You've got an issue, you've got an issue to CTB, Convention Tourism, and you also have the commitment to the Trade Center Authority. Ms. Cramer said, but half of that money does —. Commissioner Kicklighter said, in other words, it can't affect the SSD budget. Mr. Abolt said, no, but half —, go ahead. Ms. Cramer said, half does go back into SSD. Commissioner Kicklighter said, that's something that a city — a county can do, but a city can't? County Attorney Hart said, correct. You're thinking of municipality. There's a provision in there that requires that a certain portion of theirs be spent for promotion of tourism, if they choose to spend it. Commissioner Kicklighter said, okay, thanks. Sorry, Ms. Cramer.

Chairman Liakakis said, Helen wants to ask a question. Commissioner Stone said, I just have a concern, I guess, more than anything. Under the Special Service District, the last bullet about the City adopting pay increases for our police officers, which is greatly needed, I understand, and I support that, but if they vote in a large increase, we don't have any say in this, and what happens if this gets our budget out of whack? Mr. Abolt said, we pay it. We have to pay it. Ms. Cramer said, well, we are going to get an analysis at the next meeting on that. Yes, they have control of that budget, so that is subject to our allocation formula in the contract. Commissioner Kicklighter said, I'd ask the manager to keep his answers short. Commissioner Stone said, well, it's a concern because if the money's not there and we have a bill to pay, then that puts us in a bad

position. Ms. Cramer said, correct. Mr. Abolt said, the money would always have to be there. That means we'd have to make adjustments elsewhere to find the money.

Chairman Liakakis said, continue, Linda. Ms. Cramer said, well, the other fund — actually the Small Funds, we're looking at the Building Safety & Regulatory Fund, which is an enterprise fund we set up last year, and we may — although we don't have any recommendations in the budget right now to look at the increases on the permits, we may be forced into that situation. We will have to look at that after the audit, so we'll be looking at that probably by the end of the calendar year for you. Mr. Abolt said, and you'll notice in your budget proposal we don't recommend it at this time, but we're just saying that there may be a need six months out to make an adjustment.

Ms. Cramer said, do you have any questions? Chairman Liakakis said, any other questions? Okay, we've had that presentation.

ACTION OF THE BOARD:

The Fiscal Year 2006 Third Quarter Report dated March 31, 2006, was presented to the Board. No action was required.

AGENDA ITEM: IX-2

AGENDA DATE: May 12, 2006

TO: Board of Commissioners

THRU: R. E. Abolt, County Manager

FROM: Linda B. Cramer, Finance Director

ISSUE: To present the Fiscal Year 2006 Third Quarter Report dated March 31, 2006 to the Board for information.

BACKGROUND: Financial reporting conveys information concerning the position and activities of the County to its citizens and other interested parties. Interim financial reports generally are prepared for use by professional government managers and board members. Such reports monitor levels of year-to-date operations and determine compliance with budgetary limitations.

FACTS AND FINDINGS:

- 1) The Third Quarter Report covers various county funds and presents budget-to-actual comparisons. Adopted and amended fund budgets are presented as well as variance data. Project reports are included. Prior year numbers are presented for comparison on the General Fund and Special Service District Summary reports.

- 2) The Third Quarter Report reviews year-to-date financial activities for the funds and activities listed on the attached table of contents. Overall revenue trends were positive during the third quarter in the M&O and SSD Funds.
- 3) Items noted during the Third Quarter review include the following:

General Fund M&O

- The General Fund received revenues of \$85.3 million through March 31, 2006 and expended \$85.6 million.
- Year-to-date revenues were at 73.6% of annual budgeted amounts. Overall, revenue trends were positive.
- General property taxes of \$62.3 million were received. General property taxes are the fund's main revenue source constituting 73% of the budget, and more property tax collections will occur in May and June 2006 as first instalment billings are mailed.
- Intangible Recording Taxes and the Real Estate Transfer Tax continued to post strong collection activity. These revenue collections have exceeded 90% of their budget.
- Local option sales tax collections were approximately 77% of budget, reflecting continued strength in the local economy. The LOST revenue shown is for seven months of collections. In April 2006, the budget for LOST revenue was increased by \$500,000.
- Investment income was \$288,282 and had exceeded budgeted amounts.
- Housing prisoner billings were below budget, and the revenues shown for the City of Savannah's prisoner billings represent payments for prisoners through December.
- Transfers were made from fuel contingency in the 3rd Quarter based on department need. Further recommendations will be forthcoming by year end.
- Budget adjustments in the M&O and SSD Funds for SCMPD expenditures may be required after the expenditure reconciliation is completed for calendar 2005.

Special Service District (SSD)

- At the end of the third quarter, the SSD Fund showed revenues of \$17.2 million and expenditures of \$20.7 million.
- During fiscal 2006 the SSD Fund has transferred \$4.2 million to the CIP Fund for capital needs. The transfer resulted in the high level of fund expenditures in relation to revenues.
- Revenue collections were 82% of budget. Strong collections continued for property taxes, intangible recording tax and real estate transfer taxes.
- The fund's cash balances remained positive and investment earnings of \$363,565 exceeded budgeted amounts.

- In October 2005 the budget for MPC fees were moved back to the SSD Fund. At March 31, 2006, fee collections totalled \$313,247, approximately 87% of budget.
- Recorders Court revenue continues to be below budget estimates. At the end of the quarter, \$941,000 was received at 59% of the amount budgeted. The County's Internal Audit Department is currently auditing the court to identify reasons for the variance.
- The City's adopted 2006 budget has increased the amount the County pays the City each month for police services. Staff is currently identifying the effect of this increase on the current Fiscal 2006 budget, and a staff report will be presented at the next board meeting to identify any necessary budget adjustments.

Emergency Communications Fund

- The County paid out some fiscal 2005 reserves to the City in the first part of FY06, resulting in high expenditures levels in comparison to revenues.

Multiple Grant Fund

- Quarterly grant drawdowns should eventually offset the difference between fund revenues and expenditures.

Hotel/Motel Tax Fund

- Hotels and motels have until the 20th of each month to remit their tax returns and checks to the County. At the end of the Second Quarter, there was a significant budget variance in this fund. However, the Third Quarter shows an improved financial position.

Land Bank Fund

- During the Third Quarter, a property sale helped eliminate the 2005 deficit fund balance shown in the 2005 CAFR. Future property sales are required to offset 2006 expenditures. Staff may approach the Board for an interfund transfer later in the year if sales do not materialize.

Henderson Golf Club

- When the budget was prepared for Henderson, staff had anticipated that the fund would be under an operating lease during fiscal 2006. However, the lease is still under negotiation. Amended budgets will be prepared to reflect the fund's activities, and an interfund transfer may be required. The loan to Henderson approved last year still remains outstanding.

Building Safety & Regulatory Fund

- At the end of the Third Quarter, building permit expenditures had outpaced revenues. Staff continues to monitor the fund for budgetary solutions which may include a fee increase for January 1, 2007.

Health Insurance Fund

- Medical costs are currently running close to budget, and revenues and expenses are roughly even at the end of the period.

FUNDING:

N/A

POLICY ANALYSIS: Interim financial reports provide revenue and budgetary oversight by comparing actual receipts or expenditures against budgeted amounts.

ALTERNATIVES:

N/A

RECOMMENDATION:

For information only.

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3. PRESENTATION OF PROPOSED FISCAL YEAR 2007 BUDGET. PLEASE NOTE THAT COPIES OF THE BUDGET WILL BE MADE AVAILABLE IN ALL LIBRARIES THROUGHOUT THE COUNTY. STAFF DOES REQUEST THAT THE BOARD CHOOSE DATES AND TIMES FOR BUDGET WORKSHOPS.

Chairman Liakakis said this has already been done. We will have those on May the 16th, May the 17th, and May the 18th. The budget hearings will be at two p.m. on the 16th, 17th, and 10 a.m. on the 18th. Mr. Abolt said, yes, sir. May I request this first, though, just for clarification? These are not budget hearings. These are budget workshops. And also, because of the need for public notice, it would save a lot of time, and I believe the Chairman is going to entertain a motion shortly, that I would certainly recommend, you make a motion to have three workshops, one at 2:00 on Tuesday, the 16th, in this room; the next one at 2:00 on Wednesday, the 17th, in this room; and the final one on Thursday, the 18th, at 10:00 in this room.

Chairman Liakakis said, do you want to bring one of those budgets for —.

Commissioner Kicklighter said, I make a motion to schedule the budget workshops as recommended by the Manager. Commissioner Odell said, I'll second.

Chairman Liakakis said, okay, all in favor of going for the 16th, 17th and 18th workshops, signify by going on the board. the motion carried unanimously. Chairman Liakakis said, the motion passes.

ACTION OF THE BOARD:

Commissioner Kicklighter moved to schedule budget workshops for May 16 and 17, 2006, at 2:00 p.m. and on May 18, 2006, at 10:00 a.m. Commissioner Odell seconded the motion and it passed unanimously.

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4. DE-ANNEXATION CITY OF BLOOMINGDALE/ANNEXATION, CITY OF POOLER.

Chairman Liakakis recognized County Attorney Hart. County Attorney Hart said, yes, sir, this is a housekeeping matter from your all's standpoint. We have a project that's come into town, the A&B Warehouse project — or in the county, excuse me. And the land acquisition that they acquired in order to put up this project, it's going to employ a fair number of people, straddles the city limits of both communities. And basically, the Mayor and Aldermen of both towns got together, worked out a compromise where we're going to put all of the warehouse project into the City of Bloomingdale and then the City of Bloomingdale is going to give back some land. So basically, it's a land swap. The zoning and annexation law requires the governing authority to grant its consent to de-annexation and you need a motion saying you grant consent.

Commissioner Kicklighter said, motion to approve. Commissioner Odell said, second. Chairman Liakakis said, okay, all in favor go on the board. The motion carried unanimously. Chairman Liakakis said, the motion passes.

ACTION OF THE BOARD:

Commissioner Kicklighter moved to approve the de-annexation by the City of Bloomingdale and annexation by the City of Pooler. Commissioner Odell seconded the motion and it passed unanimously.

AGENDA ITEM: IX-4
AGENDA DATE: May 12, 2006

TO: Board of Commissioners
THRU: R.E. Abolt, County Manager
FROM: R. Jonathan Hart, County Attorney

ISSUE:

The City of Pooler and the City of Bloomingdale desire to de-annex and annex (swap) two tracts of land in order to ensure that a business development (AMB Warehouse Project) will be in a single jurisdiction. O.C.G.A. §36-36-22 requires the consent of the governing authority of Chatham County.

BACKGROUND:

The City of Bloomingdale has a proposed warehouse to be constructed which will increase employment within the municipality. The tract of land upon which the proposed project is to be located straddles the city limits of Bloomingdale and Pooler. The municipalities agree that the project should be located in a single jurisdiction.

FACTS & FINDINGS:

1. It is in the best interest of the City of Bloomingdale and City of Pooler that the proposed project be within a single jurisdiction.
2. The governing authority of Chatham County, by approving the attached resolution, will be concurring with the wishes of the two municipalities.

FUNDING:

No additional funding at this time.

POLICY ANALYSIS:

It is important for the governing authority of Chatham County cooperate with all municipalities within its jurisdiction to ensure increased growth, development and employment. The two municipalities desire to de-annex and annex (swap) two tracts of land in order that a proposed capital improvement project with long-term employment will be in a single jurisdiction.

ALTERNATIVES:

1. Pass a resolution consenting to and allowing the de-annexation and annexation of the aforementioned property consenting to and allowing the de-annexation and annexation of this property as more particularly described in the attached resolution and exhibits.
2. Do not pass a resolution consenting to and allowing the de-annexation and annexation of the aforementioned property consenting to and allowing the de-

annexation and annexation of this property as more particularly described in the attached resolution and exhibits.

RECOMMENDATION:

Alternative No. 1 above.

RJH/dc

RESOLUTION

Be it Resolved that the Board of Commissioners, at its regularly scheduled meeting of May 12, 2006, upon a motion being made and properly seconded, and affirmatively voted upon with direction to enter said affirmative vote in the permanent minutes of the Chatham County Board of Commission meeting of said date, that the Board of Commissioners of Chatham County do hereby consent to the de-annexation and annexation or the swapping of land contained in Exhibits "A" and "B". The respective jurisdiction of property to be annexed by the City of Bloomingdale, Georgia contains approximately 90.66 acres as shown upon a plat of 1,206.49 acre portion of the Morgan Tract "Q" dated December 20, 2001, and recorded in the Office of the Clerk of Superior Court of Chatham County in Plat Record Book 23-P, Page 51 and described thereon as "Tract 2".

The property to be de-annexed by the City of Bloomingdale and annexed by City of Pooler contains 128.80 acres as shown on a plat of 1,206.49 acres portion of the Morgan Tract "Q" dated December 20, 2001 and recorded in the Office of Clerk of Superior Court of Chatham County in Plat Record Book 23-P Page 51 and designated thereon as "Tract 1".

ADOPTED AND APPROVED, this ___ day of _____, 2006.

CHATHAM COUNTY, GEORGIA

By: _____
Pete Liakakis, Chairman
Chatham County Commission

Attest: _____
Sybil Tillman, Clerk
Chatham County Commission

[SEAL]

EXHIBIT "A"

ALL that certain tract or parcel of land situate, lying and being in the 8th G.M. District of Chatham County, Georgia, measuring 90.66 acres, more or less, being a part of the 1,206.49 acre portion of the Morgan Tract "Q" shown on a plat dated December 20, 2001, and prepared by Leon A. Zipperer, Georgia Registered Land Surveyor No. 2373, recorded in the Office of the Clerk of the Superior Court of Chatham County, Georgia, in Plat Record Book 23-P, Page 51, said 90.66 acre parcel being designated as "Tract 2" on the annexation map attached hereto as Exhibit "1" prepared by Michael E. Stone, Georgia Registered Land Surveyor No. 2747, dated February 14, 2006 and incorporated by herein by reference and made a part thereof for better determining the metes, bounds, courses, and distances of the property which is shown therein as being bounded as follows: On the North by the Georgia Central Railroad Right-o-Way (measuring 100 feet in width); on the East by properties now or formerly of Commonwealth Commercial Properties, LLC, and other lands now or formerly of G. Phillip Morgan, III, G. Phillip Morgan, IV, Winnifred Lane Morgan, Henry S. Morgan, Samuel H. Morgan, Bernice Morgan Kuhn, Holley Peters Dyer and Valeria Morgan Family Properties II, LLC; on the South by lands now or formerly of G. Phillip Morgan, III, G. Phillip Morgan, IV, Winnifred Lane Morgan, Henry S. Morgan, Samuel H. Morgan, Bernice Morgan Kuhn, Holley Peters Dyer and Valeria Morgan Family Properties II, LLC; and on the West by the eastern right-of-way line of the Old Wildcat Dam Road.

EXHIBIT "B"

ALL that certain tract or parcel of land situate, lying and being in the 8th G.M. District of Chatham County, Georgia, measuring 128.80 acres, more or less, being a part of the 1,206.49 acre portion of the Morgan Tract "Q" shown on a plat dated December 20, 2001, and prepared by Leon A. Zipperer, Georgia Registered Land Surveyor No. 2373, recorded in the Office of the Clerk of the Superior Court of Chatham County, Georgia , in Plat Record Book 23-P, Page 51, said 128.80

acre parcel being designated as Tract "1" on the annexation map attached hereto as Exhibit "2" prepared by Michael E. Stone, Georgia Registered Land Surveyor No. 2747, dated February 13, 2006, and incorporated herein by reference and made a part hereof for better determining the metes, bounds, courses and distances of the property which is shown therein as being bounded as follows: On the East by lands now or formerly of Daniel Seabrooks and the Town of Pooler; on the South the Georgia Central Railroad Right-of-Way (measuring 100 feet in width); on the West by lands now or formerly of G. Phillip Morgan, III, G. Phillip Morgan, IV, Winnifred Lane Morgan, Henry S. Morgan, Samuel H. Morgan, Bernice Morgan Kuhn, Holley Peters Dyer and Valeria Morgan Family Properties II, LLC; and on the North by lands now or formerly of Bessie Seabrooks and by lands now or formerly of G. Phillip Morgan, III, G. Phillip, Morgan IV, Winnifred Lane Morgan, Henry S. Morgan, Samuel H. Morgan, Bernice Morgan Kuhn, Holley Peters Dyer and Valeria Morgan Family Properties II, LLC.

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5. REQUEST FROM THE BOARD OF ASSESSORS AND TAX COMMISSIONER FOR THE COMMISSIONERS TO FORGIVE OR ABATE TAXES FOR TAX YEAR 2005 IN THE AMOUNT OF \$35,733.50 ON PIN 135486 ON BEHALF OF BEST CUSTOM HOMES, LLC.

Chairman Liakakis said, 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 Holmes said, second. All right, let's go on the board. The motion carried unanimously. Chairman Liakakis said, the motion passes.

ACTION OF THE BOARD:

Commissioner Farrell moved to approve the request from the Board of Assessors and Tax Commissioner to forgive or abate taxes for tax year 2005 in the amount of \$35,733.50 on PIN 135486 on behalf of Best Custom Homes, LLC.. Commissioner Holmes seconded the motion and it passed unanimously.

AGENDA ITEM: IX-5
AGENDA DATE: May 12, 2006

TO: Board of Commissioners
THRU: R.E. Abolt, County Manager
FROM: R. Jonathan Hart, County Attorney

ISSUE:

To approve request of Board of Assessors and Tax Commissioner to forgive or abate taxes for tax year 2005 in the amount of \$35,733.50 on PIN 135486.

BACKGROUND:

This is a request from the Board of Assessors and Tax Commissioner to forgive or abate taxes for tax year 2005 for PIN 135486 on behalf of Best Custom Homes, LLC in the amount of \$35,733.50.

FACTS & FINDINGS:

1. An error on the digest was discovered during the collection process.
2. The amount of \$35,733.50 should be abated for tax year 2005.
3. O.C.G.A. 48-5-154 provides the County governing authority shall have jurisdiction and the power to correct all errors in the digest to order abatement or cancellation of taxes erroneously assessed and to make other adjustments in the digest of a similar nature and to reflect the same in the account as stated.

FUNDING:

N/A

POLICY ANALYSIS:

The 2005 taxes should be abated in the amount of \$35,733.50 and an appropriate adjustment to the digest should be made.

ALTERNATIVES:

1. The Commission should authorize the abatement of taxes for tax year 2005 for Best Custom Homes, LLC in the amount of \$35,733.50 and to correct and adjust errors in the digest for tax year 2005.
2. The Commission should not authorize the abatement of taxes for tax year 2005 for Best Custom Homes, LLC in the amount of \$35,733.50 and to correct and adjust errors in the digest for tax year 2005.

RECOMMENDATION:

Alternative 1.

=====

6. REQUEST FROM THE BOARD OF ASSESSORS AND TAX COMMISSIONER FOR THE COMMISSIONERS TO FORGIVE OR ABATE TAXES FOR TAX YEAR 2005 IN THE AMOUNT OF \$4,406.80 ON PIN P075126 ON BEHALF OF PROPERTY OWNED BY RAJENDRA M. PATEL, D/B/A DISCOUNT CENTER.

Chairman Liakakis said, do we have a motion on the floor to approve this? Commissioner Odell said, as approved, but Danny [Powers]? That's approved? You consent and recommend that we approve that? Mr. Powers said, these three items that you're dealing with are items that were discovered during the collection process. They were actually put on the digest by the Tax Assessor's Office at various values. That's when we discovered that they in fact shouldn't have been on the digest, so what this does, it gives me the opportunity to go back and remove it from the digest numbers instead of writing it off as an uncollectible tax that shouldn't have been taxed to begin with. So, you're going to be seeing numerous of these in the next, you know, months to follow.

Commissioner Odell said, I'll move for approval of Item 6. Chairman Liakakis said, all right, do we have a second? Commissioner Farrell said, second. Chairman Liakakis said, all right, we have a motion on the floor and a second for Item 6. Go on the board. The motion carried unanimously. Chairman Liakakis said, the motion passes.

ACTION OF THE BOARD:

Commissioner Odell moved to approve the request from the Board of Assessors and Tax Commissioner to forgive or abate taxes for tax year 2005 in the amount of \$4,406.80 on PIN P075126 on behalf of Rajendra M. Patel, d/b/a Discount Center. Commissioner Farrell seconded the motion and it passed unanimously.

AGENDA ITEM: IX-6**AGENDA DATE: May 12, 2006****TO:** Board of Commissioners**THRU:** R.E. Abolt, County Manager**FROM:** R. Jonathan Hart, County Attorney

ISSUE:

To approve request of the Board of Assessors and Tax Commissioner to forgive or abate taxes in the amount of \$4,406.80 for tax year 2005 on PIN P075126 on behalf of property owned by Rajendra M. Patel, d/b/a Discount Center.

BACKGROUND:

The Board of Assessors and Tax Commissioner have requested the Commission to authorize that the inventory value of Rajendra M. Patel, d/b/a Discount Center be corrected for tax year 2005 for PIN P075126 to \$41,609 and abate taxes in the amount of \$4,406.80.

FACTS & FINDINGS:

1. An error on the digest was discovered during the collection process.
2. The tax bill should be adjusted using the corrected inventory value after the land value was removed.
3. The amount of \$4,406.80 for tax year 2005 should be abated.
4. O.C.G.A. 48-5-154 provides the County governing authority shall have jurisdiction and the power to correct all errors in the digest to order abatement or cancellation of taxes erroneously assessed and to make other adjustments in the digest of a similar nature and to reflect the same in the account as stated.

FUNDING:

N/A

POLICY ANALYSIS:

The 2005 taxes should be abated in the amount of \$4,406.80 and an appropriate adjustment to the digest should be made.

ALTERNATIVES:

1. The Commission should abate taxes for tax year 2005 in the amount of \$4,406.80 and correct and adjust errors in the digest for tax year 2005.

2. The Commission should not abate taxes for tax year 2005 in the amount of \$4,406.80 and correct and adjust errors in the digest for tax year 2005.

RECOMMENDATION:

Alternative 1.

=====

7. REQUEST FROM THE BOARD OF ASSESSORS AND TAX COMMISSIONER FOR THE COMMISSIONERS TO FORGIVE OR ABATE TAXES FOR TAX YEAR 2005 IN THE AMOUNT OF \$19,315.87 ON PIN 141064, A PLANE OWNED BY DELTA LEASING, INC.

Chairman Liakakis said, do we have a motion on the floor to approve this?

Chairman Liakakis said, I'll move for approval. Commissioner Gellatly said, second. Chairman Liakakis said, all right, we have a motion on the floor and a second. Go on the board. The motion carried unanimously.

County Attorney Hart said, Mr. Chairman, the Tax Commissioner is correct. Y'all are going to see some of these. Basically, a lot of times what happens is, something gets on inventory, then it'll get taken off inventory, and the information isn't supplied, so it gets on the bill. Then the taxpayer comes in and says, oh, we sold that last year, it shouldn't be on there. Under the law, under Section 154, this group can adjust that and write it off. Now, the procedure that we sort of implemented here on these things is that we've had the Assessors sign off on it, the Tax Assessor sign off on it, the Tax Commissioner sign off on it before it ever gets here, and I also review it before it gets to you. We're doing these as items of individual action and if this Board would prefer, we can move these, if there's consent by the County Attorney's office, Tax Commissioner, and Board of Assessors, to the Action Calendar in the future, which may save some time.

Commissioner Odell said, I would recommend that, if Danny and Jon agree. Mr. Powers said, how about even, is there a provision, Mr. Attorney, for maybe doing a resolution that if we agree not even to bring it here —. County Attorney Hart said, no, you can't do that. Commissioner Odell said, no, let's do it. Chairman Liakakis said, no, because it should come before the Board because that way, the general public knows about it. Mr. Powers said, well, good. I was just trying to simplify it. Chairman Liakakis said, okay, thank you, Danny, we appreciate it.

ACTION OF THE BOARD:

Commissioner Odell moved to approve the request from the Board of Assessors and Tax Commissioner for the Commissioners to forgive or abate taxes for tax year 2005 in the amount

of \$19,315.87 on PIN 141064, a plane owned by Delta Leasing, Inc. Commissioner Gellatly seconded the motion and it passed unanimously.

AGENDA ITEM: IX-7
AGENDA DATE: May 12, 2006

TO: Board of Commissioners
THRU: R.E. Abolt, County Manager
FROM: R. Jonathan Hart, County Attorney

ISSUE:

To approve request of Board of Assessors and Tax Commissioner to forgive or abate taxes for 2005 on PIN 141064, a plane owned by Delta Leasing, Inc., in the amount of \$19,315.87.

BACKGROUND:

This is a request from the Board of Assessors and Tax Commissioner to forgive or abate taxes for tax year 2005 for PIN 141064 in the amount of \$19,315.87.

FACTS & FINDINGS:

1. An error on the digest was discovered during the collection process.
2. The taxes should be dismissed because the plane is not in Georgia and was not located in Georgia on January 1, 2006, even though it was listed on the FAA registration.
3. The amount of \$19,315.87 should be abated for tax year 2005.
4. O.C.G.A. 48-5-154 provides the County governing authority shall have jurisdiction and the power to correct all errors in the digest to order abatement or cancellation of taxes erroneously assessed and to make other adjustments in the digest of a similar nature and to reflect the same in the account as stated.

FUNDING:

N/A

POLICY ANALYSIS:

The 2005 taxes should be abated in the amount of \$19,315.87 and an appropriate adjustment to the digest should be made.

ALTERNATIVES:

1. The Commission should authorize the abatement of taxes for tax year 2005 for Delta Leasing, Inc. in the amount of \$19,315.87 and to correct and adjust errors in the digest for tax year 2005.

2. The Commission should not authorize the abatement of taxes for tax year 2005 for Delta Leasing, Inc. in the amount of \$19,315.87 and to correct and adjust errors in the digest for tax year 2005.

RECOMMENDATION:

Alternative 1.

=====

8. REQUEST BOARD APPROVAL TO CREATE A FULL-TIME PERSONAL PROPERTY AUDITOR, PAY GRADE 23, APPROVED AS PART OF THE FY2005/2006 BUDGET PACKAGE FOR THE BOARD OF ASSESSORS.

Chairman Liakakis said, do we have a motion on the floor for approval? We have this item, #8 —.

Commissioner Kicklighter I'll make a motion to approve and I want — for discussion. Chairman Liakakis said, okay. Okay, do we have a second. Commissioner Gellatly said second. Chairman Liakakis said, we have a second. Discussion?

Commissioner Kicklighter said, this was approved in the budget? Chairman Liakakis said, yeah, this amount was approved for this particular position on a full time basis, but it's been, from what I understand, only part time and now they want it to go for full time. Is that correct? Mr. Abolt said, yes, they want a full time position to do this. It's consistent with your discussion on the Liquid Natural Gas, Elba Island, also a reoccurring need stressed by the Chief Appraiser for having audit capacity. This is very affordable within their budget, and I think it's a very good move.

Commissioner Kicklighter said, it sounds great and I call for the question.

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 approve the creation of a full-time personal property auditor, Pay Grade 23, as part of the FY 2005/2006 budget package for the Board of Assessors. Commissioner Gellatly seconded the motion and it passed unanimously.

AGENDA ITEM: IX-8**AGENDA DATE: May 12, 2006****TO:** Board of Commissioners**THRU:** R. E. Abolt, County Manager**FROM:** Sheryl K. Snider, Chief Appraiser**ISSUE:**

Request Board approval to create a full time personal property auditor, pay grade 23, approved as part of the FY2005/2006 budget package for the Board of Assessors.

BACKGROUND:

This position will be for 40 hours per week. The work assigned to this position will be that of a full time personal property auditor, to ensure proper reporting of inventory and assets of business personal property accounts.

FACTS AND FINDINGS:

This position will support the current audit work in progress in Chatham County. The audit program has discovered approximately \$360,000,000 in personal property value, either through completed audits or pending audits with pending appeals. This position will allow for a more timely completion of audits and will add additional value to the Chatham County tax digest. The LNG FACILITY AT Elba Island is a good example of the need for qualified personnel that have the expertise to examine the financial records of a business or corporation. Personal property exemption request have increased from 474 accounts in TY2005 to 601 accounts in TY2006, which is a 27% increase in one year. Exemption request alone will require the full attention of two auditors, leaving little time for these staff members to conduct actual business audits.

FUNDING:

No additional funding is needed. This can be accomplished in the existing budget.

ALTERNATIVE:

1. Approve the request.
2. Provide staff other direction.

POLICY ANALYSIS:

It is the policy of the Board of Commissioners to ensure that staffing levels are maintained at the level required to accomplish the essential mission of County government.

RECOMMENDATION:

Staff recommends approval of Alternative 1.

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9. REQUEST BOARD APPROVAL TO ESTABLISH A MINIMUM MAINTENANCE FEE FOR BAND SHELL AND COUNTY FACILITIES HERETOFORE MADE AVAILABLE TO MUNICIPALITIES AND NON-PROFITS AT NO COST.

Chairman Liakakis recognized Mr. Abolt. Mr. Abolt said, thank you. Mr. Chairman, ladies and gentlemen, in the past, there has been a policy that has been visited on one occasion with the Board to make available to primarily municipalities and then some non-profits gratis use of the Band Shells. I believe we're just down to one Band Shell now that was purchased with SPLOST. There was a sense of generosity because SPLOST was voted on by all folks and they wanted to make the Band Shell available at no charge. Over the years, and per the documentation given by Mr. Drewry and Mr. Lipsey, you'll see specifically this year it is not just a loss, but we're taking it in the neck on this one. We're losing money big time because the only rentals we have of any consequence are for those who do not have to pay for it. So not having to charge the full rental rate, but in effect recognizing the minimal maintenance that we have to have, and in fact, it's county employees setting this facility up, we would ask that you adopt a fee schedule recommended by Mr. Lipsey and by Mr. Drewry. There'd be a \$100 maintenance fee for the Band Shell; the Tybee Pier and Pavilion will have a \$75 fee associated with it, and all other county facilities would have \$25. Everybody would pay that.

Commissioner Odell said, I think that's a good idea.

Chairman Liakakis said, do we have a motion on the floor for this approval?

Commissioner Odell said, you do. Commissioner Thomas said, second. Chairman Liakakis said, okay, we have a motion and a second. Do you want to discuss it?

Commissioner Kicklighter said, the part about the \$25, what's that for? To who? Mr. Abolt said, all other County facilities, so if you have a municipality that wants to use a facility, we really are providing a subsidy. We're not making money on this. As you can see, we're losing money, still. We can't make it up in volume.

Commissioner Odell said, may I ask a question of Mr. Lipsey? Mr. Abolt said, Grandpa? Commissioner Odell asked, are you going to come to the well, Mr. Lipsey? Thank you. Congratulations. Mr. Lipsey said, thank you. Commissioner Odell said, that's it. I call the question. Mr. Abolt said, you might ask him to produce photographs, Commissioner Odell. Commissioner Odell said, he's going to.

Chairman Liakakis said, okay, let's go on the board. Chairman Liakakis said, okay, you've got two people that have not voted, 1 and 4. The Commissioners voted yes. Chairman Liakakis said, okay. Chairman Liakakis and Commissioners Stone, Holmes, Shay, Farrell, Odell, Gellatly and Thomas voted in favor of the motion. Commissioner Kicklighter voted in opposition. Chairman Liakakis said, the motion passes. Make a notation that —. Commissioner Kicklighter said, Dean Kicklighter. Chairman Liakakis said, I'll let you say it. I'll let you say it.

ACTION OF THE BOARD:

Commissioner Odell moved to approve the establishment of a minimum maintenance fee for the bandshell of \$100, Tybee Pier/Pavilion at \$75, and all other County facilities at \$25 and to set a policy not to waive this fee. Commissioner Stone seconded the motion, and it passed unanimously.

AGENDA ITEM: IX-9**AGENDA DATE: May 12, 2006****TO:** Board of Commissioners**THRU:** R. E. Abolt, County Manager**FROM:** Robert Drewry, Director, Public Works and Park Services**ISSUE:**

Request the Board approval to establish a minimum Maintenance Fee for Bandshell and County Facilities heretofore made available to municipalities and non-profits at no cost.

BACKGROUND:

The Board established a policy of waiving the rental fee to organizations that qualify as a non-profit to include government agencies. One of the conditions for waiving the rental fee, the non-profit were to assist with the setting up of the bandshell and cleaning up the facility after the event. This responsibility is done ninety-five percent of the time by Park Services maintenance section. During the last twelve months, the bandshell alone was rented forty eight times, of which only eight paid the rental fee. This equates to \$26,000 in lost revenue using an average rental fee of \$650.

FACTS AND FINDINGS:

1. Park Services staff is doing ninety five percent of the work in setting up the bandshell and cleanup after an event despite the policy whereby the non-profits provide assistance.
2. A loss of \$26,000 in revenue for the last twelve months.
3. On an average, Park Maintenance lost four hours of routine work time each time the bandshell was rented.
4. On an average, three staff personnel will be needed to set the bandshell up, normally at overtime.

FUNDING:

N/A

ALTERNATIVES:

1. That the Board establish a minimum maintenance fee for the bandhell of \$100, Tybee Pier/Pavilion \$75, all other County facilities \$25, and to set a policy not to waive this fee.
2. That the Board provides staff with other direction

POLICY ANALYSIS:

It is consistent with Board policy to establish fees that will allow the county to recoup some of the expense incurred.

RECOMMENDATION:

That the Board adopt Alternative 1.

[All Districts]

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10. BOARD CONSIDERATION OF REQUEST FOR LOCAL MATCHING FUNDS FOR FAIR HOUSING.

Chairman Liakakis said, you had that information in there and you know that the Fair Housing Board, what they do, that particular unit. They help many citizens in our community when there is a problem to adhere to the federal regulations on housing, providing housing for all of the people in the community, and their request is for \$15,000. We have funded that before. I'd like a motion on the floor for approval.

Commissioner Odell said, move for approval. Commissioner Kicklighter said, second. Chairman Liakakis said, okay, a motion has been made and seconded. Let's go on the board.

Mr. Abolt said, Mr. Chairman, before you vote, please note that the source of revenue for this will be the M&O Contingencies, which currently has a little over \$16,000 in it. Chairman Liakakis said, and so the money is in the budget for this? All right, let's go on the board. The motion carried unanimously.

ACTION OF THE BOARD:

Commissioner Odell moved to approve the request for local matching funds of \$15,000 for Fair Housing. Commissioner Kicklighter seconded the motion and it passed unanimously.

AGENDA ITEM: IX-10**AGENDA DATE: May 12, 2006****SAVANNAH-CHATHAM COUNTY FAIR HOUSING COUNCIL, INC.**

7 DRAYTON STREET, SUITE 206
SAVANNAH, GEORGIA 31401
PH (912) 651-3136 (888) 570-5082
FAX (912) 651-3137

4 May 2006

Mr. Russ E. Abolt
County Manager
Chatham County, Georgia
P. O. Box 8161
Savannah, GA 31401

SENT VIA FACSIMILE TO (912) 652-7874 AND US MAIL

RE: Local Matching Funds for Fair Housing

Dear Russ:

We are writing to request a local match of \$15,000 for our federal grant application to the US Department of Housing & Urban Development. You may recall that we made a similar request last year. The County's commitment of \$15,000 was instrumental in our successful grant award of \$134,859 in federal dollars.

Competition for these federal grants is again incredibly tight and successful awards will depend upon an organization's ability to secure local support. We are approaching a variety of sources, including the City of Savannah and private funding sources such as the United Way and the Sapelo Foundation to attain a local matching share.

As you know, the Fair Housing Council exists on an austere budget, and we continually search for new funding streams. Your past and future efforts attest to the County's commitment to ensuring that all members of our community enjoy an equal housing choice.

Again, we appreciate your consideration and assistance.

With kindest regards,

/s/ Wayne

David Wayne Dawson, Jr.
Executive Director

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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, okay, the Action Calendar. We have Items 1 through 15 and individual alphabetical items on there. Are there any specific items that any of the Commissioners would like to hold out while we vote on the majority of them?

Chairman Liakakis recognized Commissioner Stone. Commissioner Stone said, 10-E. Chairman Liakakis said, all right, 9-E. Commissioner Stone said, 10-E. Chairman Liakakis said, oh, yeah, 10-E. Okay, 10-E. Any other items that you'd like to withhold for a separate vote or discussion? Any other items?

Commissioner Shay said, Mr. Chairman, I'd like to make a motion for adoption of the balance of the Action Calendar. Commissioner Odell said, second.

Chairman Liakakis said, okay, just stand by one minute. I thought somebody else had mentioned something. I'm looking here, just one second please. Commissioner Kicklighter said, I had a question, but they answered it.

Commissioner Stone said, Mr. Chairman, I'll be happy to state for the reason the reason —. Chairman Liakakis said, well, we're going to vote on the others and then we'll come back to that item.

Chairman Liakakis said, okay, we have a motion on the floor to adopt —, approve all items, 1 through 15 and the alphabetical numbers under those, except to hold on Item 10 —, hold Item 10-E. Let's go on the board. The motion carried unanimously. Chairman Liakakis said, the motion passes.

ACTION OF THE BOARD:

Commissioner Shay moved to approve Items 1 through 15-O, except Item 10-E. Commissioner Odell seconded the motion and it passed unanimously.

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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 REGULAR MEETING OF APRIL 21, 2006, AS MAILED.

ACTION OF THE BOARD:

Commissioner Shay moved to approve the minutes of the regular meeting of April 21, 2006. Commissioner Odell seconded the motion and it passed unanimously.

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2. CLAIMS VS. CHATHAM COUNTY FOR THE PERIOD APRIL 13 THROUGH MAY 3, 2006.

ACTION OF THE BOARD:

Commissioner Shay moved to authorize the Finance Director to pay the claims against the County for the period April 13, 2006, through May 3, 2006, in the amount of \$8,732,880. Commissioner Odell seconded the motion and it passed unanimously.

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**3. REQUEST FROM KERN-COLEMAN & CO., ENGINEER FOR THE DEVELOPER, KING GEORGE BOULEVARD ASSOCIATES, FOR THE COUNTY TO ACCEPT THE DEDICATED IMPROVEMENTS FOR MAINTENANCE OF BRASSLER BOULEVARD.
[DISTRICT 7.]**

ACTION OF THE BOARD:

Commissioner Shay moved to accept the dedicated improvements for maintenance of Brassler Boulevard. Commissioner Odell seconded the motion and it passed unanimously.

AGENDA ITEM: X-3

AGENDA DATE: May 12, 2006

TO: Board of Commissioners

THRU: R. E. Abolt, County Manager

FROM: A.R. Black, P.E., Assistant County Engineer

ISSUE: To accept the dedicated improvements for Brassler Blvd.

BACKGROUND: The engineer, Kern-Coleman & Co., for the developer, King George Boulevard Associates, requests that the County accept the dedicated improvements for maintenance.

FACTS AND FINDINGS:

1. Brassler Boulevard is located off King George Boulevard, north of Hwy 204.
2. Dedicated improvements consist of the extension of paving and drainage of the roadway.

- 3. The improvements were inspected and found to be constructed in accordance with the approved plans and Chatham County Standard Specifications.
- 4. The requested release comes at the end of the warranty period, which began in 1999.

ALTERNATIVES:

- 1. That the Board accept the dedicated improvements for Brassler Boulevard.
- 2. That the Board not approve the request.

POLICY ANALYSIS: This action is consistent with the Subdivision Regulations and the Subdivision Construction Agreement.

RECOMMENDATION: That the Commissioners adopt Alternative No. 1.

District 7

PREPARED BY: Suzanne Cooler

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**4. REQUEST BOARD AUTHORIZE THE CHAIRMAN AND CLERK OF COMMISSION TO SIGN AN APPLICATION REQUIRED BY THE GEORGIA DEPARTMENT OF TRANSPORTATION THAT STATES CHATHAM COUNTY WILL ACCEPT MAINTENANCE AND ENERGY COSTS FOR A TRAFFIC SIGNAL ON US 17 AT LITTLE NECK ROAD.
[DISTRICT 7.]**

ACTION OF THE BOARD:

Commissioner Shay moved to authorize the Chairman and Clerk to sign an application to accept maintenance and energy costs for a traffic signal on US 17 at Little Neck Road. Commissioner Odell seconded the motion and it passed unanimously.

AGENDA ITEM: X-4
AGENDA DATE: May 12, 2006

TO: Board of Commissioners

THRU: R. E. Abolt, County Manager

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

ISSUE: To authorize the Chairman and Clerk of Commission to sign an application required by the Georgia Department of Transportation (GDOT) that states Chatham County will accept maintenance and energy costs for a traffic signal on US 17 at Little Neck Road.

BACKGROUND: The County completed a traffic engineering study at the intersection of US 17 at Little Neck Road to determine if installation of a traffic signal is warranted. The study indicated that a signal was not warranted because it would cause delays on US 17. The study was re-evaluated by the GDOT at the request of Senator Eric Johnson. Due to continued growth along Little Neck Road, the GDOT has now decided that traffic volumes and accident history warrant the installation of the traffic signal. In order to proceed with design of this new signal, the County must sign this application whereby the County accepts responsibility for the signal installation, maintenance and energy costs of the traffic signal.

FACTS AND FINDINGS

1. Chatham County will be responsible for the maintenance and energy of the traffic signal. The estimated annual cost of energy for this signal will be \$700 to \$1100.
2. Traffic signal design and major components will be funded by the GDOT. The GDOT expects the County to be responsible for the traffic signal installation and remaining materials to include interconnection with the State Route 204 westbound ramp traffic signal.

ALTERNATIVES:

1. To authorize acceptance of installation, maintenance and energy costs for a new traffic signal at US 17 at Little Neck Road by signing the Permit Application.
2. To not approve Alternative 1.

FUNDING: Funding for the cost of operation and maintenance of the traffic signal is available in Special Services District - Utilities (Fund # 2701577, OB. Code #53.12901). Funding for the construction remains to be determined once a design is completed by the GDOT.

POLICY ANALYSIS: The Board must approve intergovernmental agreements.

RECOMMENDATION: That the Board approve Alternative 1.

District 7

Prepared by: Suzanne Cooler
Civil Engineer II

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5. **REQUEST BOARD APPROVE THE FIRST SUPPLEMENT TO THE INTERGOVERNMENTAL AGREEMENT FOR FINANCIAL ASSISTANCE OFFERED THROUGH THE WATER RESOURCES DEVELOPMENT ACT OF 1974 (PUBLIC LAW 93-251), AS AMENDED, AND TO PROVIDE THE LOCAL MATCHING SHARE IN THE AMOUNT OF \$45,000.**

ACTION OF THE BOARD:

Commissioner Shay moved to approve the first supplement to the intergovernmental agreement for financial assistance and provide the local matching share of \$45,000. Commissioner Odell seconded the motion and it passed unanimously.

AGENDA ITEM: X-5

AGENDA DATE: May 12, 2005

TO: Board of Commissioners

THRU: R. E. Abolt, County Manager

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

ISSUE: Request Board approve the first supplement to the Intergovernmental Agreement for financial assistance offered through the Water Resources Development Act (WRDA) of 1974 (Public Law 93-251), as amended, and to provide the local matching share in the amount of \$45,000.

BACKGROUND: Under the NPDES permit for its Municipal Separate Storm Sewer System (MS4), Chatham County is required to develop a detailed inventory of its drainage infrastructure. To accomplish this requirement and at the same time obtain information that can be used for planning and preliminary design of future drainage improvements, the County has undertaken a project to create a storm sewer GIS database. Creating a GIS database and inventory of existing storm sewer inventory meets the criteria for the WRDA assistance program. For qualifying projects, the federal share of the project cost is 50 percent.

FACTS AND FINDINGS:

1. At the August 26, 2005 meeting, the Board of Commissioners approved the original Intergovernmental Agreement. The scope of work for the original agreement included electronic scanning and geo-referencing about ½ of the available record drawings of existing storm sewer improvements, and populating a GIS database with storm sewer data from a portion of those drawings. The local

share cost to the County for this work was \$20,000. At the time of the agreement, \$20,000 was the maximum federal share that could offered by the WRDA program.

2. As a part of the MS4 Inventory project, the County engaged the services of a consultant to assist in developing the GIS database format to meet the specific NPDES permit requirements, meet the planning and design needs, and also improve the management of repair and maintenance records. The consultant, working with staff, has reviewed preliminary results from the WRDA program and finds that the work meets the needs of the inventory project.

3. The U.S. Army Corps of Engineers (USACE) has advised staff that additional federal funding is available to Chatham County. To take advantage of these federal funds, the County would need to commit local matching funds. The scope of work offered by the USACE would be to continue to populate the GIS database with storm sewer data taken from the remaining drawings not included in the original scope; and to scan, geo-reference, and populate the GIS database with storm sewer data taken from the remaining available record drawings.

4. Incorporating the additional work into the Intergovernmental Agreement by Addendum No. 1 will complete this phase of the MS4 Inventory project work by having all record drawing information about the County’s storm sewer system contained within a GIS database. There will still be substantial work to field verify the information and to field locate storm sewer infrastructure for which drawings are not available. This work will be performed by the consultant mentioned above.

5. Intergovernmental Agreement History is as follows:

	<u>Date</u>	<u>Amount</u>	<u>Cumulative</u>	
Original Agreement (Scan, geo-reference and database, portion of available drawings)	9-02-05	\$20,000	\$20,000	
First Supplement (Scan, geo-reference and database, remainder of available drawings)	(Pending)	\$45,000	\$65,000	

ALTERNATIVES:

1. That the Board approve the first supplement to the Intergovernmental Agreement for financial assistance offered through the Water Resources Development Act (WRDA) of 1974 (Public Law 93-251), as amended, and to provide the local matching share in the amount of \$45,000.

2. That the Board not approve the Resolution.

FUNDING: Funds are available in the SPLOST Drainage/Flood Hazard Mapping project, Fund/Department 323.4250 / Account Code 52.12003 / Project 323.80430.

POLICY ANALYSIS: Procedures adopted by the Chatham County Department of Finance prescribe that formal action by the Board of Commissioners is necessary to approve applications for financial assistance and to authorize the Chairman to sign any amendments.

RECOMMENDATIONS: That the Board approve Alternative #1.

District: All

Prepared by W. C. Uhl

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6. REQUEST FROM THOMAS & HUTTON, ENGINEER FOR THE DEVELOPER, OAK POINTE TOWNHOMES, LLC, FOR THE COUNTY TO APPROVE THE SUBDIVISION PLAT FOR RECORDING AND ACCEPT THE CONSTRUCTION AGREEMENT AND FINANCIAL GUARANTEE. [DISTRICT 7.]

ACTION OF THE BOARD:

Commissioner Shay moved to approve the subdivision plat for Oak Pointe Townhomes for recording and accept the construction agreement and financial guarantee. Commissioner Odell seconded the motion and it passed unanimously.

AGENDA ITEM: X-6

AGENDA DATE: May 12, 2005

TO: Board of Commissioners

THRU: R. E. Abolt, County Manager

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

ISSUE: To record the subdivision plat for Oak Pointe Townhomes and accept the subdivision construction agreement and financial guarantee.

BACKGROUND: The engineer, Thomas & Hutton, for the developer, Oak Pointe Townhomes, LLC, requests that the County approve the subdivision plat for recording and accept the construction agreement and financial guarantee.

FACTS AND FINDINGS:

1. Oak Pointe Townhomes is a private townhome development (multi-family residential) located on the Henderson Boulevard. The paving, drainage, and streetlighting will be privately maintained by a homeowners association. The

water and sewer improvements will be maintained by City of Savannah. The subdivision consists of 60 lots on 8.04 acres.

- 2. Staff approved the construction plans and issued a permit for construction of the improvements. Construction of the required site improvements is underway and is substantially complete. The developer provided a performance bond in the amount of \$250,000, which is more than the cost of completion of improvements.
- 3. An Environmental Site Assessment (ESA) was previously conducted on the subdivision in accordance with the Subdivision Ordinance. No environmentally unsafe conditions were found on the site.

ALTERNATIVES:

- 1. Approve the recording of the subdivision plat for Oak Pointe Townhomes and accept the subdivision construction and financial guarantee.
- 2. Do not approve the request.

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

RECOMMENDATION: That the Commissioners adopt Alternative No. 1.

District 7

PREPARED BY: Suzanne Cooler

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7. REQUEST BOARD APPROVE RENEWAL OF A CONTRACT WITH THE CLERK OF SUPERIOR COURT TO UTILIZE FUNDS FROM THE GEORGIA SUPERIOR COURT CLERK’S COOPERATIVE AUTHORITY FOR DIGITAL IMAGING AND OTHER REAL ESTATE PROJECTS.

ACTION OF THE BOARD:

Commissioner Shay moved to approve renewal of a contract with the Clerk of Superior Court to utilize funds from the Georgia Superior Court Clerk’s Cooperative for digital imaging and other real estate projects. Commissioner Odell seconded the motion and it passed unanimously.

AGENDA ITEM: X-7
AGENDA DATE: May 12, 2005

TO: Board of Commissioners

THRU: R. E. Abolt, County Manager

FROM: Daniel W. Massey, Superior Court Clerk
R. Jonathan Hart, County Attorney

Issue:

To Request renewal of a contract with the Clerk of Superior Court to utilize funds from the Georgia Superior Court Clerk's Cooperative Authority for digital imaging and other real estate projects.

Background:

The Chatham County Commissioners approved the renewal of the contract with the Clerk of Superior Court at their meeting held May 23, 2003. The contract is due to be renewed.

FACTS AND FINDINGS:

1. The Superior Court Clerk's office creates digital images of real estate records and uses the Superior Court Clerk's Authority to make the images available on the internet. Each time a user prints one of the images, the Clerk's office receives twenty-five cents. These funds help maintain real estate records and the record.

2. The attachment contract continues the agreement approved by the Board in 2003, and allows this program to continue. This program has saved the taxpayers \$39,176 in FY2005.

FUNDING:

Funds are generated by the program and make it self-sustaining.

POLICY ANALYSIS:

The attached contract is consistent with a policy of using recurring revenue for recurring programs.

ALTERNATIVES:

1. That the Board approve the attached contract.
2. That the Board deny the attached contract.

RECOMMENDATION:

That the Board approve Alternative 1.

/jr

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- 8. REQUEST FOR RENEWAL OF SUNDAY SALES OF BEER POURING LICENSE FOR 2006. PETITIONER: RUSSELL C. DAWES, JR., D/B/A SANTINO'S, INC., LOCATED AT 5548 OGEECHEE ROAD. [DISTRICT 7.]**

ACTION OF THE BOARD:

Commissioner Shay moved to approve petition of Russell C. Dawes, Jr., d/b/a Santino's Inc., located at 5548 Ogeechee Road, for the renewal of Sunday sales of beer pouring license for 2006. Commissioner Odell seconded the motion and it passed unanimously.

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- 9. REQUEST FOR NEW BEER, WINE, LIQUOR POURING AND SUNDAY SALES LICENSES FOR 2006. PETITIONER: JULIE DONALDSON LOWENTHAL, D/B/A HOULIHAN'S RESTAURANT, LOCATED AT 17029 ABERCORN STREET. [DISTRICT 7.]**

ACTION OF THE BOARD:

Commissioner Shay moved to approve the petition of Julie Donaldson Lowenthal, d/b/a Houlihan's Restaurant, located at 17029 Abercorn Street, for a new beer, wine, liquor pouring, and Sunday sales licenses for 2006. Commissioner Odell seconded the motion and it passed unanimously.

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- 10. REQUEST FOR RENEWAL OF BEER, WINE, LIQUOR POURING AND SUNDAY SALES LICENSES FOR 2006.**

- A. PETITIONER: MARIA ARRIETA, D/B/A CANCUN MEXICAN RESTAURANT II, LOCATED AT 216 JOHNNY MERCER BOULEVARD. [DISTRICT 4.]
- B. PETITIONER: JOHN R. TURNER, D/B/A ISLAND OYSTER BAR, LOCATED AT 444 JOHNNY MERCER BOULEVARD. [DISTRICT 4.]
- C. PETITIONER: JOHN R. TURNER, D/B/A SALTWATER GRILLE, LOCATED AT 7000 LAROCHE AVENUE. [DISTRICT 3.]
- D. PETITIONER: EARL W. HIERS, D/B/A UNCLE BUBBA'S SEAFOOD & OYSTER HOUSE, (FORMERLY SNAPPERJACKS), LOCATED AT 104 BRYAN WOODS ROAD. [DISTRICT 4.]
- F. PETITIONER: BRYAN LEE HALE, D/B/A SOUTHBRIDGE GOLF CLUB, LOCATED AT 415 SOUTHBRIDGE BOULEVARD. [DISTRICT 7.]
- G. PETITIONER: JIMMY C. HARVEY, JR., D/B/A SHAMROCK'S IRISH PUB, LOCATED AT 348 JOHNNY MERCER BOULEVARD. [DISTRICT 4.]
- H. PETITIONER: ELEANOR M. COURSEY, D/B/A GRANT'S CROW BAR LOUNGE, LOCATED AT 205 JOHNNY MERCER BOULEVARD. [DISTRICT 4.]
- I. PETITIONER: ROBERT MCLAURIN BURCH, D/B/A DIAMOND GIRL, LLC, EXCURSION VESSEL, TO BE LOCATED AT 8010 TYBEE ROAD. [DISTRICT 4.]
- J. PETITIONER: MICHELE QUATTLEBAUM, D/B/A DRIFTAWAY CAFÉ, LOCATED AT 7400D SKIDAWAY ROAD. [DISTRICT 1.]
- K. PETITIONER: WILMA LEA WEAVER, D/B/A CHEERS TO YOU, LOCATED AT 135-B JOHNNY MERCER BOULEVARD. [DISTRICT 4.]
- L. PETITIONER: ALAN G. GAMBLE, D/B/A DEER CREEK CLUB, LOCATED AT #1 DEER CREEK ROAD, THE LANDINGS. [DISTRICT 4.]
- M. PETITIONER: ALAN G. GAMBLE, D/B/A MARSHWOOD CLUBHOUSE, LOCATED AT 1 PALMERS DRAW, THE LANDINGS. [DISTRICT 4.]
- N. PETITIONER: ALAN G. GAMBLE, D/B/A FRANKLIN CREEK ACTIVITY CENTER, LOCATED AT 900 FRANKLIN CREEK ROAD. [DISTRICT 4.]
- O. PETITIONER: ALAN G. GAMBLE, D/B/A OAKRIDGE CLUB, LOCATED AT 11 WESTCROSS ROAD. [DISTRICT 4.]
- P. PETITIONER: ALAN G. GAMBLE, D/B/A PLANTATION CLUB, LOCATED AT 1 COTTONWOOD DRIVE. [DISTRICT 4.]
- Q. PETITIONER: SUJEE GUZMAN, D/B/A JALAPENOS #4, LOCATED AT 107 CHARLOTTE ROAD, SUITE A. [DISTRICT 4.]

- R. PETITIONER: WILLIAM S. MCINTOSH, JR., D/B/A SAVANNAH YACHT CLUB, INC., LOCATED AT END OF BRADLEY POINT ROAD. [DISTRICT 4.]**
- S. PETITIONER: BELINDA F. FLANIGAN, D/B/A THE CRAB SHACK AT CHIMNEY CREEK, LOCATED AT 40-A ESTILL HAMMOCK ROAD. [DISTRICT 4.]**

ACTION OF THE BOARD:

Commissioner Shay moved to approve the petitions for renewal of beer, wine, liquor pouring and Sunday sales licenses for 2006 for the following petitioners: (a) Maria Arrieta d/b/a Cancun Mexican Restaurant II, located at 216 Johnny Mercer Boulevard (District 4); (b) John R. Turner d/b/a Island Oyster Bar, located at 444 Johnny Mercer Boulevard (District 4); (c) John R. Turner d/b/a Saltwater Grille, located at 7000 LaRoche Avenue (District 3); (d) Earl W. Hiers d/b/a Uncle Bubba's Seafood & Oyster House (formerly Snapperjacks) located at 104 Bryan Woods Road (District 4); (f) Bryan Lee Hale d/b/a Southbridge Golf Club, located at 415 Southbridge Boulevard (District 7); (g) Jimmy C. Harvey, Jr., d/b/a Shamrock's Irish Pub, located at 348 Johnny Mercer Boulevard (District 4); (h) Eleanor M. Coursey d/b/a Grant's Crow Bar Lounge, located at 205 Johnny Mercer Boulevard (District 4); (i) Robert McLaurin Burch d/b/a Diamond Girl, LLC, excursion vessel, to be located at 8010 Tybee Road (District 4); (j) Michele Quattlebaum d/b/a Driftaway Café located at 7400D Skidaway Road (District 1); (k) Wilma Lea Weaver d/b/a Cheers To You, located at 135-B Johnny Mercer Boulevard (District 4); (l) Alan G. Gamble d/b/a Deer Creek Club, located at 1 Deer Creek Road, The Landings (District 4); (m) Alan G. Gamble d/b/a Marshwood Clubhouse, located at 1 Palmers Draw, The Landings (District 4); (n) Alan G. Gamble d/b/a Franklin Creek Activity Center, located at 900 Franklin Creek Road (District 4); (o) Alan G. Gamble d/b/a Oakridge Club located at 11 Westcross Road (District 4); (p) Alan G. Gamble d/b/a Plantation Club, located at 1 Cottonwood Drive (District 4); (q) Sujee Guzman d/b/a Jalapenos #4, located at 107 Charlottte Road, Suite A (District 4); (r) William S. McIntosh, Jr., d/b/a Savannah Yacht Club, Inc., located at End of Bradley Point Road (District 4); and (s) Belinda F. Flanigan d/b/a The Crab Shack at Chimney Creek, located at 40-A Estill Hammock Road (District 4). Commissioner Odell seconded the motion and it passed unanimously.

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- 10-E. PETITIONER: ANGELA F. THOMPSON, D/B/A WILMINGTON DRIFTAWAY CAFÉ, LOCATED AT 216C JOHNNY MERCER BOULEVARD. [DISTRICT 4.]**

Chairman Liakakis recognized Commissioner Stone.

Commissioner Stone said, Mr. Chairman, I asked that this be removed because the correct format for filling out the request for a liquor license on Number 9, they asked if they've been arrested, and

whatever they check, if they checked yes, they have, then the consent authorization needs to be signed, and it's not signed. Chairman Liakakis said, Gregori, do you have that? Mr. Anderson said, I'll take care of that, Mr. Chairman. Chairman Liakakis said, okay, it's just one statement that was not answered. Everything else was answered, because we have an excellent proofreader who goes over this extensively and helps out with that. Okay, so let's vote on that. Do you want to make the motion to hold off on this?

Commissioner Stone said, table it. Chairman Liakakis asked, table it? Commissioner Stone said, yes. Chairman Liakakis said, okay, we have a motion on the floor to table Item 10-E. Do we have a second? Commissioner Odell said, yes. Chairman Liakakis said, okay, we have a second on it also. Let's go on the board. The motion carried unanimously. Chairman Liakakis said, the motion passes.

ACTION OF THE BOARD:

Commissioner Stone moved to table the petition of Angela F. Thompson, d/b/a Wilmington Driftaway Café, located at 216C Johnny Mercer Boulevard, for renewal of beer and wine pouring and Sunday sales licenses for 2006. The motion was seconded by Commissioner Odell and passed unanimously. [NOTE: Commissioner Kicklighter was not present when this vote was taken.]

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- 11. REQUEST FOR RENEWAL OF BEER AND WINE POURING AND SUNDAY SALES LICENSES FOR 2006.**
 - A. PETITIONER: AMANDA N. KECK, D/B/A BASIL'S PIZZA & DELI, LOCATED AT 216 JOHNNY MERCER BOULEVARD. [DISTRICT 4.]**
 - B. PETITIONER: MAEYU C. WU, D/B/A HUNAN'S RESTAURANT, LOCATED AT 318 JOHNNY MERCER BOULEVARD. [DISTRICT 4.]**
 - C. PETITIONER: HUGH BARNES, D/B/A BARNES RESTAURANT, LOCATED AT 4685 HIGHWAY 80 EAST. [DISTRICT 4.]**
 - D. PETITIONER: WILLIAM CHARLES RHANGOS, JR., D/B/A BONNA BELLA YACHT CLUB, LOCATED AT 2740 LIVINGSTON AVENUE. [DISTRICT 3.]**
 - E. PETITIONER: NAM MA, D/B/A KANPAI JAPANESE RESTAURANT, LOCATED AT 140 JOHNNY MERCER BOULEVARD, SUITE A. [DISTRICT 4.]**

ACTION OF THE BOARD:

Commissioner Shay moved to approve the renewal of beer and wine pouring and Sunday sales licenses for 2006 for the following petitioners: (a) Amanda N. Keck, d/b/a Basil's Pizza & Deli, located at 216 Johnny Mercer Boulevard (District 4); (b) Maeyu C. Wu, d/b/a Hunan's Restaurant, located at 318 Johnny Mercer Boulevard (District 4); (c) Hugh Barnes, d/b/a Barnes Restaurant, located at 4685 Highway 80 East (District 4); (d) William Charles Rhangos, Jr., d/b/a Bonna Bella Yacht Club, located at 2740 Livingston Avenue (District 3); and (e) Nam Ma, d/b/a Kanpai Japanese Restaurant, located at 140 Johnny Mercer Boulevard, Suite A (District 4). Commissioner Odell seconded the motion and it passed unanimously.

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12. REQUEST FOR RENEWAL OF SUNDAY SALES OF BEER AND WINE POURING FOR 2006.

- A. PETITIONER: SURENDRA PATEL, D/B/A DENNY'S RESTAURANT, LOCATED WITHIN THE BEST WESTERN AT ONE GATEWAY BOULEVARD. [DISTRICT 7.]**
- B. PETITIONER: JOHN A. HENDERSON, D/B/A COUSIN VINNIES PIZZA, LOCATED AT 7360 SKIDAWAY ROAD. [DISTRICT 3.]**
- C. PETITIONER: RICKY PERRY, D/B/A FRATERNAL ORDER OF EAGLES, LOCATED AT 5406 LAROCHE AVENUE. [DISTRICT 3.]**
- D. PETITIONER: CHERI STOKES KELLER, D/B/A JANIE ARKWRIGHT'S KITCHEN, LOCATED WITHIN KELLER'S FLEA MARKET, 5901 OGEECHEE ROAD. [DISTRICT 6.]**

ACTION OF THE BOARD:

Commissioner Shay moved to approve the renewal of Sunday sales of beer and wine pouring for 2006 for the following petitioners: (a) Surendra Patel, d/b/a Denny's Restaurant, located within the Best Western at One Gateway Boulevard (District 7); (b) John A. Henderson, d/b/a Cousin Vinnies Pizza, located at 7360 Skidaway Road (District 3); (c) Ricky Perry, d/b/a Fraternal Order of Eagles, located at 5406 LaRoche Avenue (District 3); and (d) Cheri Stokes Keller, d/b/a Janie Arkwright's Kitchen, located within Keller's Flea Market, 5901 Ogeechee Road (District 6). Commissioner Odell seconded the motion and it passed unanimously.

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- 13. REQUEST FOR RENEWAL OF SUNDAY SALES OF BEER, WINE AND LIQUOR POURING FOR 2006.**
 - A. PETITIONER: WILLIAM MICHAEL FOSTER, D/B/A WILMINGTON ISLAND CLUB, LOCATED AT 507 WILMINGTON ISLAND ROAD. [DISTRICT 4.]**
 - B. PETITIONER: ALAN G. GAMBLE, D/B/A CABANA BAR–MARSHWOOD COUNTRY CLUB, LOCATED AT 1 PALMERS DRAW. [DISTRICT 4.]**
 - C. PETITIONER: DONNA M. LOVE, D/B/A LOVE’S SEAFOOD RESTAURANT, LOCATED AT 6817 CHIEF O. F. LOVE ROAD. [DISTRICT 6.]**
 - D. PETITIONER: DAVID D. MESSINGER, D/B/A PERKINS RESTAURANT & BAKERY, LOCATED WITHIN THE QUALITY INN AT 3-A GATEWAY BOULEVARD SOUTH. [DISTRICT 6.]**
 - E. PETITIONER: CHARLES R. JONES, D/B/A SILVER DOLLAR BAR & GRILL, LOCATED AT 2883 FORT ARGYLE ROAD. [DISTRICT 7.]**

ACTION OF THE BOARD:

Commissioner Shay moved to approve the renewal of Sunday sales of beer, wine and liquor pouring for 2006 for the following petitioners: (a) William Michael Foster, d/b/a Wilmington Island Club, located at 507 Wilmington Island Road (District 4); (b) Alan G. Gamble, d/b/a Cabana Bar—Marshwood Country Club, located at 1 Palmers Draw (District 4); (c) Donna M. Love, d/b/a Love’s Seafood Restaurant, located at 6817 Chief O.F. Love Road (District 6); (d) David D. Messinger, d/b/a Perkins Restaurant & Bakery, located within the Quality Inn at 3-A Gateway Boulevard South (District 6); and (e) Charles R. Jones, d/b/a Silver Dollar Bar & Grill, located at 2883 Fort Argyle Road (District 7). Commissioner Odell seconded the motion and it passed unanimously.

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14. REQUEST BOARD APPROVE A RESOLUTION TO EXTEND THE SUBMISSION DEADLINE FOR THE COMPREHENSIVE PLAN TO OCTOBER 31, 2008.

ACTION OF THE BOARD:

Commissioner Shay moved to approve a resolution to extend the submission deadline for the Comprehensive Plan to October 31, 2008. Commissioner Odell seconded the motion and it passed unanimously.

AGENDA ITEM: X-14

AGENDA DATE: May 12, 2006

CHATHAM COUNTY - SAVANNAH

METROPOLITAN PLANNING COMMISSION

"Planning the Future - Respecting the Past"

M E M O R A N D U M

TO: Chatham County Commissioners

FROM: Thomas L. Thomson, Executive Director

SUBJECT: Resolution – Extend Submission Deadline for Comprehensive Plan

DATE: May 5, 2006

Before you today is a request to extend the submission deadline for the Comprehensive Plan to October 31, 2008. Our Comprehensive Plan is ahead of schedule since the Community Agenda document has been submitted to the Department of Community Affairs (DCA) for review and comment.

However, an Executive Order signed by Governor Perdue in February 2005 directed the DCA to develop a Coastal Comprehensive Plan. This plan, which is due for completion by September 2007, will include recommendations for land use policies and potential incentives to communities that follow the recommendations outlined in the Plan.

Therefore, the DCA has agreed to extend the submission deadline for comprehensive plan updates for all six coastal Georgia counties (Bryan, Camden, Chatham, Glynn, Liberty, and McIntosh) and their respective communities to October 31, 2008.

As a member of the Coastal Comprehensive Plan Advisory Committee, I know that there are benefits to be gained by waiting for the Plan to be released. Of special interest is the population analysis for each of the counties in the RDC region. This extension will allow staff to incorporate this updated demographic analysis into our plan.

I recommend that the Chairman and Board of Commissioners consider approving the attached Resolution to accept the Comprehensive Plan extension to October 31, 2008.

Please call me at 651-1446 with any questions that you may have.

TLT/mg
Attachment

CHATHAM COUNTY

RESOLUTION

Tricentennial Plan

COMPREHENSIVE PLAN SUBMISSION EXTENSION

WHEREAS, the Chairman and Commissioners of Chatham County support the Executive Order of Governor Perdue to appoint a committee to develop Coastal Comprehensive Plan; and

WHEREAS, the Governor, in his Executive Order of February 2005, ordered the Coastal Comprehensive Plan to identify a course of action to resolve the often competing interests of tourism, economic development, housing, transportation, environment management, and other development issues that challenge Georgia's coast; and

WHEREAS, the Georgia Department of Community Affairs has agreed to extend the submission deadline for the comprehensive plan updates for the six coastal Georgia counties (Bryan, Camden, Chatham, Glynn, Liberty, and McIntosh) and their respective communities to October 31, 2008; and

WHEREAS, the RDC has employed Georgia Institute of Technology to conduct advance population projections and analysis of the six county region; and

WHEREAS, although the unincorporated Chatham County and City of Savannah have submitted their Comprehensive Plan (Community Agenda), much earlier than required, we recognize the need to be consistent with future requirements with other coastal counties; and

WHEREAS, in order to incorporate the projections, analysis, and recommendations of the Coastal Comprehensive Plan, the County plans to revisit and compare Tricentennial Plan with Coastal Comprehensive Plan; and

THEREFORE, BE IT RESOLVED, that the Chairman and Commissioners of the Chatham County request extension of the submission deadline for any additional

revisions to the Comprehensive Plan to October 31, 2008 to the Georgia Department of Community Affairs through Coastal Georgia Regional Development Center.

Adopted this _____ day of _____, 2006

By: _____
 Pete Liakakis, Chairman, Chatham County Board of Commissioners Date

Attest: _____
 Sybil Tillman, Clerk of the Commission Date

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15. 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. Annual price agreement for the "as needed" purchase of yellow and white traffic paint and glass traffic beads	Public Works and Park Services	Sherwin-Williams	•\$8.50/5gl - white paint •\$8.50/5gl - yellow paint •\$.31/lb - glass beads	SSD - Public Works
B. Contract for the construction of Lamarville-Diggs Avenue Drainage Improvement Project	SPLOST	Sandhill ALS Construction, Inc. (MBE)	\$124,700	SPLOST (1998-2003) - Westlake Drainage project
C. Contract for the modernization of the two (2) prisoner transport elevators at the Montgomery Street Courthouse	SPLOST	Otis Elevator Company	\$179,985	SPLOST (2003-2008) - Courthouse Construction

<u>ITEM</u>	<u>DEPT.</u>	<u>SOURCE</u>	<u>AMOUNT</u>	<u>FUNDING</u>
D. Contract for the relocation/ installation of the emergency power system	CNT	All Electric and Specialty Systems, Inc.	\$36,890	Confiscated Funds - CNT
E. Contract for the installation of the power and control conduit system	CNT	All Electric and Specialty Systems, Inc.	\$10,603	Confiscated Funds - CNT
F. Professional service contract with automatic renewals for two (2) additional one year terms for the "as required" instruction and supervision of youth under the jurisdiction of Juvenile Court in a community service work program which operates on Saturdays	Juvenile Court	<ul style="list-style-type: none"> •Barbara Davis •Brenda Davis •Jerome Davis •Antionette Mullino •Christa Roberson •William Sanders •Phillip Thompson •Daniel Walker •Tanya Lewis 	Varies by service	Supervision fees collected by Juvenile Court
G. Terminate contract and award an annual contract with automatic renewal options for three (3) additional one year terms to provide election equipment transportation and delivery services of voting equipment	Board of Elections	<ul style="list-style-type: none"> •Terminate: M. Gresham Company •Award to: Lee Wright 	\$134.55 per precinct (round trip)	General Fund/M & O - Board of Elections
H. Annual contract with automatic renewals for four (4) additional one year terms to provide service uniforms shirts and trousers	<ul style="list-style-type: none"> •Sheriff •Detention Center 	Uniforms by Patrick	Varies by item	<ul style="list-style-type: none"> •General Fund/M & O - Sheriff •General Fund/M & O - Detention Center
I. Annual contract with automatic renewals for four (4) additional one year terms to provide trash collection and trash container service	Various	Republic Waste Services, Inc.	\$37,980	<ul style="list-style-type: none"> •General Fund/M & O - Various •SSD - Various

<u>ITEM</u>	<u>DEPT.</u>	<u>SOURCE</u>	<u>AMOUNT</u>	<u>FUNDING</u>
J. Contract for environmental consulting services in support of the design of the Skidaway Road roadway shoulder and drainage improvements project	SPLOST	Sligh Environmental Consultants, Inc.	\$24,000	SPLOST (1998-2003) - Romney Place/ Parkersburg
K. Change Order No. 1 to the contract for the construction of Tom Triplett Community Park - Phase III for the removal of unsuitable soils under pavilion footers	SPLOST	Collins Construction, Inc.	\$5,002	SPLOST (2003-2008) - Tom Triplett Park
L. Installation of five (5) scoreboards at Charlie Brooks Sports Complex	SPLOST	Doug Bean Signs	\$11,000	SPLOST (1993-1998) - Charlie Brooks Sports Complex
M. Renew property coverage for various Tybee Island locations	Finance	Arch Specialty Insurance Company	\$35,000	Risk Management Fund
N. Termination of agreement for traffic camera enforcement at SR204/ King George Blvd.	Police	Nestor (SEDA)	N/A	N/A
O. Repairs to the westbound lane of Causton Bluff Bascule Bridge	Bridges	H.C. Enterprises, Inc.	\$126,390	CIP - Bridges (pending Board approval of transfer)

ACTION OF THE BOARD:

Commissioner Shay moved to approve Items 15-A through 15-O, both inclusive. Commissioner Odell seconded the motion and it passed unanimously.

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XI. FIRST READINGS

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

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

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

1. AMENDMENT TO THE RIGHT-OF-WAY ENCROACHMENT ORDINANCE REQUIRING OWNERS OF UTILITIES OR FACILITIES TO RELOCATE THEIR ENCROACHMENTS LOCATED WITHIN A COUNTY ROAD RIGHT-OF-WAY WHEN THE COUNTY NEEDS TO MAKE CONSTRUCTION IMPROVEMENTS OR PERFORM MAINTENANCE.

ACTION OF THE BOARD:

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

AGENDA ITEM: XI-1**AGENDA DATE: May 12, 2006****TO:** Board of Commissioners**THRU:** R. E. Abolt, County Manager**FROM:** Robert W. Drewry, Director of Public Works and Park Services
A. G. Bungard, P.E., County Engineer

ISSUE: To approve an amendment to the Right-of-Way Encroachment Ordinance requiring owners of utilities or facilities to relocate their encroachments located within a County road right-of-way when the County needs to make construction improvements or perform maintenance.

BACKGROUND: As it currently reads, the Right-of-Way Encroachment Ordinance does not provide authority to require relocation of utilities and other facilities at the owner's expense when the County needs to make improvements to a road other than for widening or relocating the roadway.

FACTS AND FINDINGS:

1. By the way of example of the need for the revision, the County often needs to make drainage improvements to ditches and canals that parallel roadways. These improvements are often impeded by utilities that are within the right-of-

way. The cost to move these utilities to accommodate the County's work should not be the taxpayer's expenses.

2. An amendment to the Right-of-Way Encroachment Ordinance is drafted and attached.
3. The County's authority to grant permit and establish regulations for utility encroachments in the County's public roads is granted in Georgia Code Section 32-4-42(6).
4. The County Attorney has reviewed the draft amendment and concurs.

ALTERNATIVES:

1. That the Board approve an amendment to the Right-of-Way Encroachment Ordinance authorizing the County to require utility owners to relocate their utilities when the County needs to make construction improvements or perform maintenance.
2. That the Board not approve the amendment.

FUNDING: No funding required.

POLICY ANALYSIS: Board action is required to amend County Code sections

RECOMMENDATION: That the Board approve Alternative 1.

Districts: All

Prepared by Vincent Grevemberg

DRAFT AMENDMENT

Article XI
Right-of-Way Encroachment Ordinance

§12-1106 Minimum Conditions for a Permit

2. Liability for Future Relocation Lies with Owner. In case Chatham County should, in the future, ~~decide to widen and/or relocate~~ **make construction and/or maintenance improvements to any part of the County road system or appurtenance thereof, including, but not limited to, widening, relocation, drainage, etc.,** ~~an existing road,~~ Chatham County reserves the right to require the owner to take up and relay those sections of the facility within the right-of-way as may be necessary to accommodate ~~such widening and/or relocation~~ **said improvements**; the taking up and relaying to be at the expense of the owner. This work shall be completed within thirty (30) working days after

notification by Chatham County, or within such other time as may be approved in writing by the County.

Should owner upon notification by Chatham County fail to remove any property encroaching in the right-of-way within 30 days, then Chatham County shall have the right to remove the obstruction or encroachment with all cost and expenses plus \$500 charged to owner in constituting a lien against the property.

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XII. SECOND READINGS

- 1. TO ADOPT AN ORDINANCE WHICH WOULD AUTHORIZE THE CREATION OF ENTERPRISE ZONES IN UNINCORPORATED CHATHAM COUNTY AND CONCURRENTLY CREATE ENTERPRISE ZONE 1 TO REVITALIZE THE UNINCORPORATED AREA NORTH OF PRESIDENT STREET AND PROVIDE INCREASED EMPLOYMENT OPPORTUNITY FOR LOW-INCOME RESIDENTS, ESPECIALLY EAST SAVANNAH.**

Chairman Liakakis said, one of the things I did have information from a participant in that, said it would be close to \$1 billion is spent in that particular area. Our Assistant County Manager person, Patrick Monahan, would you go over this, please?

Mr. Monahan said, yes, sir. This would create the —, this one would create the authorization for enterprise zone within the unincorporated area and, secondly, it would create the first, which is called Enterprise Zone 1, which is approximately that area between — along President Street, north of President Street between the City of Savannah sewage treatment facility all the way to the Wilmington River. If you notice, based on the requirements of state law, one, three of five criteria must be met. In this particular area, there is a poverty rate of approximately 55%; it has an unemployment rate of more than 7%. In addition, this area has lost more than 25% of its manufacturing jobs within the past few years.

Now, the unusual aspect of this is the Commission only can exercise jurisdiction within the unincorporated area, so that affects Commissioner Shay's district because this is principally within District 3. However, the chief beneficiary in this case will actually be Commissioner Holmes, as the District 2 representative, since all the improved properties, the residential, is within Commissioner Holmes' district. I'll give you an example. There is an industry looking at this area right now that will employ approximately 400, which means at least 40 of those jobs will come from Commissioner Holmes' district, which is right across the street from this area. But it has the potential to go far beyond just this one industry. That particular area is known as Industrial Area 2. There's great needs. It has a potential for other future investment, and that's what the enterprise zone does. It creates the opportunity for private investment in hopes of creating

employment, but in exchange for that the County surrenders certain, one, business license fees, licenses. In addition to that, Commissioner Shay has offered an amendment, which I have passed out to you. You'll notice the amendment is on Page 3 and 6. I've written the language and I have put it in bold and italics so that'll be easy to pick out, but it's consistent with Commissioner Shay's amendment.

Chairman Liakakis said, okay, now I had a notation that this was the first time? Mr. Abolt said, first time for the County. I don't know how many have been in existence in the State, but I mean, this, I'm not boasting because you're doing it, but I can tell you, Mr. Chairman, in your next State of the County message, this will be the highlight because what you're doing now, just not in your actions in this room, but over the next 12 months, in my estimation, you'll change the whole complex of the President Street corridor.

Chairman Liakakis said, do we have a motion on the floor to adopt this?

Commissioner Odell said, so moved. Commissioner Thomas said, second.

Chairman Liakakis said, a motion has been —. Discussion? Helen [Stone]?

Commissioner Stone said, yes. Under Number Section 7-1008, Number 4, where it said that the heavy industry, IH, according to the Chatham County Zoning Ordinance, shall not be required to meet the tree point requirements of the land disturbing activities ordinance, I would just — I understand why it's in there, but I would certainly encourage the planting of trees and the retaining of trees, if at all possible, to make this area a very desirable area, even in the industrial parts.

Mr. Monahan said, knowing the Commission's feelings on certain topics, or just interpreting the Commission's feelings on certain topics, I was careful, with the County Attorney's assistance, in crafting this ordinance to avoid, one, that there are no abatement of taxes other than under the special condition of a green project, as Commissioner Shay proposed, and, two, if you notice, the waiver of the tree requirements are only within the IH districts, the heavy industrial. We have an industry that's looking at this area that finds that requirement particularly burdensome, because it's a large plant, and they just don't have — a plant meaning a physical improvement — just don't have the opportunity to plant other plants, particularly with a lot of truck traffic. What are the chances of survivability? That is only a limited application, that the tree points waiver can only occur within the heavy industrial within the enterprise zone. Commissioner Stone said, okay. But I would still say if there is any way to make whatever is built as attractive as possible for this community, I would encourage that. Mr. Monahan said, yes, ma'am.

Chairman Liakakis said, okay, do I have a motion on the floor? Commissioner Shay said, it's been moved, and I just want to have some additional discussion, if I could.

Commissioner Kicklighter said, what is your amendment? Would you tell me first, please?

Commissioner Shay said, my amendment is, qualified businesses that meet all the other qualifications, but in addition to that, do green projects that are defined by the United States

Green Building Council under LEED standards would be eligible for additional property tax abatements, to give them incentives to want to do this. I do that because I think not only are green buildings a good thing for the environment, which is a very good thing, but it's also about saving energy. And frankly, I feel at this point, saving energy is actually a national defense initiative. If we can attract green industries to come into this enterprise zone, and I know that SEDA has some interest from green industries, then perhaps we can set a precedent that we not only provide jobs for the whole community, and especially in the area that is affected by this particular enterprise zone, but it could become a kind of thing for our whole community to become —.

Commissioner Kicklighter said, can you give an example of a green industry for those of us who may not know? Commissioner Shay said, well, a green project is a set of standards that are developed for how the building is constructed. It doesn't say that the industry is green; it says that the way the industry constructs is done in a way that is very energy conservative, that it also uses — there are different point systems you can get. If you use recycled materials or recyclable materials, if you try and generate energy on site through solar panels, those kind of things, that those all add to the score sheet to go toward getting the gold level. There are multiple levels, and what I've suggested here is the gold level. It's not the very highest level, platinum, which there are very few projects in the United States that actually ever get to that, but the gold level is setting a high standard. I don't think we should give away tax abatement unless they're really reaching pretty high up the bar.

Chairman Liakakis said, and one example of what's been going on, you know the Melaver project on Abercorn Street is one of the first around that has done that green.

Commissioner Shay said, just to conclude, a friend and constituent of mine, Jack Starr, who was here earlier, and he left to go to lunch because I gave him a prediction that we probably wouldn't hear this until 12:30, so he's not going to get a chance to speak to us. I apologize to Jack [Starr]. He's going to show up here in just a few minutes, but he was going to speak in favor of this amendment, and I just want to recognize him. He's been very vocal in the community about trying to promote solar energy within —.

Commissioner Kicklighter said, well, hopefully, when the Chairman reads that amendment or whatever back to you later, Jack [Starr] can be back there with y'all. Commissioner Shay said, we can all do it together. Yeah, that'll be good. Chairman Liakakis said, yeah, y'all come in the office if you want to hear it.

Chairman Liakakis said, okay, we have a motion on the floor and it has been seconded. Let's go on the board.

Mr. Abolt said, Mr. Chairman, ladies and gentlemen, before this item is completely ended, I would like to publicly recognize both Jon Hart and our one-man department community development, Mr. Monahan, who made this possible. This is super innovation from few people.

Chairman Liakakis said, yes, and we're going to see results in the not too-distant future, where it's going to really help our economy and give a lot of jobs to people that don't have high paying jobs, and provide many, many things for our citizens.

ACTION OF THE BOARD:

Commissioner Odell moved to adopt an ordinance which would authorize the creation of enterprise zones in unincorporated Chatham County and concurrently create Enterprise Zone 1 to revitalize the unincorporated area north of President Street and provide increased employment opp for low-income residents, especially East Savannah. Commissioner Thomas seconded the motion and it passed unanimously.

~~AGENDA ITEM: XI-1~~
~~AGENDA DATE: April 21, 2006~~

AGENDA ITEM: XII-1
AGENDA DATE: May 12, 2006

TO: Board of Commissioners

THRU: R. E. Abolt, County Manager

FROM: Patrick Monahan, Asst. County Manager

ISSUE:

To adopt an ordinance which would authorize the creation of enterprise zones in unincorporated Chatham County and concurrently create Enterprise Zone 1 to revitalize the unincorporated area north of President Street and provide increased employment opportunity for low-income residents, especially in East Savannah.

BACKGROUND:

At the January 13 meeting, the Board gave conceptual approval to create enterprise zones under the requirements of the Georgia Constitution and enabling general law. The research indicates that Census tract 101.01, which includes Industrial Area #2 and parts of Est Savannah, would qualify. The Georgia Constitution and enabling general law which authorize the creation of enterprise zones intend their use for revitalizing areas "...suffering from disinvestment, underdevelopment and economic decline." Establishing enterprise zones provides investment tools "...to encourage private businesses to invest and rehabilitate such areas." The tools are intended to create employment opportunity.

FACTS AND FINDINGS:

1. The proposed ordinance (Attachment) would authorize the creation of enterprise zones. It also includes a section to create Enterprise Zone 1 within the unincorporated section of Census tract 101.01/Block 2. The area is primarily

north of President Street from east of the President Street Plant to the Wilmington River (a map is included in the proposed ordinance).

- 1a. Industrial Area #2, which comprises most of Enterprise Zone 1, is situated north of President Street from the Savannah municipal boundary eastward toward St. Augustine Creek. It remains an area in transition with a large number of vacant and abandoned properties.
 - 1b. Industrial Area #2's proximity to East Savannah should help to create employment opportunities. For a qualifying business to obtain job credits, whenever possible at least 10% of new employees must be low-income or moderate-income individuals.
2. Enterprise Zone 1 meets three of five criteria as established by state law. As noted in the proposed ordinance as findings, the poverty rate exceeds 55% (meeting the state guideline of "pervasive"), the ratio of income to poverty remains less than 1.0 for 56% of residents (state law requires at least 20%) and the unemployment rate remains at least 10% higher than the rest of the country (according to the Department of Labor). Furthermore, manufacturing employment a mainstay of Industrial Area 2, decreased by 27% (almost 500 jobs) from the 1990 Census to the 2000 Census within Census tract 101.01.
 3. The proposed ordinance includes incentives.
 - 3a. While state law authorizes the abatement of property taxes, the proposed ordinance only extends a waiver of planning, inspections and engineering fees. Industrial Area 2 serves mainly manufacturers, which already receive the 5-Year Capital Exemption for new or expanding businesses and can apply for freeport exemptions on inventory.
 - 3b. Other incentives include the waiver of tree requirements for businesses located in an I-H (heavy industrial) zoning district, appointment of a county ombudsman (designated by County Manager) and priority service on permitting review.
 4. While part of Enterprise Zone 1 remains within the incorporated limits of Savannah, the proposed ordinance only applies to properties in the unincorporated area of the zone. Should the City of Savannah want to create an enterprise zone for qualifying properties within the city, Chatham County can concur by joint resolution. This same authority applies to any city which desires to create an enterprise zone in an area which a qualifies and remains adjoined by unincorporated area.
 5. The Savannah Economic Development Authority, which is seeking to recruit new manufacturers to consider this area, concurs with the benefits of creating an enterprise zone. In addition, should the Board agree to create an enterprise, the option remains to create an "Opportunity Zone," which enables added benefits for redevelopment.

6. Census Tract 101.01 includes Block 1 and Block 2. Block 1 was excluded since it remains wholly within the City of Savannah. Should the City of Savannah want to create an enterprise zone for this area or any other which adjoins unincorporated Chatham County, the City (or any city) can enter into a joint resolution with Chatham County for mutually-agreed upon incentives.
7. The County Attorney's Office, Department of Building Safety & Regulatory Services and the County Engineer's Office have reviewed the proposed ordinance and concur in its form and format.

FUNDING:

Not applicable.

ALTERNATIVES:

1. That the Board adopt the proposed ordinance by amendment to the Code of Chatham County as Chapter 7, Article X, "Enterprise Zone Program," which includes the creation of Enterprise Zone 1.
2. Or, that the Board adopt the proposed ordinance but with amendments:
 - 2.1 Consideration of property tax abatements (under state law, taxes can be abated 100% for the first five years and by lower percentage reduction increments over the next five years).
 - 2.2 The Board could remove references to particular incentives, such as in fee waivers or waiver of three requirements within an I-H zoned district.
3. Or, that the Board opt not to enact the "Enterprise Zone Program."

POLICY ANALYSIS:

The Georgia Constitution and enabling general law which authorize the creation of enterprise zones intend their use for revitalizing areas "...suffering from disinvestment, underdevelopment and economic decline." Establishing enterprise zones provides investment tools "...to encourage private businesses to invest and rehabilitate such areas." The tools are intended to create employment opportunity.

RECOMMENDATION:

That the Board adopt Alternative 1.

District 3

District 2

[as amended, see pages 3 and 6 for sections in bold italics]

AN ORDINANCE

AN ORDINANCE TO AMEND THE CODE OF CHATHAM COUNTY, GEORGIA, CHAPTER VII, TAXATION AND REVENUE, TO PROVIDE FOR THE REGULATION OF AN ENTERPRISE ZONE PURSUANT TO O.C.G.A. 36-88-1, *ET SEQ.* TO PROVIDE DEFINITIONS; TO PROVIDE CERTAIN EXEMPTIONS OR ADVANTAGES FOR QUALIFYING BUSINESSES AND SERVICE ENTERPRISES WITHIN THE ENTERPRISE ZONE; TO PROVIDE FOR RELATED MATTERS; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

WHEREAS, the Board of Commissioners of Chatham County has found and declared that economically and socially-depressed areas exist within the unincorporated area of the County and that these areas contribute to or cause unemployment and underutilization of property, and, in general, have a deleterious effect on the public health, safety, welfare and morals; and

WHEREAS, these areas are commonly characterized by the lack of investment by private enterprise in ventures which produce jobs, trade, provision of services, and other economic activities which individually and together contribute to a healthy society; and

WHEREAS, the Board finds that this lack of private investment and economic activity contributes materially to social and economic depressions in such areas; and

WHEREAS, in accordance with the authorization powers granted local governments by O.C.G.A. 36-88-1 et seq. to create enterprise zones as set forth in this Chapter, the Board finds the public interest's will be served by providing incentives which encourage private enterprise to invest in such areas by creating jobs and trade, providing services, and by other economic activities; and

THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF CHATHAM COUNTY, GEORGIA, that Chapter VII, Taxation and Revenue, of the Code of Chatham County, be amended as follows:

ARTICLE X
Enterprise Zone Program

Section 7-1000 Purpose and Scope. The Board of Commissioners of Chatham County has found a need for revitalization in certain areas of unincorporated Chatham County. Revitalization will improve geographic areas within Chatham County's unincorporated area, which are suffering from disinvestment, underdevelopment, and economic decline, and will encourage private businesses to reinvest and rehabilitate such areas. This ordinance should be construed to accomplish these purposes.

Section 7-1001 Definitions.

(a) As used in this chapter, the term:

- (1) "Ad valorem tax" means property taxes levied for state, county, or municipal operating purposes but does not include property taxes imposed by school districts or property taxes imposed for general obligation debt.
- (2) "Board" means the Board of Commissioners of Chatham County as the local governing authority for the unincorporated area of Chatham County.
- (3) "Business enterprise" means any business engaged primarily in retail, manufacturing, warehousing and distribution, processing, telecommunications, tourism, research and development industries, new residential construction, and residential rehabilitation.
- (4) "County Manager" means the Chief Administrative Office of Chatham County.
- (5) "Enterprise zone" means the geographic area designated by amendment to this Article.
- (6) "Full-time job equivalent" means a job or jobs with no predetermined end date, with a regular work week of 30 hours or more, and with the same benefits provided to similar employees.
- (7) "Industrial Area 2" means the geographic area created by amendment to Article 7, Section 1, Paragraph 3 of the 1945 Georgia Constitution, which was subsequently ratified by a referendum on November 7, 1950, so as to create "industrial areas." The purpose for creating "industrial areas," including Industrial Area 2, was to encourage the location of industry adjacent to the City of Savannah and Chatham County.
- (8) "Low-income and moderate-income individual" means a person currently:
 - (A) Unemployed or unemployed for three of the six months prior to the date of hire;
 - (B) Homeless;
 - (C) A resident of public housing;
 - (D) Receiving temporary assistance for needy families or who has received temporary assistance for needy families at any time during the 18 months previous to the date of hire;
 - (E) A participant in the Workforce Investment Act or who has participated in the Workforce Investment Act at any time during the 18 months previous to the date of hire;
 - (F) A participant in a job opportunity where basic skills are required or who has participated in such a job opportunity at any time during the 18 months previous to the date of hire;
 - (G) Receiving supplemental social security income; or
 - (H) Receiving food stamps.
- (9) "New job" means employment for an individual created within an enterprise zone by a new or expanded qualified business or service enterprise at the time of the initial staffing of such new or expanded enterprise.
- (10) "Qualified or qualifying business" means an employer that meets the requirements in increasing employment by five or more new full-time job

- equivalents in an unincorporated area designated as an enterprise zone and which provides additional economic stimulus in such a zone.
- (11) "Service enterprise" means an entity engaged primarily in finance, insurance, and real estate activity or activities listed under the Standard Industrial Classification (SIC) Codes 60 through 67 according to the Federal Office of Management and Budget Standard Industrial Classification Manual, 1987 edition, or engaged primarily in day-care activities.
- (12) "Urban Redevelopment Plan" means a plan prepared and adopted pursuant to the requirements of O.C.G.A. 36-61-1 et seq.

Section 7-1002 Available incentives; qualifying business; exemptions.

- (a) The following incentives are available to qualifying business and service enterprises to encourage revitalization within enterprise zones (these shall only apply to business and service enterprises situated within unincorporated Chatham County):
- (1) After filing the proper application, a qualifying business or service enterprise may receive an abatement from occupation taxes, regulatory fees, building inspection fees, and other fees that would otherwise have been imposed on a qualifying business.
- (2) A qualifying business which meets all other qualifications of this Code Section, and which furthermore has been certified as meeting the requirements of the Leadership in Energy and Environmental Design (LEED) Program, as determined and regulated by the U.S. Green Building Council for a "Gold Level" Project, shall be eligible for an exemption from state and county ad valorem taxes in accordance with the following schedule as provided by O.C.G.A. 36-88-1 Et. Seq.***
- (A) One hundred percent (100%) of the state and county ad valorem taxes shall be exempt for the first five (5) years;***
- (B) Eighty percent (80%) of the state and county ad valorem taxes shall be exempt for the next two (2) years (sixth and seventh years);***
- (C) Sixty percent (60%) of the state and county ad valorem taxes shall be exempt for the next year (eighth year);***
- (D) Forty percent (40%) of the state and county ad valorem taxes shall be exempt for the next year (ninth year);***
- (E) Twenty percent (20%) of the state and county ad valorem taxes shall be exempt for the last year (10th year).***
- (b) ***In no event shall the total value of the property tax exemptions granted within enterprise zones within Chatham County's unincorporated area as a whole exceed ten percent (10%) of the value of the entire property tax digest of the unincorporated area of Chatham County.***
- (c) A qualifying business or service enterprise is an enterprise which increases employment by five or more new full-time job equivalents in an area designated as an enterprise zone and which provides additional economic stimulus in such zone. The quality and quantity of such additional economic stimulus shall be determined, on a case-by-case basis, by the Board by amendment to this Article. Such business or service enterprise may be new, an expansion or reinvestment of an existing business or service enterprise, or a

successor to such business or service enterprise. Whenever possible, 10 percent of such new employees shall be low-income or moderate-income individuals.

Section 7-1003 Effect on ordinances.

- (a) (1) Each ordinance adopted by the Board to approve an enterprise zone, when applicable, shall provide encouragement and incentives to increase rehabilitation, renovation, restoration, improvement for new construction for housing and the economic viability and profitability of businesses and commerce located within such enterprise zone.
- (2) Creation of an enterprise zone shall be consistent with the Comprehensive Plan.
- (3) The Board may review its ordinances to determine which ordinances may have a negative effect upon the rehabilitation, renovation, restoration, improvement, or new construction of housing, or the economic viability and profitability of businesses and commerce located within an enterprise zone. In creating an enterprise zone by amendment to this ordinance, the Board may waive, amend, or otherwise modify such ordinances so as to minimize such adverse effect on a case-by-case basis.
- (b) Nothing in this section shall be construed that the Board would waive, amend, provide exceptions to or otherwise modify or alter any ordinance which is:
- (1) Expressly required to implement or enforce any statutory provisions; or
- (2) Designed to protect persons against discrimination on the basis of race, color, creed, national origin, sex, age, or handicap.

Section 7-1004 Time limitations. An area designated as an enterprise zone shall remain in existence for ten years from the first day of the calendar year immediately following its designation as an enterprise zone. The Board may enter into agreements with qualifying business or service enterprises in designated enterprise zones to provide for modification or termination of the fee exemptions and abatements.

Section 7-1005 Criteria for enterprise zone.

- (a) In order to be designated as an enterprise zone, a nominated area shall meet at least three of the five criteria specified in subsections (b), (c), (d), (e), and (f) of this ordinance. To determine whether an area suffers from poverty, unemployment, or general distress, evidence shall be cited from the most current United States decennial census and from other information published by the Federal Bureau of the Census, the Federal Bureau of Labor Statistics, and the Georgia Department of Labor. To determine whether an area suffers from underdevelopment, evidence shall be from data as specified in subsection (e) of Section 7-1005. The data shall be comparable in point or period of time and methodology employed.
- (b) Pervasive poverty shall be evidenced by showing that poverty is widespread throughout the nominated area and shall be established by using the following criteria:
- (1) The poverty rate shall be determined from the data in the most current United States decennial census prepared by the U.S. Bureau of Census;
- (2) For each census geographic block group within the nominated area, the ratio of income to poverty level for at least 20 percent of the residents shall be less than 1.0;

- (3) Census geographic block groups with no population shall be treated as having a poverty rate which meets the standards of paragraph (2) of this subsection; and
- (4) All parcels of a nominated area must abut and may not contain a noncontiguous parcel, unless such nonabutting parcel qualifies separately under the criteria set forth under paragraph (2) of this subsection.
- (c) Unemployment shall be evidenced by the use of data published by the Office of Labor Information Systems of the Georgia Department of Labor indicating that the average rate of unemployment for the nominated area for the preceding calendar year is at least 10 percent higher than the state average rate of unemployment or by evidence of adverse economic conditions brought about by significant job dislocation within the nominated area such as the closing of a manufacturing plant or federal facility.
- (d) General distress shall be evidenced by adverse conditions within the nominated area other than those of pervasive poverty and unemployment. Examples of such adverse conditions include, but are not limited to, a high incidence of crime, abandoned or dilapidated structures, deteriorated infrastructure, and substantial population decline.
- (e) Underdevelopment shall be evidenced by data indicating development activities, or lack thereof, through land disturbance permits, business license fees, building permits, development fees, or other similar data indicating that the level of development in the nominated area is lower than development activity within the unincorporated area.
- (f) General blight within the nominated area shall be evidenced by the inclusion of any portion of the nominated area in an urban redevelopment area and for which the Board has adopted an urban redevelopment plan.

Section 7-1006 Designation of enterprise zones and annual reporting.

- (a) The Board may designate one or more geographic areas in the unincorporated area of Chatham County as enterprise zones. The Board may also enter into a joint resolution with one or more municipalities to create a jointly designated enterprise zone and provide for common exemptions and incentives. Any areas designated as an enterprise zone may be redesignated as an enterprise zone after the expiration of its initial term as an enterprise zone if the area continues to meet the criteria for an enterprise zone contained in this chapter.
- (b) The Board shall report designations of enterprise zones to the Georgia Department of Community Affairs with sufficient information to identify, at a minimum, the geographic boundaries of the zones, the specific fees and taxes to be exempted or abated, and the beginning and end dates of the designation period. The time and manner of reporting shall be in accordance with the rules of the Georgia Department of Community Affairs, or any succeeding state department.

Section 7-1007 [Reserved]

Section 7-1008 Creation of Enterprise Zone 1.

- (a) The Board hereby creates Enterprise Zone 1, which coincides with boundaries of Census Tract 101.01, Block Group 2, as delineated in the U.S. 2000 Decennial Census (map

attached hereto and incorporated herein as Exhibit A) for designation as an enterprise zone, except that the Board's jurisdiction for applicable incentives contained herein shall only apply to unincorporated properties within said Enterprise Zone 1. In particular, Enterprise Zone 1 includes Industrial Area 2 and certain incentives are needed to help in the revitalization of this manufacturing area and underutilized areas to promote investment for industrial, commercial and residential development.

- (b) That the Board finds Enterprise Zone 1 meets the qualifications of Article 10, as follows:
- (1) Pervasive poverty can be evidenced by a poverty rate of 55.7%, according to the U.S. 2000 Decennial Census. For Block Group 2, the ratio of income to poverty level totaled .99 or less for 56% of all residents.
 - (2) Unemployment can be evidenced by an unemployment rate of more than 7% in calendar year 2005, according to the Office of Labor Information Systems of the Georgia Department of Labor, which is more than 10% higher than the state average of unemployment for the same period in Chatham County.
 - (3) General distress can be evidenced by adverse conditions and lack of investment which have promoted a loss of manufacturing jobs. The number of manufacturing jobs in Census Tract 101.01/Block 2 has decreased from 1,715 in the 1990 Decennial Census to 1,250 in the 2000 Decennial Census, a decrease of 27%. In 2003, the Georgia Department of Community Affairs has identified Census Tract 101.01 as one of "Georgia's Less Developed Census Tracts."
- (c) That the Board hereby ordains and declares that the County shall provide the following incentives in Enterprise Zone 1 to qualified businesses, in accordance Section 7-1002, with the definition of such businesses; said incentives are not applicable throughout the County:
- (1) After filing the proper application (Exhibit B, "Chatham County Enterprise Zone Application/Project Information," attached hereto and incorporated herein), review and determination by the County Manager or his/her designee as to qualifications, a qualifying business or service enterprise shall receive an abatement from regulatory fees, building inspection fees, and other fees which would otherwise have been imposed on a business with a similar project in the unincorporated area. ***In addition, those qualifying businesses whose new construction has been certified as meeting the requirements of the Leadership in Energy and Environmental Design (LEED) Program as defined and regulated by the U.S. Green Building Council for a "Gold Level" Project, shall be eligible for an exemption of ad valorem taxes in accordance with Section 7-1002 (a) of this Article.***
 - (2) Under rules of the State of Georgia, a qualifying business may be eligible to receive benefits under the Georgia Job Tax Credit Program.
 - (3) A qualifying business shall be assigned a coordinator by the County Manager; the coordinator shall assist the qualifying business in expediting applications, permits and inspections, and as needed on a case-by-case basis to minimize adverse effects on said qualifying business, seek to have waived or amended applications, permits and inspections as allowable under the laws of the State of Georgia and Chatham County.

- (4) A qualifying business, which shall also be a business enterprise, located within Industrial Area 2 and within an area zoned as I-H according to the Chatham County Zoning Ordinance, shall not be required to meet the tree point requirements of the Land Disturbing Activities Ordinance.
- (d) That the Board is the authorized agency to act in all matters pertaining to the nomination and designation of the area described herein as an enterprise zone and reserves the power to grant the incentives listed above to qualifying businesses in accordance with the authorization powers granted local governments by O.C.G.A. 36-88-1 et seq.
- (e) That the Board further directs and designates the County Manager, or his/her designee, as liaison for communication with the Georgia Department of Community Affairs, the Savannah Economic Development Authority, the business community, and all others to oversee zone activities and administration, and communications with qualified businesses, in conformance with Exhibit C, "Enterprise Zone Administrative Policies," attached to and made a part of this subsection.
- (f) That the Board has the power to administer, require and enforce compliance with the provisions of Chapter 7, Article X, and such administrative rules or regulations adopted hereinafter, including but not limited to such reports and data information from such businesses within the enterprise zone to verify compliance with this Article and state law.
- (g) That a qualifying business shall consent to enter into a contractual agreement which outlines the incentives offered to the qualifying business and provisions for the recapture, revocation or reimbursement should the terms of the contract be violated by the target business. In addition, the qualifying business shall certify by form provided by the County Manager or his/her designee that the qualifying business conforms on an annual basis to the requirements of the contractual agreement.
- (h) That creation of Enterprise Zone 1 shall take effect immediately upon adoption by the Board after proper first and second reading as an ordinance.

Adopted this _____ day of _____, 2006.

 Pete Liakakis, Chairman
 Board of Commissioners of Chatham County

Attest:

 Sybil E. Tillman, County Clerk

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2. 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. (Note: Item was tabled at meeting of April 7, 2006.)

MPC FILE NO. Z-060109-32729-1

[DISTRICT 6.]

Chairman Liakakis said, what I'd like is, we're going to have two presentations, those for it and those against it, and what I'd like to do, I think that we've had quite a bit of information coming to us. We've got a lot in our particular —. County Attorney Hart said, we need a motion to take it off the table.

Chairman Liakakis said yeah, let me finish this and we'll make a motion to take it off the table. That we have a lot of information on this and so we want to allot, as was requested to me, five minutes — there were a couple of recommendations, three minutes, five minutes — but five minutes for each side to discuss the pro's and con's of this particular issue. And I'd like a motion on the floor to take this tabled item off the table for reconsideration.

Commissioner Farrell said, so moved. Commissioner Holmes seconded the motion. Chairman Liakakis said, it's been motioned and second. Let's go on the board. The motion carried unanimously. Chairman Liakakis said, the motion passes.

Chairman Liakakis said, okay, identify yourself please.

Mr. Jim Hansen said, Chairman Liakakis, members of the Commission, Jim Hansen on behalf of the MPC. I will not, due to the hour, make a formal presentation to you, but I am here to answer any questions that you might have.

Commissioner Odell said, just a couple questions. MPC recommends? Mr. Hansen said, Commissioner Odell, MPC recommended approval. Chairman Liakakis said, okay, now, the attorneys for the project come forth.

Mr. Yates said, thank you very much, Mr. Chairman. Members of the Chatham County Commission, usually it takes me five minutes to get my name out, so I'm going to be real quick

today. Very briefly —. Chairman Liakakis said, identify yourself, please. Mr. Yates said, Jonathan Yates, on behalf of National Wireless; Clint Pappenpous, the foremost aviation safety expert in the country; our landlord, Mr. Charles Douglas; in addition, our local counsel, Ms. Tracy Smith, and we also have a special guest, Richard Sears. He picked today to be an intern to see a Commission meeting. We sort of fibbed to him on how long it was going to be, so I hand out to Richard, who's here today from high school to spend the day with us.

Chairman Liakakis said, okay, go ahead with your presentation. Commissioner Odell said his last name is Caesar (phonetic). Mr. Yates said, and in addition, we have my good friend Greg Knight, with Cingular Wireless. We're going to be quick and we're going to try to cover the salient points. A lot of this was discussed in great detail both at the staff level of MPC and then a very full and lengthy MPC hearing. What we're proposing, and this has been four years in the making, Greg Knight designs the sites for Cingular. He has had, for over four years, a problem in the Burroughs area. Where we're located sits off of Chevis Road. If you know where the County Landfill is, we're just past the County Landfill. Between us and the landfill is that major CSX rail line that forks right before us.

We spent four years, because we spent two years working with Mr. Drewry at the County and County Attorney Hart to see if we could possibly locate this on the County Landfill. We looked at it and they gave us a great deal of time and effort, but at the end of the day, it was determined with the needs of the landfill and, as precious as landfill space is, they needed to reserve their space. We understood that. They worked diligently with us and the County really tried to make that work, but it just wasn't possible. We then moved across the street on Chevis Road to the property of Mr. George Mascunana. We developed the site there. We then came up with a problem. We were contacted by Colonel Kaufman of Hunter Army Air Field. The Colonel made us aware that that was right over a particular helicopter path that he uses to send troops back and forth between Stewart and Hunter Army Air Field, so we then sat down with Tom Thompson of the MPC and Colonel Kaufman, and Colonel Kaufman helped lay out an area that would have us out of the harm's way for the Army.

We then went back to work. What we came up with in an area designated by Colonel Kaufman, we came up with Charles Douglas' property. Mr. Douglas has a total of three properties there on the west side of Chevis Road for a total of about 10 acres. It's an interesting piece of property. It goes back into almost a triangle. Across the back, the County has a drainage canal. You have the railroad on one side, the landfill on the other, and in the rear, you have wetlands that eventually form part of the Ogeechee River. From cell tower development, a perfect site. 10 acres overall, heavy, heavy tree cover. We are 910 feet off of Chevis Road. It's absolutely perfect placement. The County has certain criteria. We appeared before MPC. We met every single one of those criteria for their approval.

There were five criteria, that I'm going to go through very quickly. In order for you to approve today, you have five standards I must meet. Number one, the proposed site to be zoned from R-1 to R-A-WT, must have — this lays out what it is — the proposed site shall be rezoned from R-1 to R-A-WT, the most substantive standard (b), the proposed site shall be part of a parcel that contains no less than five acres. We have 5.17 acres on the tract we're on, and we're surrounded

by two other Douglas tracts for a total of 10. The proposed tower shall not be located a minimum of 250 feet from a residential use. The closest residential use is the Douglas family property, which is 650 feet away, so we meet that criteria, also. (d), there is no —.

Commissioner Kicklighter said, Mr. Attorney, if I may, I think your time will be better served by letting your aviation expert explain to us why a plane's not going to crash into the tower, because the next people's five minutes is going to tell you that it is. Mr. Yates said, Mr. Kicklighter, I thank you for stopping me. What I just wanted to get on the record is, the County has five criteria. We not only meet, but we meet by a great margin all the criteria, and I want to tell you, we don't just pick on people. We don't do this lightly. We have spent four full years trying to solve this problem for Burroughs. Mr. Pappenpous will talk about aviation safety, but one thing I want to say, and then I'll shut up, I've got to see you three times now, and one thing is very clear. This is a fair Board.

Mr. Kicklighter, you put up a heck of a fight for your people earlier. What I want you to think about is, we want you to be fair to everyone in District 6. There'll be some concerns of a couple pilots, but you've got a couple that, all the people who have moved out there who want to use cell phones, and I could go 50 to 100 minutes on what cell phones have done to safety. The Chief and many other law enforcement officers have come — not the Chief personally, but others have come on my behalf before to tell you what law enforcement gets out of cell phones. Today, in the United States, 185,000 emergency calls are made via cell phones, so what I want you to think about is not fairness to a few, but fairness to the entire district.

Mr. Pappenpous said, hi, I'm Clint Pappenpous. I thank you for having me in today. Basically what I want to talk to you about and show to you is that the proposed 195 foot tower is not a safety concern, in that Mr. Hodges, in his expertise as an airport manager and airport owner, has set the pattern altitude above that airport at 800 feet AGL, 800 feet above ground level. When they're flying a traffic pattern, and if you'll bear with me a second, I want to show you this, I gave each of you a map, when the aircraft takes off, it takes off and he begins his climb. He makes a left-hand turn, still climbing, so that when he gets into his down-wind lane, which is where our tower would be located, he is at 800 feet above ground level. When he becomes — when he becomes abeam the end of the runway, which is where our tower is, that is where he begins his turn to what's called a base ... At that point in the traffic pattern, he can begin his descent for landing at the airport. Not until he gets to that point of abeam the end of the runway. This is the regulation setup and information manuals which all the pilots have. It's basic, basic flight procedure, which all these pilots must adhere to.

The other thing to take into account is that normally, the FAA would have them fly their traffic pattern at 1,000 feet, but that's — it's not hard altitude. Mr. Hodges has set it at 800 feet, which in this case is very safe. But my concern is, what about all the homes that are around this airport? When this airport was built, I'm sure there wasn't very many homes out there, but now you've got homes all out here. You've got homes up here. If that airplane is down 595 feet lower than his traffic pattern, he's got bigger problems than a 28 inch circumference tower out there, okay? He's got homes to worry about, he's got trees out there that are 90 feet. This is not a safety concern, this tower. Absolutely not. Thank you.

Mr. Yates said, thank you all very much for your consideration and we hope we did it in five minutes. Chairman Liakakis said, leave that up there in case they —. Mr. Pappenpous said, sure. Mr. Yates said, what we are concerned with, and we want to be very clear, NWC and Cingular, we are concerned with safety, but we are concerned with everybody's safety. Keep in mind what Clint told you. They should be, as set by the airport, at 800 feet. We are at 195 feet, and Charles Douglas has told us clearly that he has trees up to almost 90 feet. There is no good reason that Mr. Hodges' pilots should be at 200 feet over Mr. Douglas' property and that property of his neighbors.

Mr. Pappenpous said, if I could say one other thing, the FAA does not take into account Mr. Hodges' airport. Cingular has taken into account Mr. Hodges' airport. We could have gone right off the end of the airport and gotten, without a shadow of a doubt, approval from the FAA, which we have received. Mr. Yates said, the FAA has ruled on this and has given a determination of no hazard to air navigation.

Chairman Liakakis said, okay, Mr. Hodges, would you come forth, please? Identify yourself, please, Mr. Hodges. Mr. Hodges said, I'm Robert Hodges, owner and operator of Hodges Air Park in Chatham County. Just to personalize myself, I'll give you a little background. I was raised in Savannah, born and raised in Savannah. My father owned and operated Hodges Auto Service Garage 24 hour service on Drayton Street, where the property is now located. He and I both worked out of that location for many, many years, serving the driving community in this county. I now serve the flying community in this county and I appreciate you folks, you ladies and gentlemen listening to our grievances over the issues of trying to install a cell tower in this particular area. As you all know, cell phones are a hazard on the highways today, creating quite a few accidents on the highways today. These cell phones are, I'm afraid if this tower is approved to go in this location, is going to threaten the flying community, also.

So I would like for you to — if you would reference Hodges Air Park, if you'll look at Page 53 in your phone book, you'll see it listed right in the center of the page, and it's Crawdad Landing. We've since changed that name, but it's in the phone book, so we are in the county. We've been here and, hopefully, we've been a service to the community. If you don't mind, I've got some pictures, aerial shots, I'd like for you gentlemen and ladies to look at. If you would, just pass those out. And while we're doing that, Mr. Curtis Wilson is also a pilot on my field and he has a map here, if I can get him up here to pass these maps out, and I hope you folks give us enough time to —. Chairman Liakakis said, go ahead, Mr. Hodges. Mr. Hodges said, thank you very much.

If you'll look at your pictures there, you'll notice in the left-hand corner, Hodges Air Park, and the property in question to put the cell tower, if you'll notice to the right hand, about center of the picture, over to the right-hand side, is the old dump area. It's the fill area. Well, just beyond that is where this proposed tower is to go in. Now, if you'll notice, taking off, we try to make all of our take-offs, if possible, wind conditions and safety conditions prevailing, we try to take off to the east. That avoids taking off over the Ogeechee Farms Community. That was a request that was made years ago, and we've abided by that, and for safety reasons, we'll do that, if the winds prevail.

Now, all of the development you see beyond the lake over here and beyond the railroad track that comes in has all taken place since Hodges Air Park was installed. Now, what we try to do is use southerly traffic only, and we worked it out with Hunter Army Air Field and Stewart as a safety factor to change their route from the railroad tracks to over the center of our field, and they had proposed to put in the other tower about the center of the field, what they call Church Station. That's where all the helicopters make their transition and turn, and that's the location that they use, and that was the area that they had planned to put the tower in to begin with. Well, now, they're putting the tower — they're wanting to put the tower where we got them to change their location of traffic over to the center of our field, because that was our take-off and landing area.

We do use 800 feet because we're under the upside down cake, what they call the Class C classification at Savannah. We're also just six miles from Hunter Army Air Field, so we try to use southerly traffic and no northerly traffic to get out of the congested area, and we do try to eliminate, if possible, not flying over these homes. And if you'll look, we do a right take-off. After we take off, we make a right turn over the lake and follow that south, and that would put that tower almost directly in our line of take-off, and on a hot, hot summer's day, you don't want to strain an aircraft in a climb-out. And if you'll notice the old landfill, there is a good safety factor for a landing area if we did ever have problems, and aircraft do have problems, as well as any other machine. Mr. Hodges said, is there any questions?

Commissioner Kicklighter said, yes, sir. Let's say you wasn't climbing as good as you wanted to. Wouldn't this thing be pretty visible, where you could just fly right beside it? Mr. Hodges said, well, if you were to have a power failure, you'll have no choice. You'll have to put it down in the best location possible. It's strictly a safety issue. I asked Mr. Yates —. Commissioner Kicklighter said, so you're not worried about hitting it, you're worried about preserving our landfill for emergency landing thing, is what you're saying. Mr. Hodges said, well, I'm worried about — well, that, too, but we're worried about hitting it, too. I mean, you have IFR conditions sometimes that change very quickly from VFR. That's visual flight rules and instrument flight rules.

Commissioner Kicklighter said, let me ask, do you know how high the helicopters fly from Hunter Army Air Field, if that was a concern to ask for it to be moved, how high do they fly? Mr. Hodges said, they fly from 200 to 500 feet. They're sandwiched between our traffic pattern, which is 800 feet, and that was to get them out of our traffic area, which now the tower will be in our traffic area. Commissioner Kicklighter said, okay, so their flight — they fly at a lower level, so that was logical that they had a problem, where maybe you necessarily might not. Okay. All right, that's all.

Mr. Hodges said, and we had offered also to locate a tower area which would be suitable and out of our area for safety purposes, and I asked Mr. Yates if he had known there was aircraft in this area. He said he didn't know that there were aircraft or an airport in this area, and I asked him had he known that previous, would he have still seeked the possibilities of putting a tower, and he said, oh, by all means. Commissioner Kicklighter said, can we hear from one of your pilots? Mr. Hodges said, yes, sir. Commissioner Kicklighter said, can you tell me, sir, what you see as being dangerous about this?

Chairman Liakakis said, identify yourself, please. Curtis Wilson identified himself and said, I own an airplane that I keep out at Mr. Hodges' airport, one of about 17 others out there. Chairman Liakakis said, move a little bit closer to the mikes. Thank you, sir. Mr. Wilson said, the little sketch I drew, I kinda threw together. It's not a hundred percent accurate, but, you know, it gives you a good idea. The traffic pattern is flown between one-half mile and one mile away from the airport and the red circles around here are other towers that are already there. The dashed blue line leading in, that's entry into the traffic pattern. I drew it, both shooting for the one-half or the one mile, so it's somewhere in there. And then the arrow pointing at Hunter. Hunter's air space begins just about right at the end of that arrow. So the problem for me is, you feel crowded already, and it'll actually be more of a problem on take-off than on landing, because at take-off, you're pitched way up high and — for instance, when we take off towards 300 degrees towards those two towers together almost right out straight off the runway, the first thing I do is, you lean forward to get a good peek out the window so you can see it, and as soon as you think you're high enough to be safe to make a little turn, I'll turn away from it a little bit. So it's really a state of, you just feel crowded, and this is one more thing to worry about.

Chairman Liakakis recognized Commissioner Gellatly. Commissioner Gellatly said, I have a couple of questions. First of all, I'd point out this is my district and I certainly have a vested interest in it. If that tower was in fact built, would you then — now, you have an agreement that you don't fly over certain places where there are houses. Will you feel obligated then for safety sake to fly over those houses? Mr. Hodges said, yes, sir, we would. Commissioner Gellatly said, just a yes or no. Mr. Hodges said, yes, sir. Commissioner Gellatly said, actually, that was my main question and I have a concern if that would (a) it would cause a different flight pattern that would be annoying to residents and, secondly, if, God forbid, if it was erected and someone did slam into the tower in adverse weather or what-have-you, my question is, whose house it might go into. I do have some concerns about that. Mr. Hodges said, we thank you for listening to our reasons.

Commissioner Thomas said, question. Did you say that you had offered an alternative site? Mr. Hodges said, yes, ma'am. Commissioner Thomas said, what was the result of that? Mr. Hodges said, we got no response. Got no response.

Mr. Yates said, I can address that, ma'am. Commissioner Thomas said, please. Mr. Yates said, that is not true, and first and foremost, I want to be clear. I want to clarify Mr. Hodges' earlier statement, when he asked me if we go near airports. I said we do. We go near them all over the Southeast. However, we only go near them where we have the approval of (a) the FAA, and (b) our aviation expert. If you look throughout the State of Georgia, we are much closer to a lot of other airports. That was my answer to him. He offered us a site to the north, which was outside of our search area and would not have covered the coverage needs that we are trying to fill for four years with this site. We absolutely believe in pilot safety. Before we apply, the FAA has to say yes and Mr. Pappopoulos has to say yes, before we even move forward. We are a lot closer. Keep this in mind. At the top of my tower is a 28-inch obstruction that they know about and if they do their job according to the regs that appears on their safety briefings.

Since towers were developed on a large-scale basis since 1997 for the cell industry, there have only been, in the United States, 18, 18 total, collisions with towers, and only one collision of one under 200 feet, and that was with a crop duster that was written off as pilot error. We talk about safety. One accident is too many, but if you look at the overall average, it is not there with proper safety briefings and approval by the FAA and review by Mr. Pappenpous. I don't appreciate, either, the threat by these pilots to say they're going to start flying over people's houses. They still have to follow the regs. The regs in a congested area require them to be a thousand feet over those houses. They cannot violate FAA rules.

Chairman Liakakis recognized Commissioner Gellatly. Commissioner Gellatly said, I didn't interpret the answer to my question as them making a threat. I asked the question if that would be a consideration that they would have. And while we're on it, you know, I'm listening to you with your aviation expert. I have a problem with that, whether it's aviation expert or any other kind of expert, when it's your expert. I pay attention to an independent expert that doesn't have anything to gain one way or another. Okay? Mr. Yates said, Mr. Commissioner, that's a fair comment, and if you would like, his background is —. Commissioner Gellatly said, I don't care about his background. You said he was your expert. They don't have an expert.

Mr. Pappenpous said, I do not work for Mr. Yates. I work for a company called SBA Network Services. We're the third largest tower company in the country. Mr. Yates, in this case, contacted me as an independent to ask me, what do you think of this, is this going to work. Commissioner Gellatly said, are you being paid in any way, shape, or form? Mr. Pappenpous said, by my company, yes, I am. Commissioner Gellatly said, okay, why are we evading this? Mr. Pappenpous said, I'm a third party. Commissioner Gellatly said, no, you're not a third party. Your company is getting money from him. Mr. Pappenpous said, okay.

Mr. Yates said, Mr. Commissioner, if you will simply hear his background and who he's worked for, you'll see that he is very independent and very unbiased. Commissioner Gellatly said, yeah, but somehow, some monies got filtered to you, and it's perfectly legal. I don't have any problem with it. But obviously, if I'm —. Mr. X is an expert, I'm going to be an expert on their side of the argument, right? Mr. Yates said, not in the case of Mr. Pappenpous. He will turn down towers. Mr. Pappenpous said, I turn them down. If somebody comes to me and says, we want to put a tower right next to here, right here, I'm going to tell them, I highly recommend you do not.

Mr. Yates gave you the course of action a little bit backwards, in that a tower company will come to me first before they ever go to the FAA, so that I can give them my opinion first. If I tell them this is going to work here, it's going to work there. If they're too close to this airport that I feel it's going to be a safety hazard and I take into account all FAA regulations and I use them on the private use airports, if I feel it's going to be a safety hazard, I tell them, I highly recommend you do not build there. In this case, we're three-quarters of a mile from the end of their runway. The gentleman told you that they fly their pattern anywhere from a half-mile to a mile out. Okay, I told you that when they're over our tower on the down-wind way, they would be at 800 feet. When they are climbing out, they would follow — on the climb-out, they're talking about not taking off this way, but coming down this way. When they're climbing out, they're to climb out until they have total control of their aircraft before they begin their turn-out, and then they're to be in a

climbing-out attitude. Okay? So by the time they begin their turn, they're already well above the height that our tower would be.

Commissioner Kicklighter said, they're above 800 feet before they start turning? Mr. Pappenpous said, no. They are above the 200 feet that we would be, 200 feet AMSL. They're well above it. Commissioner Kicklighter said, let me stop you real quick and ask this gentleman — can I stop you real quick? Mr. Pappenpous said, yes.

Commissioner Kicklighter said, how high are you before you start turning in your estimate, sir? Mr. Wilson said, 700 feet. That's when we make our turn. Mr. Hodges said, you're talking about landing. Commissioner Kicklighter said, I'm talking about taking off. Chairman Liakakis said, come up to the microphone, please, and answer his question. Thank you. Commissioner Kicklighter said, how high are you, sir, when you take off before you make your turn back to the right? Mr. Hodges said, on, probably 150 feet, 200 feet. Commissioner Kicklighter said, okay, by the time you make it to the back corner of your turn before you're going, how high are you, in your estimate? Mr. Hodges said, it depends on the weather. It depends on the weather, as far as how — what climb-out you might get. Commissioner Kicklighter said, rainy day, how high are you? Mr. Hodges said, possibly 300 feet. Commissioner Kicklighter said, okay, summer, nice sunny day, how high? Mr. Hodges said, say, on a windy day, if we had winds favoring us and we had cool weather, we could possibly be 400 feet.

Commissioner Kicklighter said, okay, by the time in your estimate, then, when you've finally rounded the corner and you're heading towards the cell tower, you've got half the distance of a track to go, how high on a normal day, climbing out, are you above at some point on your going out of the area? Mr. Hodges said, we have to abort it sometimes. Commissioner Kicklighter said, but, I mean, how high are you? Mr. Hodges said, 300 feet, that's on an average, 400 feet at the most. Commissioner Kicklighter said, you were already 300 feet on the corner, now. Now you've got halfway to go. You were already at 300 feet when you just said right here, you were at 300 feet. Mr. Hodges said approximately, probably, yes.

Commissioner Kicklighter said, so you've got half the distance basically to go before you even get to the tower, so you're not going to climb anymore than that distance, but you've got 300 feet from there to there? Mr. Hodges said, well, it depends. You get so many feet per minute climb rate. If you say halfway the distance 300 feet, you may be — on halfway taking off the runway, you may be 75 — you have to be at least 75 to 100 feet to clear trees, so by the time you get there, I'd say probably 350 to 400 feet, maybe 450 feet. Commissioner Kicklighter said, so you may be — you're probably 300 feet above the tower by the time you go that way. Mr. Hodges said, possibly, yes. Commissioner Kicklighter said, and then on coming down, when you're coming back to land, you're 600 feet above the tower. Mr. Hodges said, landings wouldn't be as big an issue as —. Commissioner Kicklighter said, I just want to know. This is difficult, man. I've been reading this. Mr. Hodges said the landing is not as difficult as take-off.

Commissioner Kicklighter said, I'm like Commissioner Gellatly here, I sure don't want to approve something with you telling me, you know, there's a danger in somebody hitting the thing. Mr. Hodges said, there is a danger. It's a safety issue here. Commissioner Kicklighter said, the

science behind this at this point, the — in other words, driving a car, you might go out and get hit, but, you know, to me, logically, from hearing the data, the real data, it's not a safety issue. I mean, and that's what's — you know, I don't know. And I like you, man. I want to sit here and agree with you, and I surely will vote against this if somebody can convince me that somebody may get hurt. Mr. Hodges said, well, we do try to avoid the community as best possible, and it's an obstacle in our way. Commissioner Kicklighter said, do you have the authority to switch your route to fly over the residential area? Mr. Hodges said, we do have the authority to do that. I mean, it's —. Commissioner Kicklighter said, would you do that? Mr. Hodges said, we prefer not to. Into the wind, you can have a better rate of climb, if you're flying into the wind. Now, if you make a right turn, that would, you know —, into the wind, you get the best rate of climb. You get the highest altitude the quickest. Commissioner Kicklighter said, I promise you, I don't want to vote anything that's going to hurt you or your pilots, but I want to try to be fair with —. Mr. Hodges said, well, the cellular phone business is hurting enough people on the highways and we're just asking that you look at this and consider not creating a problem in the skyways. Thank you very much.

Chairman Liakakis recognized Commissioner Odell. Commissioner Odell said, Tracy, can you come to the podium? Tracy is their local counsel. I know Tracy. Tracy, let me ask you a question. Was this approved by —. Ms. Tillman said, could you state your name, please? Ms. Smith said, yes, I'm Tracy Smith. Commissioner Odell said, was this approved by MPC? Ms. Smith said, was this approved by the MPC? Yes, it was. Commissioner Odell said, okay, and does the FAA have any approval consideration in where the towers are located? Ms. Smith said, yes. They have to have requirement and that has to be part of the application process before they even get to the MPC. Commissioner Odell said, okay, and there are no problems identified by the FAA as to this location of the tower. Is that correct? Ms. Smith said, that is correct. Mr. Yates said, Mr. Commissioner, we took the liberty of just blowing up the FAA approval and what you look for in this review by Richard [inaudible] from the Southern Regional Office in Atlanta, and he made the determination of no hazard to air navigation, and that is by the FAA. Further, this site was approved by Colonel Kaufman, the Garrison Commander at Hunter Army Air Field.

Commissioner Odell said, somewhere, I remember reading something that indicated that cell towers — there are some jurisdictions which attempted to prevent cell towers from being located, and basically the feds control and you cannot withhold —. Mr. Yates said, there's the 1996 Telecommunications Reform Act where the Federal Government put in certain regulations that there is authority of local zoning, but they exempted some of that authority. The feds recognized there might be some controversy over the development of cell towers and so there were protections put into the industry under the '96 Act.

Chairman Liakakis recognized Commissioner Stone. Commissioner Stone said, Mr. Chairman, this was voted for approval unanimously by the MPC. Was the testimony of Mr. Hodges given to the MPC? Mr. Yates said, no, ma'am. We talked about safety and Mr. Hodges did not appear at that meeting. It was posted and he did not appear. Commissioner Stone said, thank you.

Chairman Liakakis recognized Mr. Wilson. Mr. Wilson said, first, I want to make it real clear that the FAA gave no approval on this. When the FAA looks at hazards, or —. Commissioner Gellatly

said, they have no objections, which is not approval. Mr. Wilson said, the first thing they look at —, no. The first thing they look at is, airports are classified three ways. They're either public owned and public use, or they're privately owned with public use, or they're private owned, private use. The FAA does not look into not one iota private owned, private use. Commissioner Odell said, so this is private owned, private use. Mr. Wilson said, yes. So they don't consider that at all, so the fact that the FAA had no objection is because they don't look at it. It's not an issue for them. And the other thing I wanted —.

Commissioner Kicklighter said, so they didn't take into account at all that there was a private airport sitting there, is what you're saying. Mr. Wilson said, no, they wouldn't. Mr. Yates said, but we do. Mr. Wilson said, and the other thing that I wanted to say, my altitude's a little different from what Robert was saying. When I take off, and that's my concern for here, is when I'm taking off, first off, we're slow at take-off. You're doing climbing, so instead of cruising at a hundred miles an hour, me in my airplane, I'm doing between 60 and 80. The nose is high, you can't see out of it very well. When I take off in that direction, 120 degrees, when I get about 200 feet, then I go ahead and make an easy turn, and the reason we do that, the reason we make the turn early is to stay away from all the housing area on that end of the field. A lot of the guys make a turn quicker than me, either because their airplanes climb faster than my old bird, or I'm just overly cautious, so I'm not —, yeah, it's 200 feet, yes, we normally operate at 800, which that is — I wish I'd have brought a facility directory with me, even though, you know, the FAA says generally the traffic pattern's a thousand feet, if you look through the facility manual, most of these little small fields are 800. It's common. That's what it is.

Commissioner Gellatly said, okay, we are running out of time. This is my spot right here. Chairman Liakakis said, go ahead. Commissioner Gellatly said, I am uneasy about the safety issue, but that, in and of itself, would not cause me to vote against it. What causes me also great concern is that everyone here said that there's not only a possibility but a probability if this tower goes up that the flight patterns are going to change and they're going to be going over residential neighborhoods. This particular residential neighborhood is people, hard working people, middle class, some people, less than that, retirees, and what-have-you. I have a concern about it. Now, if we were talking now all of a sudden that the cell tower is safe and things of this nature, but now we're going to revert these small planes over Ardsley Park, Southbridge, Windsor Forest, or something like that, why we would have an all different type of concern at all. Now you're dealing with a nuisance, noise nuisance, and some people aren't thrilled about small planes flying over their house, period, so I have a concern here, also.

Commissioner Odell said, yeah, but this cell tower don't keep them from flying over their houses now. If they elect to fly over their houses now, they can do it. Commissioner Gellatly said, you're exactly right, Commissioner, but the fact of the matter, for the convenience sake right now, it's more convenient for them not to do that. If the cell tower goes up there, there's a possibility they're going to have to now fly over residential areas. Mr. Pappenpous said, they're flying over residential areas now. There are houses here. There are houses here. These guys are taking off, they're flying over houses. Statistics show aircraft — I would say better than 90% of aircraft accidents are in the landing or take-off phase. When an aircraft is taking off, his chances of coming off the end of the runway and going into these houses is much greater than his taking off,

making his right-hand turn as he's climbing, and then all of a sudden his airplane quits and he hits our tower. The chances of doing that are slim to nil. The chances of an aircraft going straight off the runway and hitting the homes is much greater.

Commissioner Odell said, so at take-off, there are houses which are in a greater hazard than when you are elevated and the tower, so if it's a risk assessment, the risk is greater currently than the cell tower. Mr. Pappenpous said, how often do you hear on the news about an airplane flying into a house? Commissioner Odell said, yesterday. Mr. Pappenpous said, you hear about it. No, you do. You hear about it, you know, little airplanes crashing into a home as the aircraft are taking off. Down in Florida, we just had it happen last week. We actually get — an aircraft was taking off from the airport down to Hollywood, didn't get his altitude, his engine stalled, boom, right into a home. Fortunately, there was nobody in that home. The pilot was killed, but there's a greater problem here off the end of that runway of him hitting a home than there is of him hitting our tower.

Chairman Liakakis said, now, what I'm understanding, that the FAA was just presented by the pilot there that they have no — that they didn't have anything to do with this. Mr. Pappenpous said, no, the FAA does not review private use facilities, and this is Mr. Hodges' decision to do this. If Mr. Hodges would submit the paper work saying, I'd like to make my airport a public use airport, a privately owned, public use airport, the FAA would study it every single time. Chairman Liakakis said, but that's not — what I'm saying is, what's the presentation to us right now from what I understand he just said is this, that, number one, that the FAA did not —, you know, because it's a private-private situation, they didn't make any kind of determination on this. Mr. Pappenpous said, no, they did not, but I did. I made —.

Chairman Liakakis said, but let me ask you this. Then why would you do this FAA thing, present to us, if it had nothing to do with this? I mean, because that's what I want to know. Mr. Pappenpous said, because we had an FAA determination to show you that we did go to the FAA and they recognized that there was no airports in the area, but we did. Okay, in reality, we were not required to file with the FAA for this site. We did, because we wanted to make sure that you people knew that we had gone to the FAA and the FAA knew about this tower. And then — and also, the military, because we were concerned about the Hunter Army Air Field. We also --- and then I have also looked at it to make sure. I ran the numbers. This gentleman here asked me, you ran the numbers on Hodges? I absolutely did. I've got the math back in my book here showing that I ran the numbers, that this is not going to happen. The standard rate of climb for an aircraft is 52 feet per nautical mile, okay? So if they're going to — if they say that they're not going to start their climb-out —, I mean, their turn until they've reached 200 feet, for example, okay, they would have to fly almost four miles to get — at the rate of 52 feet. Most aircraft climb a lot faster than that.

Chairman Liakakis said, I understand that, but the only thing I'm saying is that the FAA —, I understand you went to them, but they had no — because they don't handle private things, they had nothing to do with this. Mr. Pappenpous said, that is correct. Chairman Liakakis said, okay, thank you. Mr. Pappenpous said, except for the FAA regulations. Commissioner Odell said, yeah, but you're not putting this tower on his property. Mr. Pappenpous said, no, we're putting

it —. Commissioner Odell said, what he wants to do is control the tower being placed on someone else's property —. Mr. Pappenpous said, yes, and that gentleman is back here and he can address that. Commissioner Odell said, in a private-private airport. If he wanted to go private-public, then the FAA would do the schematics or what-have-you.

Mr. Hodges said, Commissioner Odell, I'm not trying to control or dictate anybody's property. I own property over on Posey Street which was in line with the Hunter Army Air Field, and I was regulated by the FAA there, strictly because it was government, and they required that I not build over 40 feet in the area when I built my building there. And this is out of the FAA hands, it's in the Commission's hands to take this, the Chatham County Commission, and it's up to you folks to regulate what should be done in an area where there is an existing facility, and it's up to you folks. And that's all we're doing, is asking you to keep safety in mind and we're just giving you our senses on the thing. I've been flying for many, many years. Commissioner Odell said, I wasn't criticizing you, I was simply —. Mr. Hodges said, but I would never dictate what somebody can use their property for, because they'd run me out of business if that were the case, you know, and I serve the flying community, and I'd like to continue to do that in a safe manner. Thank you very much.

Commissioner Kicklighter said, Mr. Chairman, now that we've pretty much, thanks to the Chairman, I think, figured out that the FAA didn't take anything into account, would the FAA — because I can remember when I was Mayor of Garden City, you couldn't really build anything anywhere near the airport. Would the FAA let you put a cell tower right near a —. Mr. Pappenpous said, absolutely. Go up to Hartsfield Airport. Commissioner Kicklighter said, in the fly path? Mr. Pappenpous said, go up to Hartsfield Airport in Atlanta, Georgia. There are tons of towers around that airport. You go down to Savannah here, there's towers around there. Commissioner Kicklighter said, in the looping? Mr. Pappenpous said, yes, there are. Commissioner Kicklighter said, they're actually flight paths. Mr. Pappenpous said, they're all taken into account. They're all taken into account. Commissioner Kicklighter said, okay, well, I didn't know. Mr. Pappenpous said, right. They're all taken, every single time, and it's not just one person looking at it, the FAA, there's six different agencies involved in the FAA looking at the approval process in every case. I mean, you go to any major airport, and you're going to find towers and buildings close to the airport. Commissioner Kicklighter said, thank you.

Mr. Pappenpous said, the owner of the property would like to say something. Mr. Yates said, he just wants one word, because he's heard so much said about his property. Mr. Douglas said, no, the only thing I want to — my name is Charles Douglas. I own the property and the only thing I wanted to say was if I got this tower, it'd be real important to me and my family. As far as the argument part of it, I can't argue it either way, so I just wanted to say that.

Chairman Liakakis said, thank you very much, Mr. Douglas. We appreciate that. Commissioner Odell said, is there a motion on the floor, Mr. Chairman? Chairman Liakakis said, yeah. Commissioner Kicklighter said, what was the motion? Chairman Liakakis said, well, let's have a — we need one. Commissioner Farrell said, I think we just took it off the table. Chairman Liakakis said, yeah, we just started discussing it and brought them up. We need a motion on the

floor one way or the other for the approval or whatever for this, so I'd like to hear a motion from some Commissioner concerning this particular project.

Commissioner Odell said, I make a motion that we approve the project per the MPC recommendation. Commissioner Farrell said, I'll second it. Chairman Liakakis said, okay. Do we have any other discussion? Okay, let's go on the board. Chairman Liakakis said, the motion passes. Yes, the motion passes. Commissioner Odell said, it's very close. The Clerk said, excuse me, how did you vote on that. Chairman Liakakis said, no. The Clerk said, because you cleared it. Commissioner Shay said, your vote disappeared. Chairman Liakakis said, there were four up there, mine was up there. Commissioners Holmes, Farrell, Odell, Kicklighter and Thomas voted in favor of the motion. Chairman Liakakis and Commissioners Stone, Shay and Gellatly voted in opposition. The motion carried by a vote of five to four.

ACTION OF THE BOARD:

Commissioner Farrell moved to place this item before the Commissioners for discussion. Commissioner Holmes seconded the motion and it carried unanimously.

Commissioner Odell moved to approve the project per the MPC recommendations. Commissioner Farrell seconded the motion. Commissioners Holmes, Farrell, Odell, Kicklighter, and Thomas voted in favor of the motion. Chairman Liakakis and Commissioners Stone, Shay, and Gellatly voted in opposition. The motion carried by a vote of five to four.

AGENDA ITEM: XII-2**AGENDA DATE: April 7, 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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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

DATE: May 12, 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>
One (1) used 2005 Ford Taurus	Assessor	Fairway Lincoln Mercury	\$9,999	CIP - Vehicle Replacement
One (1) ton of fiber mesh concrete for Bell's Landing	Public Works and Park Services	Coastal Concrete of Georgia, Inc.	\$6,512	CIP - Parks and Recreation
Gate for Sharon Park Drop Off Center	Solid Waste	Savannah Fence and Entry Systems	\$2,583	Solid Waste
Engine power turbine governor for the fixed wing aircraft	Mosquito Control	Standard Aero, Inc.	\$4,590	General Fund/M&O - Mosquito Control
Dump truck rental to haul structural fill from County borrow pit at Litchfield Tract to Sheriff's complex	SPLOST	Kelly Dukes, Inc. (MBE)	\$9,940	SPLOST (1993-1998) - Jail Expansion
Resurvey for new drainage outfall and design changes to reduce ROW acquisitions impacts	SPLOST	EMC Engineering Services, Inc.	\$7,720	SPLOST (1993-1998) - Bond/Betran/Heather and Short
Supplemental road grading	Public Works	Savannah Smooth Roads, LLC	\$3,432	SSD - Public Works
One (1) 700/800MHz mobile radio	Public Works	Motorola Communications (State Contract)	\$3,280	SSD - Public Works
Breakdown modular units and reinstall at new location for CNT	CNT	Office Service, LLC	\$2,875	2005 DSA Bonds - CNT Headquarters
Various building materials and supplies for the new location for CNT	CNT	Savannah Architectural	\$6,705	2005 DSA Bonds - CNT Headquarters

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3. ROADS AND DRAINAGE REPORTS.

ACTION OF THE BOARD:

Status reports were attached for review.

AGENDA ITEM: XIII-3 Roads

AGENDA DATE: May 12, 2006

TO: Board of Commissioners

THRU: R. E. Abolt, County Manager

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

ISSUE: To provide information on the status of Chatham County road projects.

BACKGROUND: The schedules for construction are dictated by GDOT allocations of funds among the Congressional districts and the balancing of funds in the Chatham Urban Transportation Study (CUTS) Transportation Improvement Program (TIP). The current TIP and Long Range Transportation Plan (LRTP) were approved by the CUTS Policy Committee on June 22, 2005. Key milestone events are summarized in the attached table.

FACTS AND FINDING:

1. Truman Parkway, Phase 5. Right of way (ROW) plans were approved on June 30, 2005. The acquisition process has started and will take until mid-2007 to complete (26 parcels acquired by early acquisition; 65 parcels to acquire). Design is underway.

2. US 17, Ogeechee River to SR 204: Work is at a standstill. GDOT put the contractor on notice for non-performance, who subsequently filed for bankruptcy. GDOT advises that the bonding company has taken over the project and is presently trying to secure a contractor to complete it. A new completion date has not yet been established.

3. Middleground Road/Montgomery Cross Road Widening. Construction by APAC is at standstill. There has been some relocation of electrical, telephone and water/sewer facilities by utility companies. GDOT is reviewing a fee proposal from the APAC for a change order as a result of a redesign for some of the storm drainage. The original contract amount for the project is \$13.6 million. The proposal for the change order is \$4.7 million (almost a 35% increase in project cost). The local GDOT office advises that negotiations on the prices submitted for the change order are ongoing. GDOT also advises that APAC has submitted a letter of intent to file a claim on the project.

4. Stephenson Avenue. Substantially complete as of April 1, 2005. Liquidated damages totaling \$54,450 were assessed from December 1, 2004 to March 31, 2005. GDOT, County, City of Savannah and APAC performed the joint final inspection on June 14, 2005. A punch list was compiled (129 items) and given to APAC on June 21, 2005. Some punch list items remain to be corrected. A water valve manhole under the pavement at Forest Park Drive and Stephenson Avenue needs to be raised. A fence adjacent to the West Side Rental Company needs to be re-erected. APAC has been notified by letter that the City of Savannah wants to make a final inspection on the storm water when their subcontractor (Dixie Excavating) says all corrective work is complete. Staff is coordinating with the City of Savannah and Dixie Excavating to do a final inspection on the new water lines. All sanitary sewer work has been accepted by the City of Savannah. APAC is now handling project close-out through their attorneys.

5. Whitfield Avenue Widening. The FHWA approved the EA on February 13, 2004. Preliminary design was completed in June, 2004. Staff was advised in January, 2005, however, that the widening of the median for landscaping and the proposed reduction in speed limit would require amending the previously approved Concept Report and Environmental Assessment. The wider median with landscaping causes four additional residential displacements and increases GDOT's ROW acquisition costs. The revised Concept Report was submitted to GDOT on July 6, 2005. GDOT asked for updated ROW acquisition cost which was provided to GDOT on October 21, 2005. A Public Information Open House (PIOH) was held on February 28, 2006 (157 attended). The comment period for the PIOH ended March 14, 2006. As of a meeting with the GDOT Project Manager on May 2, 2006, they are still reviewing the revised median width change and design speed request.

6. Diamond Causeway Widening. The Draft EA was approved by the FHWA on February 25, 2005, for advancement to public hearing. A PIOH was held on June 9. GDOT staff is re-looking design criteria (width of median and design speed of high span bridge) in the Draft EA. GDOT is taking over design and management of the project. In the meantime, the County offered to do the improvements on Skidaway Island by County Contract or permit. The preliminary design for the portion on the Island is complete, and was submitted to GDOT for review in January. We are still waiting on review comments from GDOT.

7. Bay Street Widening from I-516 to Bay Street Viaduct. The Concept Report was approved by the GDOT on February 9, 2005. The Draft EA was sent to the FHWA on February 1, 2006. FHWA comments were transmitted March 28, 2006. The County's consultant is addressing the FHWA comments. When the Draft EA is signed, a public hearing can be scheduled.

8. Jimmy DeLoach Parkway, Phase 2 (I-16 to US 80). GDOT forwarded the EA/FONSI, to the FHWA on October 20, 2005. Halleluah. The FHWA approved the Final EA on March 3, 2006. Staff requested a proposal from the County's

consultant to complete the design incorporating all the new requirements and changes in design criteria since the project started in 1994.

9. White Bluff/Coffee Bluff Road. A PIOH was held on August 12, 2004. The Need and Purpose Statement was revised to essentially create a 3-lane section from Willow Road to Cedar Grove (near entrance to Country Day School) and improve the two lanes (i.e. widen pavement to 12 feet wide travel lanes) from Cedar Grove to Rose Dhu Road. It was submitted to GDOT January 19, 2006. The project will include either sidewalks on both sides or a multi-purpose trail on one side. GDOT has apparently transferred management of the project from Atlanta to the Jesup District Office and the consultants latest submittal has been misplaced.

10. Eisenhower Widening from Abercorn to Truman Parkway. The Concept Report was approved by GDOT on June 22, 2004, but was not received by the County until November 15, 2004. Because of the high estimated ROW costs (over \$22 million -- local cost), the City of Savannah, County and consultant proposed reductions in the project. The proposal was sent to GDOT October 28, 2005. This project has also been transferred to the Jesup District office to manage. Status of the last proposal is not resolved.

11. Abercorn Widening from Largo Drive to Rio Road. The project is on Hold. A letter has been sent to the consultant indicating the County intends to cancel this contract because GDOT has included the concept development and environmental permitting in their Abercorn project from U.S. 17 to Truman Parkway.

12. Skidaway Widening: The Final EA was approved by the FHWA on December 30, 2004. The County's consultant submitted a proposal (over \$750,000) which staff will need to evaluate for an amendment to the engineering services contract or a new contract to incorporate all new GDOT requirements known to date to complete the design. In accordance with the LGPA, the County is responsible for acquiring the necessary ROW. The GDOT has agreed to fund, award and manage the construction project. Due to reductions in state and federal highway funds, staff will look at the feasibility of requesting that GDOT break this project into several construction contracts.

13. Islands Expressway Bridge Replacement. LPA Group (consultant) is under contract with County to develop the Concept Report. A PIOH was held on May 26, 2005, presenting three alternatives to construct high span bridges (approximately 75 attended). The consultant has prepared responses to the comments received. Estimates of utility relocation costs from GDOT are needed to complete the Draft Concept Report.

14. US 80/SR26

a. Lynes Parkway to Victory Drive. GDOT is preparing the EA. The GDOT schedule shows a PIOH in 2006 and award of a construction contract in 2008.

b. Bull River to Lazaretto Creek. GDOT is working on the EA. The GDOT hosted a PIOH on August 25, 2005, at the Tybee Island City Hall.

15. Local Roads

a. Fountain Road. ROW acquisition is in process. The quit claim deed approved by the Board at the March 24, 2006, meeting to complete the Vaden property transaction has been executed. Closing on that property may be imminent. There is one other property to be acquired that is in probate court. The earliest that it can be cleared is June 6. The project will be advertised for bid on May 17, 2006.

b. Mobley Street, Yucca Place, Perkins Place. GDOT executed the County Contract on March 1, 2006. The Board approved award of the construction contract on April 7, 2006.

c. Bond Avenue, Heather Street, Betran Avenue, Shore Road. GDOT executed the County Contract and issued NTP on August 19, 2005. Right-of-way issues on all the roads required changes to the construction plans, thereby delaying the bid process. Complications in the ROW negotiations on Bond and Betran Avenues are going to take much longer than originally believed. As a result, GDOT agreed to a staff request to bid Heather Street and Shore Road separately for construction. The Board authorized the award of the construction contract on April 7, 2006.

d. Dulany Road, Cramer Street, Palm Drive and Old Pine Barren Road. Requests for County Contracts with GDOT on Old Pine Barren and Dulany were approved by the Board approval on October 21, 2005. ROW and construction plans for Dulany and Old Pine Barren should be ready in June. The consultant (McGee Partners) met with staff on February 21-23 to discuss plan development on Cramer Street, Palm Drive and other projects. During this visit a second field trip to Cramer Street was made to listen to property owner concerns. The Department of Engineering received a petition from property owners in the neighborhood requesting that any design for paving take into consideration the historic sensitivity of the area and trees that may incur root damage as a result of construction activity. The petitioners had an arborist assess the trees and placed a monetary value to them (\$293,000) and seek a 10 year monitoring period.

e. Stone Street. The property owners on this street originally did not want the street paved and submitted a petition to not pave the street. After several meetings, they changed their mind and submitted another petition with 20 of 22 property owners requesting that the street be paved. The Board authorized entering into a County Contract with GDOT on February 24, 2006. The request (GDOT Form 532) was sent to GDOT on March 1, 2006. Final construction plans will be ready in June, 2006. Right-of-way acquisition is needed on 2 parcels.

RECOMMENDATION: For information.

Districts: All

SUMMARY OF ROAD PROJECT STATUS
May 2006

PROJECT	ELEMENT	MILESTONE FOR COMPLETION	AGENCY RESPONSIBLE	NOTES
Truman Parkway, Ph 5	Environmental ROW	Complete Dec 2006	County County/GDOT	EIS approved 8/12/99 Acquisition underway as of 7/1/05.
	Final Design Construction	Feb 2007 TBD	County/GDOT GDOT	COMMISSIONER STONE LR
US 17: Ogeechee Riv/SR204	Construction	Unknown	GDOT	GDOT has referred lack of progress to bonding company.
Middleground/Montgomery Cross Road Widening	Construction	Unknown	GDOT	
Jimmy DeLoach Pkwy, Ph 2	Environmental ROW Construction	Mar 2005	County County GDOT	Final EA approved by FHWA. COMMISSIONER STONE LR
Whitfield Avenue Widening	Environmental Design ROW Construction	Feb 2004	County County County/GDOT GDOT	EA/FONSI approved. Preliminary plans on hold. ROW funded FY2005/06 COMMISSIONER STONE FY 2007
Diamond Causeway Widening and two bridges	Environmental Design ROW Construction	Unknown	GDOT GDOT GDOT GDOT	Draft EA signed Feb 05.
Skidaway Road Widening	Environmental Design ROW Construction	Complete	County County County GDOT	Final EA signed 12.30.04 Change order or new contract needed for design to continue.
Bay Street from I-516 to Viaduct	Environmental ROW Final Design Construction		County County County GDOT	Draft EA pending approval by FHWA. COMMISSIONER STONE LR

US 80 Widening - Bull River to Lazaretto Ck - I-516 to Victory Drive	Environmental Environmental	Unknown Unknown	GDOT GDOT	COMMISSIONER STONE LR COMMISSIONER STONE FY 2007
White Bluff/Coffee Bluff	Environmental	Unknown	County	COMMISSIONER STONE LR
Eisenhower (Abercorn to Truman Parkway)	Environmental		County	Concept Report approved June 22, 2004.
Abercorn (Largo Drive to Rio Road)	Environmental		GDOT	
NOTES: COMMISSIONER STONE = FY in which the projects are programmed for construction in the CUTS 2006-2008 TIP.				

**AGENDA ITEM: XIII-3 Drainage
AGENDA DATE: May 12, 2006**

TO: Board of Commissioners

THRU: R. E. Abolt, County Manager

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

ISSUE: To provide information on the status of Chatham County drainage projects.

BACKGROUND: For construction contracts that have been awarded, this report provides the latest scheduled completion dates. For projects pending environmental permits, start dates are best estimates. All project scopes include varying degrees of canal widening, bank stabilization, larger bridges and culverts.

FACTS AND FINDING:

1. Pipemakers Canal
 - a. Phase 1 (From the outfall at Savannah River to SR 21). Double channel size, replace bridges, replace tidegate, and provide maintenance access.
 - i. Construction work is complete and the new sluice gates now function automatically. Operation of the transducers continues to be evaluated. The obligation of the contractor to pay for correcting problems associated with his work remains to be determined. A final pay request from the contractor and a summary change order is outstanding.
 - ii. Equipment to monitor gage operation has been purchased and will be installed within the next few weeks.

- b. Phase 2 (From SR 21 to I-95). Double channel size and provide maintenance access.
 - i. The permit application documents have been submitted to the USACE for approval.
 - ii. A contract to install an access road between Phase 1 and SR21. The Board waived bonding requirements for this project, allowing a contract to be issued. The notice to proceed was issued to the contractor on April 20, 2006.
 - c. Kahn Mitigation Site. This site will provide the necessary wetland mitigation for the Pipemakers Canal Drainage Improvement project. Construction documents have been submitted jointly with the permit application to the USACE for approval.
 - d. Bridge Removal and Sheet Pile Wall Modifications. A project to remove the existing bridge (with the tidegates) restricting the flow of drainage from Pipemakers Canal into the Savannah River. Design work has been temporarily suspended as a result of higher than expected construction costs. Staff is discussing options with the Georgia Ports Authority.
2. Hardin Canal
- a. Phase 1 (SR307 bridges). Widen channel and replace bridge crossings.
 - i. Efforts to acquire permits from the USACE continue. As a result of strong objections from various review agencies, the scope of the project has been revised to include only the crossings at SR307.
 - ii. Design work is in progress.
 - b. Phase 2 (From 307 to Pine Barren Road). Widen channel and construct a detention pond. No target construction date. Staff is working to acquire canal rights of way for the future improvements on property owned by the Georgia Ports Authority. No target construction date.
3. Westlake/Springfield Canal
- a. Phase 1. Crossing and channel improvements from Perimeter Road on Hunter Army Airfield downstream toward the Forest River. Completed January 2002.
 - b. Phase 2. Acquisition and removal of flood-prone properties are complete. Plans to provide access, site security and improve the outfall are being prepared.
 - c. The railroad undercrossing Final Design is complete. Staff is negotiating for access onto Hunter Army Airfield property (to facilitate project construction). Required easements have been acquired from private property owners.
4. Placentia Canal
- a. Phase 1. Tidegate at Bonaventure Road. Completed February 1999.
 - b. Phase 2. Crossing and channel widening from Bonaventure Road to Shell Road in Thunderbolt. Completed October, 2002.

- c. Placentia Beautification Project: Correction of a drainage problem along Tennessee Ave. and to improve the appearance of the canal near the Bonaventure Bridge. No target date for construction has been set.
 - d. Staff is proceeding with fencing modifications to improve security to the tidegate area and provide access for the Department of Public Works.
5. Conaway Branch Canal (tributary of Pipemakers Canal) Widen channel with road crossing improvements and a maintenance road.
- a. Phase 1 includes channel improvements and crossing upgrades north of Main Street to Pipemakers Canal.
 - i. Phase 1A extends from Pipemakers Canal to Conaway Road. Preliminary construction and right of way plans are under review by staff. Coordination with GDOT for the crossing at Highway 80 is ongoing. Wetland delineation approval and a Provisional Wetland Permit have been received from the USACE.
 - ii. Phase 1B extends from Conaway Road to Main Street. Construction of these improvements is subject to available funding.
 - iii. Phase 1C includes the area west of Maple Street. Construction costs are to be funded by the City of Bloomingdale. Recommended improvements have been provided to the City of Bloomingdale.
 - b. Phase 2 includes improvements to system south of Main Street to Hardin Canal. These improvements are the responsibility of the City of Bloomingdale.
6. Little Hurst Canal Improve undercrossings at SR 21 and railroad, and widen channel downstream of SR21. A project to acquire rights of way and easements, and to acquire the required permits is underway.
7. Wilmington Park Canal
- a. Phase 1. (Construction of tide gate) Completed September 2002.
 - b. Phase 2. Widen channel and improve culvert crossings under Wilmington Island Road. The permit from USACE was received on July 5, 2002. Project is under design, incorporating changes to reduce cost while still attaining storm water goals. Surveying for alternative route is complete. Review of preliminary report and recommendations is underway.
8. Kings Way Canal Widen channel and enlarge culverts from Kings Way Court to the Vernon River.
- a. Phase 1. Improvements to crossing of the canal under Whitfield and the Truman Parkway were constructed as part of the Truman Parkway, Phase 4 project.
 - b. Phase 2. Improvements to widen the canal and enlarge culverts upstream of Truman Parkway were delayed because of strong objections by a property owner and by constructability issues at road crossings. A final decision on alignment is necessary before final design and acquisition of easements can proceed.

9. Romney Place Drainage
 - a. Phase 1. Improve drainage along Central Avenue. Completed October 2001.
 - b. Phase 2. Improve storm drains and road crossings on Romney Place and along Parkersburg Road. Final design drawings are complete. Permitting has been completed. Acquisition of rights of way and easements is underway.
10. Village Green Canal
 - a. Phase 1. Upgrade culvert under Cambridge Drive. Completed October 1999.
 - b. Phase 2. Wetland delineation has been approved by the USACE. Staff is working with Georgetown Community Services Association staff to develop a conceptual improvement design.
11. Port Industrial Park Increase the capacity of the crossing under State Route 307 and improve the channel downstream to Pipemakers Canal.
 - a. Design of the project to improve the canal downstream from SR307 to Pipemakers Canal is complete. The extension to the wetland permit has been obtained from the USACE.
 - b. The parcel upon which the project resides has been acquired by a developer. Staff is working with Garden City staff to coordinate approval of the proposed development with the needs of the project.
12. Louis Mills Canal Widen channel from Veterans Parkway downstream to outfall at Westlake Canal and improve crossing under Marshall Avenue. Design is complete. Acquisition of Easements and ROW is underway. The permit from the USACE has been obtained. Acquisition of easements is underway.
13. Redgate/Rahn Dairy A project to provide larger undercrossings at several roads, canal widening and provisions for maintenance access.
 - a. This project will reduce storm water flows in the Louis Mills system as well as improve drainage in the Rahn Dairy canal.
 - b. Preliminary design is complete. Acquisition of easements and permitting is underway.
14. Diggs Avenue Drainage (part of Louis Mills) This drainage improvement project involves improving drainage at the east end of Diggs Avenue. The required ROW has been obtained. The County solicited bids for the work and received only one response. A negotiated agreement with the one bidder will be submitted to the Board of Commissioners for approval at the May 12, 2006 meeting.

15. Ogeechee Farms
 - a. Phase 1. Improve internal collector system south of Vidalia Road. The project is complete and was accepted by the County in December 2005.
 - b. Phase 2. Improve road crossings at various locations.
 - i. The County has received the Section 404 wetlands permit from USACE. Mitigation requirements have been met.
 - ii. Due to budget constraints, project scope has been revised to include crossing improvements at various locations. Staff has requested a fee proposal from the Consultant for design of additional problem areas identified by Public Works.
16. Fawcett Canal
 - a. Phase 1. Widen channel and improve crossings from Georgetown downstream to crossing under Grove Point Road, and replace tide gate. Construction completed in August 2002. Other work to improve the function and appearance of the lagoons completed in May 2005.
 - b. Phase 2. Provide increased storm water drainage capacity in areas affecting Red Fox Drive and White Hawthorne Drive. Design is complete. Acquisition of easements from the City of Savannah is complete. Acquisition of the remaining easements is underway.
17. Quacco Canal Drainage Improvements East of US17 (Formerly the Ecosystem Restoration Project) Improve Quacco Canal and associated road undercrossing capacities from US 17 to marsh, including removal of a private tidegate structure. The work is expected to reduce the 50-year flood level by about 2 feet at US17 and at the same time restore a salt marsh ecosystem to its original condition.
 - a. Efforts to acquire the permit from the USACE continues. Additional information required by the State Historic Preservation Office (SHPO) has been provided and a release obtained by that agency. A permit from USACE is expected once agreements with the affected property owner are in place.
 - b. Acquisition of easements is underway.
18. Quacco/Regency Park Storm collector improvements to relieve severity and frequency of flooding within community. Design work is underway.
19. Halcyon Bluff Subdivision Storm collector improvements to relieve severity and frequency of flooding within community. Construction is underway. Progress has been slow.
20. Golden Isles Subdivision Storm collector improvements to relieve severity and frequency of flooding within community.
 - a. Phase 1. Outfall improvements completed 1997.

- b. Phase 2. Improvements to collector system. Approval by Health Department to proceed with the project has been obtained. Right of way acquisition is complete.
 - c. Options to provide access for maintenance of the outfall are being evaluated. The consultant's fee proposal for surveying services to determine limits of existing drainage right-of-way is under review by staff.
21. Georgetown Canal Upgrading roadway undercrossings to improve drainage capacity at St. Ives Way. Construction work was completed in February 2006, with minor cleanup still remaining to be completed.
22. Wilmington Outfall A project to correct storm sewer drainage pipes between Wilmington Road and the Wilmington River. Design work is underway. At the consultant's recommendation, a preparatory cleaning and inspection project has been completed. The consultant is reviewing the information in order to make a recommendation to staff.
23. Henderson Channel and crossing improvements to alleviate flooding in the subdivision.
- a. Brown Thrush Canal: Crossing and channel improvements on the canal parallel to Brown Thrush Road, from Al Henderson Blvd. to Little Neck Road. Survey and analysis are complete. Proposals are being solicited for professional services to include final design and permitting to replace the Little Neck Road culvert. Staff is preparing a separate scope of work for professional services and permitting related to improvements to the canal.
 - b. Henderson Canal: Provide maintenance road for canal from Gateway Blvd. to Little Neck Road through wetlands. Wetland delineation has been approved by the USACE. No target construction date.
24. Walthour Canal at Off Shore A project to improve the undersized culverts under the entrance road to the Off Shore Subdivision. Final construction documents have been received. Efforts continue to secure the necessary permits for the project.

RECOMMENDATION: For information.

Districts: All

Prepared by W.C. Uhl, P.E.

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

A status report was attached as information:

AGENDA ITEM: XIII-4**AGENDA DATE: May 12, 2006****TO:** Board of Commissioners**THRU:** R. E. Abolt, County Manager**FROM:** Robert Drewry Director, Public Works and Park Services**ISSUE:** Provide Board a status update on RAP and provide Turf Maintenance and Operation plan for Charlie Brooks Sports Complex**BACKGROUND:**

At the Board's request, staff has developed a Recreational Action Plan (RAP) that best utilizes the \$500,000 allocated to Parks and Recreation for FY 06. It is staff's overall commitment to improve the visibility of the recreation facilities and the quality of recreational programs for the citizens of this community.

FACTS AND FINDINGS:

1. To provide Board with a status update on RAP
2. To address the Charlie Brooks Park Turf Management Program:
 - Extension Service staff recommended a heavier Core Aerator, but is having difficulties in getting a response. Staff will contact vendors that is used by Park Services to get the necessary information on a heavier aerator..
 - County Maintenance Staff assumed responsibility for the turf.
 - Liquid Fertilizer is now being applied to the fields.
 - Extension Services provided a copy of the latest publication on maintaining bermuda grass sports fields, and is in the process of developing a Use Operation Plan to minimize over use of the new turf.
3. The RAP is as Follows:

I. Personnel**Tasks:****1. Purchase equipment for Carpentry Crew:**

Purchased additional carpentry tools. The crew has begun making repairs as noted further in the update.

II. Facility Repairs**Task:****1. Lake Mayer****A. Replace roof on large pavilion.**

- Replacement of the roof bid was put on hold until after the high use period this summer.

B. Renovate restrooms

- Staff has started to replace old partitions, removal of all old rotten boards, and enclose all exposed pipes to improve the appearance of the restroom. The end of May is the anticipated completion time.
- Facilities Maintenance and Operations will provide assistance with electrical and plumbing requirements.
- Staff to update the Chairman of the progress at Lake Mayer not to lose those that volunteered to assist with the painting of the restroom floor.

2. Ambuc Park**A. Renovate restrooms**

- Staff has secured the needed material for the restroom renovation, and will move to Ambuc from Lake Mayer.

B. The Notice to Proceed was issued on 5/2/06 to replace the back stops fencing.**D. Score clocks are in and will be installed at the completion of the baseball season in mid June.****3. L. Scott Stell Park/Jim Golden Complex****A. Renovate restrooms**

- Staff is currently securing the material cost to begin construction.

- B. The handicap walks have been installed with other concrete repairs to be made during restroom renovation.
- All grading has been completed and the fields are useable.
- C. Because of high bids and lack of funds, replacement of the backstop fencing is placed on hold until next fiscal year.
- D. Score clocks are in and will be installed at the completion of the baseball season in mid June.
4. **Memorial Stadium**
- A. Contract to repair restrooms and locker room roofs was awarded. The Notice to Proceed will be issued when signed contract is received.

III. **Recreational Programs**

Task

1. **Create a local sports panel of select coaches, parents, volunteers.**
2. **The panel will solicit and recruit more teams for the baseball/softball recreation leagues with particular emphasis in the unincorporated neighborhoods.**
 - Chairman/Vice Chairman was elected at the March meeting.
 - Recommendations will be submitted to the Chairman/Vice Chairman to be presented to the County Staff for jointly implementation.
3. **In baseball/softball programs, an open division will be offered along with the recreational league to create opportunities for youth to compete within their own skills and abilities.**
 - The first game of the open division was played on 3/2/06.
 - There were a total of 6 teams that participated in open division.
 - A survey was sent out requesting feedback on the open division.
 - The comments were positive and the overall sentiment was that more schools will take advantage of this program next year.

- 4. **Take advantage of public school facilities for programs such as basketball when available.**
 - The basketball tournament that was scheduled for the first weekend in March has been rescheduled during the summer months due to a low response.

- 5. **T-Ball League**
 - Approximately two thousands fliers were distributed to both public and private schools in the L. Scott Stell and Wilmington Island areas advertising the T-Ball program.
 - The recruitment drive was held on the 29th of April at L. Scott Stell and the Frank G. Murray Community Center.
 - Unfortunately, there were not enough participates that registered to hold this program at this time.
 - Staff will try again at a later date to get this program established.

Funding:
N/A

FOR BOARD INFORMATION ONLY

Various Districts

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EXECUTIVE SESSION

Upon motion being made by Commissioner Farrell and seconded by Commissioner Holmes, the board recessed at 1:00 p.m. to go into Executive Session for the purpose of discussing litigation.

Following adjournment of the Executive Session, the meeting of the Board of Commissioners was reconvened at 1:21 p.m.

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ITEMS FROM EXECUTIVE SESSION

- 1. DISCUSSION REGARDING *MICHAEL JARRELL V. SPENCER LAWTON, JR.*, CV05-1264-AB (JONATHAN HART).**

ACTION OF THE BOARD:

Commissioner Kicklighter moved to approve payment to Attorney Stephen Beauvis for fees for expungement of records in the case of *Michael Jarrell v. Spencer Lawton, Jr.*, CV05-1264-AB. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Shay was not present when this vote was taken.]

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- 2. DISCUSSION REGARDING SETTLEMENT OF WORKER'S COMPENSATION CLAIM FOR MATTHEW SUTTON (JONATHAN HART).**

ACTION OF THE BOARD:

Commissioner Kicklighter moved to approve settlement of the Worker's Compensation claim for Matthew Sutton in the amount of \$19,500. Commissioners Farrell and Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Shay was not present when this vote was taken.]

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

ACTION OF THE BOARD:

Commissioner Farrell moved to approve a motion to authorize the Chairman to execute an Affidavit that the Executive Session was held in compliance with the Open Meetings Act. Commissioner Kicklighter seconded the motion and it passed unanimously. [NOTE: Commissioner Shay was not present when this vote was taken.]

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ADJOURNMENT

There being no further business, the Chairman declared the meeting adjourned at 1:30 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