

MINUTES OF THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF CHATHAM COUNTY, GEORGIA, HELD ON FRIDAY, MAY 26, 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 26, 2006.

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II. INVOCATION

Commissioner David 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 (arrived approximately 9:40 p.m.)
 James J. Holmes, District Two
 Patrick K. Farrell, District Four
 David M. Gellatly, District Six

Absent: Patrick Shay, District Three
 Harris Odell, Jr., District Five

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

Chairman Liakakis said, I'll ask a vote from the Commission to excuse Commissioner Patrick Shay, who is out of the country, and also Commissioner Harris Odell, who is in court this morning, and Commissioner Helen Stone will be here shortly. She is at a meeting at City Hall.

Commissioner Kicklighter said, motion to excuse all of them including Commissioner Stone just in case she does not make it in time because apparently we will have a short meeting. Commissioner Farrell said, second. Chairman Liakakis said, all in favor go on the board. The motion carried unanimously. [NOTE: Commissioners Stone, Shay and Odell were not present when this vote was taken.] Chairman Liakakis said, the motion passes.

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V. PROCLAMATIONS AND SPECIAL PRESENTATIONS

1. PROCLAMATION TO DECLARE MAY 12, 2006, SIMEO SMITH DAY. *Note: This item was read into the record at the May 12th meeting. Mr. Smith was unable to attend that meeting.*

Chairman Liakakis said, what we're going to do this morning, we had a proclamation and the people were going to be here at 9:30. We're going to honor one of our local heros, so what we'll do right now is we'll go to Item VII, Commissioners Items.

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[This item was resumed following Item X.]

Chairman Liakakis said, let's go back to the agenda under the Proclamations that we have. I'd like Simeo [Smith] and his family members if they would come up to the podium and we're going to ask Commissioner Farrell to come up with this proclamation. Simeo [Smith], we understand —, we did this at our last meeting because we wanted to recognize you because you risked your life to save a child and the message did get to you. We appreciate you coming now and we thought it was that important that we wanted to have Commissioner Farrell read that proclamation and then we have another presentation for you also. Go ahead.

Commissioner Farrell said, I have the great honor to present this in person this time to Simeo Smith. It's a proclamation from the County Commission recognizing your quick action in what you did for another human being. Commissioner Farrell read the following proclamation:

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 May 2006.

Pete Liakakis, Chairman
Chatham County Commission

ATTEST:

Sybil E. Tillman, Clerk

Commissioner Farrell said, I would just like to present this to you and congratulate you, and I just can't say enough to — about what you've done for the community and your fellow man, and I'm sure your parents are very proud of you and all that are involved in your life. We expect great things for you in the future now that you've set such a high mark for yourself.

Chairman Liakakis said, Simeo [Smith], what I'd like to do on behalf of the Chatham County Commission, too, because that's important that we recognize our citizens in this life-threatening

deed that you deed. We really do appreciate that and I know, you know, the citizens in Chatham County, and what I'd like to do right now is give you our Chatham County medal in addition to the proclamation so that you may remember this. And we do appreciate it very much and may God be blessing you always. Would you like to say anything, Simeo [Smith]?

Mr. Smith said, first of all I would like to thank you all here today for bestowing upon me, and I'd also like to thank the two other gentlemen that were there when I was getting the baby out of the car because when I was at a slight [inaudible] there was another guy that was also helping out and there was a guy there when I couldn't get out of the car with the baby, he took the baby from out of my hands and took him to the family. So I'd like to thank those other two gentlemen. I do not know their names at the time, but I'm sure they know who they are and I greatly appreciate them for their help.

Commissioner Kicklighter said, I'm going to put you on the spot, and I remember seeing you on the news and was impressed and was amazed. Can you tell us what happened? And I know it's hard to brag on yourself, but tell us what took place. I saw your hand was cut up and bandaged, I believe, on the news. Did you have to bust the window out with your arm or hand or something or other? Mr. Smith said, yeah. I busted the window out with my hands, but what happened — my car caught on fire. My car was the car that caught on fire first so by the time — when I was getting out of my car, my car was on fire so that's how I burned my arm so that's why I was bandaged up, and I was trying to get to safety like everybody else. When I seen the lady, she was — she couldn't get the back door unlocked where her baby was, so I tried the front door. I couldn't get that one unlocked, so instead I — instead of running around the car, you know, I didn't know how much time we had, I started hitting the window and I busted the window out and I unlocked the door and got the baby out the car. You know, there was another guy, he came through the other side and, you know, we got the baby loose from out of the seat and gave the baby seat with the baby in it to the guy behind me because I was kind of laying down on the floor part time trying to figure out how to get the baby seat loose, and that's where the other two gentlemen came in. So I kind of think if I could find the other two guys names, they should also have —, they had just as much hand in this as I did.

Commissioner Thomas said, great observation. You're a good man and I know that your parents are very proud of you because we are. It really lets us know that you're very observant and we would encourage other people who are in settings of this sort, it may not be the same thing but it may be a matter of life or death if you're very observant and willing to do something about it because what you did was you also put your life in jeopardy as well. And we just want to commend you and thank you so very much. You did a good job, parents, you really did.

Chairman Liakakis recognized Commissioner Holmes.

Commissioner Holmes said, Simeo —. Mr. Smith asked, how you doing, sir? Commissioner Holmes said, it's great to see you again and your father. I had the pleasure of meeting Simeo [Smith] when he was being recruited at Savannah State, and standing on the sidelines talking with his father I remember distinctly some of the things you said about your son, and what you mentioned to me is that you were fixing to leave to go out of town. You were leaving him on the

campus, but you know he's been in good hands. You talked about his traits, his good behavior, his good demeanor, but he's a mean sucker on the football field. Never forget that. And I guess that humbleness came out in this accident. So from that compensation to now, knowing that he's our hero, I can see why you bragged about him then. You've got more needs now to brag about him now. Simeo [Smith], have a good football season and continue your education career. Thanks.

Chairman Liakakis recognized Commissioner Stone.

Commissioner Stone said, I just wanted to congratulate you. We're very fortunate to have someone of your character in this community and I hope that you will be a role model to others, and I certainly sincerely hope that we can identify the two gentlemen who assisted you, and thank you very much.

Chairman Liakakis said, and, Simeo [Smith], let me say this last thing. You know, you were injured yourself, you burnt yourself and your car was there, but you went beyond that to rescue the baby out of there, and you know what, it goes beyond even that, that just now you talked about the other two gentlemen that helped in that, and that shows that it's not a selfish thing but something about your character and all about you wanted the other two people that were involved in that for them to be recognized also. And to your family and to you, we can see that great things are going to happen, and we thank you very much.

Commissioner Kicklighter said, Mr. Chairman, I just want to add on that, distinctively you are a great guy because your instincts took you in that car and you did everything you did, but I —, just like the Chairman said, I was thinking when you were saying it, almost more impressive is you standing here today. What a great guy you are, man, to stand there and not just take all —. A lot of people even though they may have done that first act, they may think that, oh, and you're just a good man —, and you are a role model. I hope you can get out and touch as many kids around as possible because if we had everybody like you, we wouldn't have many problems. Congratulations.

Chairman Liakakis recognized Commissioner Gellatly.

Commissioner Gellatly said, I'd like to say this, young man. The police chief is not here this morning, but I'd like to say in his behalf, why, you're the right size and certainly have the smarts and the stamina and demeanor to be a police officer. You might want to give that some serious consideration. Thank you. Commissioner Kicklighter said, we sure wouldn't fight you when you came to arrest us. Commissioner Gellatly said, people would do whatever the nice policeman said.

Mr. Smith said, I'm trying to get an internship with the CIA. Commissioner Gellatly said, that's just as good. Commissioner Thomas said, all right.

Commissioner Farrell said, I can tell you one thing. If the criminals just go shake his hand like I just did, they won't give him any lip because my hand disappeared underneath that gigantic glove that he's wearing.

Chairman Liakakis said, okay. Thank you very much. We do appreciate you and your family. Yes?

Ms. Bev Watkins said, I'm Bev Watkins representing Dr. Brown, and I just wanted to extend to you, Chairman Liakakis and other members of the Commission, that we really appreciate your recognizing one of our students, and Dr. Brown is probably still parking, but he would want me to say to you our appreciation. Thank you.

Chairman Liakakis said, thank you. Commissioner Thomas said, thank you. Commissioner Farrell said, thank you very much.

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VI. CHAIRMAN'S ITEMS

None.

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VII. COMMISSIONERS' ITEMS

1. DISCUSSION REGARDING MPC "BREAKING POINTS" FOR VARIANCES (COMMISSIONER KICKLIGHTER).

Chairman Liakakis said, I'd like to call on Commissioner Kicklighter for this specific item.

Commissioner Kicklighter said, thank you, Mr. Chairman. I'd like to call Tom Thomson, the Director of MPC up to the podium please. What I've asked for and, Tom [Thomson], I recommend you for doing an excellent job over at the MPC. I appreciate your leadership over there. Is to come up with some type of breaking point as far as variances goes where in taking with Tom [Thomson] on the phone, I know at the last meeting we discussed this, at first I asked for a breaking point as far as where it may come in front of the Commission if a certain amount of variances were requested and, you know, so on and I also asked for the breaking point there to establish new guidelines where we would kick in additional advertising for the public if a certain threshold, I guess you'd say, if it was crossed as far as requesting variances because, you know, if you requested a hundred variances, that could be definitely equivalent if not worse than possibly a rezoning change. And currently with variances, the way our ordinance is worded, the way we

notify the public in variances, and please correct me if I'm wrong, is we'll send a letter to the adjoining property owners and may send a letter to like the head of a neighborhood association that would be affected, but in my district right now as well as some now going on on Wilmington Island with all the new subdivisions going up every day, what we have is homeowners associations that are being ran by the developer and so it gets a certain point of build-out, and then at that point it's deeded over to the homeowners there, so by sending a notice just to a homeowners association, there's a possibility for some type of conflict where the message may not get out as well as if it were actually the homeowners running the association. So what I've asked is for him to create or come up with something he would be comfortable with as far as a threshold once you cross it that we would kick in additional advertising and notices to the public where they would be aware that variances were being requested. And I also in talking with Tom [Thomson] after the meeting when I did the request, we were talking and he was explaining the appeal process to me as far as if a group or individual wants to appeal a decision the MPC makes regarding variances, and I just want him to explain. I'm confident that there is an appropriate appeal process out there for the public, so after talking I really don't see a reason for variances to come in front of this Commission. I just want him to update and explain to us as far as well as the public what the appeal process is if someone disagrees with MPC's decision on variances, and I want him to tell us if he's come up with some type of threshold and different advertising methods with a certain number of variances. Tom?

Mr. Thomson said, thank you. Tom Thomson, Metropolitan Planning Commission. Regarding the current appeal process, to answer that question first, if I may, I have to divide the answer into two parts. Zoning, of course, comes to this Commission for a final decision and the appeal is similar in Superior Court if somebody wants to appeal the County Commission's final decision and, of course, in this case the MPC is the recommending body, so there's not really an appeal until you all make a decision. In the case that dealt with the Southbridge issue, that was a development approval, not zoning, although we had trouble explaining that to the public out there. Development approvals for this particular one, the MPC makes the decision and the appeal is to the Superior Court. Now some other areas of the code, the Telecommunications Code, for example, the appeal is to the Zoning Board of Appeals and then to the court system, and we have one case that went from the Zoning Board of Appeals to the Federal Court, so that must be the path of the telecommunications appeals. So, basically Superior Court for most of the development decisions we made.

Mr. Thomson said, in regards to the other suggestion about more notice, let me just — technicality, but the code doesn't have any notice requirements now for development. What the MPC does as a matter of courtesy is notify in the condition that we believe it might be controversial or it's a different land use adjacent to a residential land use, so commercial adjacent to a residential, for example, we will notify whatever homeowners association or neighborhood association that we have on our records and will notify the directly impacted residents or properties adjacent to whatever case is before us, and we're in the process of looking at our zoning code. Commissioner [sic] Liakakis made and this Commission made suggestions a while back that we're rolling into our rewrite of the zoning code, so I think that's one suggestion I have is that we take these additional suggestions and make it part of the zoning code rewrite that we're working on right now, and I thought about the specific question about variances and it's sort of a

slippery slope because sometimes we know there's a variance and we could put a sign out and say there's a variance. We probably don't have enough room on the sign to say what kind of variance, but nevertheless that could be done, but we could have a case that ends up in front of us the day of the meeting and there's a variance proposed due to something that's come up. So, then you get into do you stop and go back out and put a sign out and delay the decision for two weeks or —, you know, so there's process problems with that. So my suggestion is we consider this suggestion by Commissioner Kicklighter in our rewrite of the zoning code along with the other notice suggestions that we have at this point.

Chairman Liakakis said, Tom [Thomson], one of the things, too, is —, I mean, that's good to notify the neighborhood association or sometimes the homeowners association, but sometimes that might slow the process down because they don't advise — everybody doesn't get that information, you know, and they might just have a couple of people coming from that particular association, even if they come. As has been the experience in the history in the past, is that you might come up with some kind of suggestion or something that we might in instances like this to do some other notification in addition to those two organizations because I think that might help. I know that you're doing a better job now in advising people when there are zoning things and you're covering a lot of area, which is important for the people who live or have, you know, commercial property in those areas that might affect them. Mr. County Attorney, is there anything else we need to look in? I just want to make sure that we're doing the right thing because we've got the MPC set up so that it can handle many things that come before this Board or the City of Savannah so it doesn't tie down Commissioners and City people for long periods of time in different issues.

County Attorney Hart said, no, I think he's pretty well covered it. We've talked about it among ourselves about things that we think we do. Anytime you start talking about notice, you always get into the issue of how much notice and the broader you make it, then you get people questioning, well, I didn't get the notice. I would encourage the citizens though to remember that we do have a government website and a lot of the information is readily assessable on what's going to be on the MPC agenda on those websites. So the staff reports are very detailed and if you're interested in your neighborhood and see something about your neighborhood, take the opportunity to look at that. If you don't get the answer you want, MPC's staff is very good about responding your request for information.

Mr. Thomson said, Mr. Chairman, I'd just like to add a couple of things I didn't mention and for the people watching on TV, they can hear it. In addition, what I was describing in terms of notice, what we do on a specific case in a specific area, for every meeting we have we also send out an e-mail with the agenda to every single registered homeowners association and neighborhood association so at least we say, and maybe it's time for me to write another little note to everybody, you say to the presidents it's your responsibility to disseminate this information if it's important to you. And then so — it's one of the ways we outreach, so we actually have an e-mail with the agenda, and anybody that calls our office, particularly if they have an electronic capability in terms of e-mail, we can quickly send them any particular staff report because they're all available via e-mail very quickly.

Chairman Liakakis said, let me just say on this one. Dean [Kicklighter], just one second. I know it won't take much time element, Tom [Thomson], if somebody in your office could call that association because sometimes like we get e-mails and we might get it after the fact, and so if somebody could just make a phone call, you know, so that people do know that. I think that might be, you know, helpful because we want the citizens to know, you know, as much as possible about these things. Dean?

Commissioner Kicklighter said, thank you, Mr. Chairman. And, you know, I commend y'all attempting to go that extra step there, but — and many cases, as in —, well, I'm not getting specific —, but in many cases the head of the homeowners association is the developer himself until that certain threshold is met of 80% sell out or before they turn it over to the actual homeowners, and if the owner of the subdivision is requesting a variance that will give him 500 more homes, and MPC says please notify everybody, it's your —, it's not going to get there, and that's why, you know, what you said, as far as zoning changes, signs are posted. That's what y'all do, you post zoning changes. My point being, with enough variances requested, it warrants the same type of advertising for the public to understand what's about to happen as it would on a zoning change. That's the threshold I'd like for you to look at and possibly if you're within a master plan within a subdivision and you have that master plan in front of you, if a density increase or decrease is requested, that should throw up the flag there that's something is changing majorly [sic] off of the original plan, and I think that should be one that's flagged where there has to be some kind of signage because a density change in a master plan is going to be major even if they get it down because they've shifted most likely majorly [sic] out of whatever their original plan was. So I would say if there's any variances requested on the streets, that that would send up another flag that should be — require some type of notice because that again would be, you know, pretty major and straying out of the original development plan. And, you know, another one, I believe, would be in a subdivision if it's a small request affecting 10 or more homes. At that point some signage should go up, even if it's just 10 or more. If it's less than 10, you know, maybe not because I understand from our conversation, and I know we would have to all become full-time Commissioners rather than part-time if we heard all variances, because I know and I truly thank y'all for y'all have the worst job out there in the political world. You are the —, you're the people that's takes the beating and then you package it up nicely and send us the decision, and I understand and I appreciate that, but I know we can't sit here and listen to, you know, do everything we do plus hear whether or not we're going to allow someone to put a dog house out on the side of the, you know, so I appreciate that and I respect your leadership opinion on that. That's why I totally agree that process in itself is the right way to go, but fine tuning and figuring out how to better notify the public on these variances with signage, you know, I'll really think you if you'll push that direction on this plan because, again, most — I'd like to think in this perfect world we live in — that the owner of the subdivision would just notify everybody that he's changing the plan. But realistically it probably won't happen.

Chairman Liakakis said, thank you, Tom [Thomson]. Mr. Thomson said, you're welcome. Chairman Liakakis said, we appreciate it. Commissioner Kicklighter said, thank you, Tom [Thomson].

Chairman Liakakis recognized Ms. Heimes and said come up to the microphone. Identify yourself.

Ms. Marianne Heimes said, my name is Marianne Heimes. I just wanted to ask, do you still put it in the paper, Tom [Thomson]? I do get it on e-mail, which I really appreciate it, but I — so I don't check real closely, but that was another good avenue.

Mr. Thomson said, thank you for saying that. I'm glad you mentioned it. Until recently the full agenda for the MPC meeting, we have other boards that we serve were in the *Savannah Morning News*. About two months ago they told us they would no longer publish the full agenda. Instead they publish a notice of the meeting with a web page contact for the agenda instead. They want to put other news in the paper and use that space that way. So, it's their space I guess, so we've never paid for that before, and ads to do that would be — I'd be back in here for probably \$100,000 more a year if we actually paid for the ads for every meeting. So, that's just a guess that would be the cost of that.

Commissioner Kicklighter said, well, can I say on that —. Chairman Liakakis said, yes. Commissioner Kicklighter said, I think that was great of the paper to do that in the past, but to be quite honest if I purchased a home for a half a million dollars in a planned community with covenants, I'm not going to be looking unless I have some type of psychophrenic problem at the MPC meeting every week to see if somebody's finally changed my thing to drop my value. It's just not going to — that point, I don't think, would provide proper notice unless somebody just accidentally ran through the MPC agenda and found that something's going to happen to their subdivision. So the better notice for those people would be the signs in that area, and I would ask the paper to put that in their because there are a lot of concerned, caring citizens, like Ms. Heimes, that will look at stuff such as that throughout the whole community to see what's going on and then they can pretty much spread the word before it happens. But unless someone like Ms. Heimes caught that and knew someone in that subdivision and called and told them, that wouldn't have even gotten to them in that manner. So —.

Chairman Liakakis said, okay. Thank you, Tom [Thomson].

ACTION OF THE BOARD:

No action was required by the Commissioners.

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2. SAM VARNEDOE BRIDGE (COMMISSIONER FARRELL).

[This item was added following Item XIII.]

Commissioner Farrell asked, could I make a quick informational —. Chairman Liakakis said, okay. Go ahead, excuse me, yes.

Chairman Liakakis said, Commissioner Farrell would like to add Item III about the Sam Varnedoe Bridge. Do we have a motion on the floor to add that please. Commissioner Thomas said, I move for approval. Commissioner Gellatly said, second. Chairman Liakakis said, it's been seconded. Let's go on the board. [NOTE: Commissioners Shay and Odell were not present.] Chairman Liakakis said, the motion passes. Go ahead.

Commissioner Farrell said, yeah. I just wanted to take a minute to publicly let people know again that the Sam Varnedoe Bridge will be closed for approximately 90 days starting next Tuesday, May 30th. The bridge is in dire need of repair for the safety of our citizens, so one lane —, one of the drawbridges on the Islands Expressway will be closed for approximately 90 days while repairs are being made. We just wanted to try to let as many people know ahead of time so that on Tuesday morning, after the long holiday, no one is surprised that it's closed and get caught in the traffic jam. They can make alternate choices for their route or what have you, but at the very least just be informed and not be caught by surprise that some much needed maintenance work is being done to that particular bridge. So that's all —, I just wanted to take the opportunity to let the folks on the islands know about that.

County Manager Abolt said, Commissioner Farrell, late yesterday afternoon about five o'clock Mr. Drewry said actually the closing may occur at the tag end of Tuesday. I guess it's good to be prepared and we want those individuals not to be think the repair is not going to be done if they travel normally on the routes on Tuesday morning. It will get done and we can handle priorities. We appreciate everybody's support.

Chairman Liakakis said, thank you.

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YOUTH COMMISSIONERS

Chairman Liakakis said, what I'd like to do right now is recognize Darshea Young, who is the Youth Commissioner for Chatham County from St. Paul's Academy for Girls. Welcome, Darshea. We're glad to have you hear today. Youth Commissioner said, thank you.

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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. REQUEST FOR RENEWAL OF BEER, WINE, LIQUOR POURING AND SUNDAY SALES LICENSES FOR 2006. PETITIONER: ANGELA F. THOMPSON, D/B/A CREEKSIDE GRILL (FORMERLY WILMINGTON DRIFTAWAY CAFÉ), LOCATED AT 216C JOHNNY MERCER BOULEVARD. [DISTRICT 4.] *Item was tabled at Commission meeting on May 12, 2006.***
Note: "Wilmington Island Driftaway Café" changed its name to "Creekside Grill."

Chairman Liakakis said, the next item, we have a tabled item on Item VIII and that's a request for a renewal of beer, wine, liquor pouring and Sunday sales licenses for 2006; petitioner Angela Thompson. That's for that license and from what I understand right now, Mr. County Manager, that one line that was not filled out, the application is completed. There's no discussion on this this morning and so I'd like to request to remove it.

Commissioner Farrell said, request to remove it. Commissioner Thomas said, second. County Manager said, from the table. Chairman Liakakis said, okay, go on the board. The motion carried unanimously. [NOTE: Commissioners Stone, Shay and Odell were not present when this vote was taken.]

Chairman Liakakis said, all right. Now it comes back to the — put in the proper sequence. Item IX, Items for —. County Attorney Hart said, Mr. Chairman. Is the intention to vote now to pass that liquor license? You've taken it off the table, but we actually have to have a motion to —. Chairman Liakakis asked, can you do that at this time. I was going to —. County Attorney Hart said, okay, that's fine. County Manager Abolt said, the Clerk will make sure she knows that.

Chairman Liakakis said, okay, well we'll just go ahead then. By his suggestion, I was going to put it in the other items. Commissioner Kicklighter said, motion to approve. Commissioner Gellatly said, second. Commissioner Thomas said, second. Chairman Liakakis said, all right, let's go on the board. The motion carried unanimously. [NOTE: Commissioners Stone, Shay and Odell were not present when this vote was taken.] Chairman Liakakis said, the motion passes.

ACTION OF THE BOARD:

Commissioner Farrell moved to remove this item from the table and place it before the Commissioners for consideration. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioners Stone, Shay and Odell were not present when this vote was taken.]

Commissioner Kicklighter moved to approve the petition of Angela F. Thompson, d/b/a Creekside Grill (formerly Wilmington Driftaway Café), located at 216C Johnny Mercer Boulevard, for renewal of beer, wine, liquor pouring and Sunday sales licenses for 2006. Commissioners Gellatly and Thomas seconded the motion and it carried unanimously. [NOTE: Commissioners Stone, Shay and Odell were not present when this vote was taken.]

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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) AMENDMENTS TO THE SPECIAL SERVICE DISTRICT (SSD) FUND BUDGET TO (A) RECOGNIZE \$ 956,730 IN REIMBURSABLE REVENUE, (B) RECOGNIZE ADDITIONAL INSURANCE PREMIUM TAXES OF \$200,000, (C) RECOGNIZE ADDITIONAL FRANCHISE TAXES OF \$120,000, (D) RECOGNIZE ADDITIONAL INTANGIBLE TAXES FROM THE CLERK OF SUPERIOR COURT OF \$175,100, (E) APPROPRIATE \$650,000 TO REIMBURSABLE EXPENDITURES, AND (F) APPROPRIATE \$801,830 TO SSD-POLICE DEPARTMENT, (2) A TRANSFER OF \$4,000 FROM SSD RESTRICTED CONTINGENCY TO THE SSD - POLICE DEPARTMENT, (3) A TRANSFER WITHIN THE PUBLIC WORKS SSD BUDGET OF \$77,000 FROM SALARIES AND WAGES TO OTHER PURCHASED SERVICES (\$30,000) AND CAPITAL EQUIPMENT (\$47,000), AND (4) CONFIRMATION OF A \$15,000 GENERAL FUND M&O CONTINGENCY TRANSFER TO THE FAIR HOUSING COUNCIL.**

Chairman Liakakis said, and your — all of the paperwork that you received in your agenda in your book outline all of this information. I'd like a motion on the floor to approve this.

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

ACTION OF THE BOARD:

Commissioner Gellatly moved that the Board approve the following: (1) amendments to the Special Service District (SSD) Fund budget to (a) recognize \$ 956,730 in reimbursable revenue, (b) recognize additional insurance premium taxes of \$200,000, (c) recognize additional franchise taxes of \$120,000, (d) recognize additional intangible taxes from the Clerk of Superior Court of \$175,100, (e) appropriate \$650,000 to reimbursable expenditures, and (f) appropriate \$801,830

to SSD–Police Department, (2) a transfer of \$4,000 from SSD Restricted Contingency to the SSD - Police Department, (3) a transfer within the Public Works SSD budget of \$77,000 from Salaries and Wages to Other Purchased Services (\$30,000) and Capital Equipment (\$47,000), and (4) confirmation of a \$15,000 General Fund M&O Contingency transfer to the Fair Housing Council.

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

AGENDA ITEM: IX-1

AGENDA DATE: May 26, 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) amendments to the Special Service District (SSD) Fund budget to (a) recognize \$ 956,730 in reimbursable revenue, (b) recognize additional insurance premium taxes of \$200,000, (c) recognize additional franchise taxes of \$120,000, (d) recognize additional intangible taxes from the Clerk of Superior Court of \$175,100, (e) appropriate \$650,0000 to reimbursable expenditures, and (f) appropriate \$801,830 to SSD - Police Department, (2) a transfer of \$4,000 from SSD Restricted Contingency to the SSD - Police Department, (3) a transfer within the Public Works SSD budget of \$77,000 from Salaries and Wages to Other Purchased Services (\$30,000) and Capital Equipment (\$47,000), and (4) confirmation of a \$15,000 General Fund M&O Contingency transfer to the Fair Housing Council.

BACKGROUND:

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

FACTS AND FINDINGS:

- 1) Chatham County receives reimbursement from several agencies for expenditures. The volume has exceeded original estimates. An amendment to the SSD Fund to recognize \$956,730 in reimbursable revenue has been prepared. A resolution is attached.
- 2) The adopted FY2006 (January to December 2006) City of Savannah budget for the Savannah Chatham Metropolitan Police Department is higher than originally projected due to the City's budget adoption in December 2005. This has resulted in a higher monthly billing for payments to the City of Savannah. The budget amendments and transfers detailed above will address the projected budget shortfall. This action will also generate funds to be applied to the year end reconciliation of costs.

- 3) As a result of fleet and other billings, it is requested that reimbursable expenses of \$650,000 be appropriated.
- 4) Termination payroll activity requires an appropriation from SSD Restricted Contingency to the SSD Police Department to cover final payments.
- 5) The Public Works and Parks Services Director has requested a transfer of \$77,000 from Salaries and Wages to Other Purchased Services (\$30,000) and Capital Equipment (\$47,000). Copies of the transfer requests are attached.
- 6) The Board of Commissioners passed a motion to transfer \$15,000 to the Fair Housing Council for a grant match at their meeting held May 12, 2006. Confirmation of this action to transfer the funds to Special Appropriations is requested.

FUNDING: Funds are available in the SSD Restricted Contingency, the Public Works budget and in the M&O Contingency for the transfers. The budget resolution will set up funding in the Special Service District.

ALTERNATIVES:

- (1) That the Board approve the following:

SPECIAL SERVICE DISTRICT FUND

- a) an amendment to a) recognize \$ 956,730 in reimbursable revenue, (b) recognize additional insurance premium taxes of \$200,000, (c) recognize additional franchise taxes of \$120,000, (d) recognize additional intangible taxes from the Clerk of Superior Court of \$175,100, (e) appropriate \$650,000 to reimbursable expenditures, and (f) appropriate \$801,830 to SSD - Police Department.
- b) a transfer of \$4,000 from SSD Restricted Contingency to the SSD - Police Department.
- c) a transfer within the Public Works budget of \$77,000 from Salaries and Wages to Other Purchased Services (\$30,000) and Capital Equipment (\$47,000).

GENERAL FUND M&O

- a) a \$15,000 Contingency transfer to the Fair Housing Council.
- 2) Amend or deny the request.

POLICY ANALYSIS: State law grants the Board authority to amend 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. TENTATIVE PLAN FOR DIANNE MCNABB, FINANCIAL ADVISOR, TO MAKE PRESENTATION TO THE BOARD. (Note: Staff will not know until Thursday, the 25th of May, as to whether or not this is possible.)

Chairman Liakakis asked, is she here today? County Manager Abolt said, she’s not here, sir. Chairman Liakakis said, she was unable to make it today, and we’ll —, County Manager, would you check on that? County Manager Abolt said, yes sir. If all works well, we’ll have her here on the 12th. Chairman Liakakis said, okay.

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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, all right. We have items 1 through 6 and under the alphabetical list, individual items A through R. Commissioner Kicklighter said, motion to approve the entire Action Calendar. Commissioner Gellatly said, second. Chairman Liakakis said, wait. There’s one item I would like to do on this. Under Item 6, Item C, the purchase of a sole source for this item, Remote Technologies, I’d like to —. Commissioner Thomas said, pull. Chairman Liakakis said, — withhold that item. Commissioner Kicklighter said, as amended to withhold Item C, I make a motion to approve the balance of the Action Calendar. Commissioner Gellatly said, second. Chairman Liakakis said, okay, let’s go on the board. The motion carried unanimously. [NOTE: Commissioners Stone, Shay and Odell were not present when this vote was taken.]

ACTION OF THE BOARD:

Commissioner Kicklighter moved to approve Items 1 through 6-R, except Item 6-C. Commissioner Gellatly seconded the motion and it carried unanimously. [NOTE: Commissioners Stone, Shay and Odell were not present when this vote was taken.]

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

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1. APPROVAL OF THE MINUTES FOR THE REGULAR MEETING OF MAY 12, 2006, AS MAILED.

ACTION OF THE BOARD:

Commission Kicklighter moved to approve the minutes of the regular meeting of May 12, 2006. Commissioner Gellatly seconded the motion and it carried unanimously. [NOTE: Commissioners Stone, Shay and Odell were not present when this vote was taken.]

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2. CLAIMS VS. CHATHAM COUNTY FOR THE PERIOD MAY 4 THROUGH MAY 17, 2006.

ACTION OF THE BOARD:

Commissioner Kicklighter moved to authorize the Finance Director to pay the claims against the County for the period May 4, 2006, through May 17, 2006, in the amount of \$5,554,543. Commissioner Gellatly seconded the motion and it carried unanimously. [NOTE: Commissioners Stone, Shay and Odell were not present when this vote was taken.]

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3. REQUEST BOARD APPROVE ADDITIONAL FUNDS FOR THE LOCAL ASSISTANCE RESURFACING PROGRAM (LARP) WITH THE GEORGIA DEPARTMENT OF TRANSPORTATION FOR THE RESURFACING OF COUNTY ROADS.

[DISTRICTS 1, 6 AND 7.]

Chairman Liakakis said, let me mention on Item 3 under that Action Calendar, we've approved all this, so general information that we just received from the Georgia Department of Transportation. What that was is eleven roads for approved for this resurfacing out of sixty, and it's 5.2 miles is what it is for that resurfacing of that — monies that came down from them. We only had eleven out of sixty. We will continue to lobby to get additional ones through that LARP program.

ACTION OF THE BOARD:

Commissioner Kicklighter moved to approve payment of additional funds for the Local Assistance Resurfacing Program (LARP) with the Georgia Department of transportation for the resurfacing of County roads. Commissioner Gellatly seconded the motion and it carried unanimously. [NOTE: Commissioners Stone, Shay and Odell were not present when this vote was taken.]

AGENDA ITEM: X-3
AGENDA DATE: May 26, 2006

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

ISSUE: That the Board approve additional funds for the Local Assistance Resurfacing Program (LARP) with the Georgia Department of Transportation (GDOT) for the resurfacing of County roads.

BACKGROUND: GDOT has a LARP with local governments to resurface roads. GDOT funds the cost of resurfacing. They require that the County certify ownership of the roads to be resurfaced, prepare the roads for resurfacing (to include milling) and maintain them upon completion.

FACTS AND FINDINGS:

1. GDOT requested a list of roads for the 2006 LARP from the County. It was submitted July 28, 2005. The list consisted of sixty roads throughout Unincorporated Chatham County. GDOT has a rating system by which they determine the roads that qualify for resurfacing. They also have an allocation system that limits the amount of resurfacing granted to each county or municipality. Eleven of the sixty roads were selected to be resurfaced by the GDOT.

<u>Road</u>	<u>Length (Miles)</u>
a. Basin Road	0.915
b. Beaufort Road	0.705
c. Canebreak Road	0.915
d. Gateway Boulevard West	0.260
e. Hardeeville Road	0.155
f. Ridgeland Road	0.285
g. Barley Road	0.380
h. Hopecrest Avenue	0.468
i. Reardon Court	0.160
j. Riverbend Circle	0.650
k. Shipyard Road	0.330
	<hr/>
Total	5.223

2. Some of the streets require milling to remove areas of existing asphalt before resurfacing to prevent excessive asphalt build up. Without milling, drop offs from the pavement edges into driveways cause vehicles to scrape the pavements upon entry or exit. This is considered a preparation cost. The cost to the County for

milling exceeded the \$12,000 previously approved on January 27, 2006. An additional \$6,000 is required to fund the milling at this time due to an unexpected increase in pricing.

ALTERNATIVES:

1. That the Board approve additional funds for the Local Assistance Resurfacing Program.
2. That the Board not approve additional funds for the Local Assistance Resurfacing Program.

FUNDING: Funds are available in 1985-1993, SPLOST, LARP (Fund/Department # 3204220, Account Code # 54.14001, Project # 32055657, Account Code # 54.14001).

POLICY ANALYSIS: The Board must approve additional funding for intergovernmental agreements.

RECOMMENDATION: That the Board approve Alternative No. 1.

District: 1, 6, 7

Prepared By: Kirk Thomas

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4. REQUEST BOARD APPROVAL TO QUITCLAIM AND CONVEY CHATHAM COUNTY'S INTEREST IN REMNANTS OF 17 PARCELS ACQUIRED TO CONSTRUCT THE TRUMAN PARKWAY IN THE VICINITY OF 52ND STREET, BACON PARK DRIVE AND SKIDAWAY ROAD TO THE CITY OF SAVANNAH. [DISTRICTS 2 AND 3.]

ACTION OF THE BOARD:

Commissioner Kicklighter moved to approve the request to quitclaim and convey Chatham County's interest in remnants of seventeen (17) parcels acquired to construct the Truman Parkway in the vicinity of 52nd Street, Bacon Park Drive and Skidaway Road to the City of Savannah. Commissioner Gellatly seconded the motion and it carried unanimously. [NOTE: Commissioners Stone, Shay and Odell were not present when this vote was taken.]

AGENDA ITEM: X-4

AGENDA DATE: May 26, 2006

TO: Board of Commissioners

THRU: R. E. Abolt, County Manager

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

ISSUE: To quitclaim and convey Chatham County's interest in remnants of 17 parcels acquired to construct the Truman Parkway in the vicinity of 52nd Street, Bacon Park Drive and Skidaway Road, to the City of Savannah.

BACKGROUND: Various properties (parcels) were acquired in their entirety for the right of way to construct the Truman Parkway. Remnants of parcels outside of the required right of way not needed for construction remain in the County's name. The size, elevations and accessibility of the remnants limit sale for private ownership or re-development interest. In the meantime, the County remains responsible for maintenance. All of the parcels listed below are within the jurisdiction of the City of Savannah and are adjacent to the sections of the Truman Parkway that they maintain.

FACTS AND FINDINGS:

1. The remnants listed in this paragraph are in the vicinity of 52nd Street and are adjacent to Truman Parkway, Phase 1:
 - 1a. A remnant of property PIN 2-0098-09-001, 0.18 acres
 - 1b. A remnant of property PIN 2-0098-05-005, 0.21 acres
 - 1c. A remnant of property PIN 2-0098-05-004, 0.22 acres
 - 1d. A remnant of property PIN 2-0098-05-003, 0.23 acres
 - 1e. A remnant of property PIN 2-0098-05-002, 0.29 acres
 - 1f. A remnant of property PIN 2-0098-05-001, 0.58 acres
 - 1g. A remnant of property PIN 2-0098-09-005, 1.23 acres
 - 1h. A remnant of property PIN 2-0098-09-004, 0.89 acres
 - 1i. A remnant of property PIN 2-0098-09-003, 0.55 acres
 - 1j. A remnant of property PIN 2-0098-09-002, 0.12 acres
 - 1k. A remnant of property PIN 2-0098-12-017, 0.05 acres
 - 1l. A remnant of property PIN 2-0098-12-016, 0.17 acres
 - 1m. A remnant of property PIN 2-0098-12-015, 0.27 acres
 - 1n. A remnant of property PIN 2-0098-12-014, 0.51 acres
 - 1o. A remnant of property PIN 2-0098-12-013, 3.68 acres

- 2. The remnants listed in this paragraph are adjacent to Truman Parkway, Phase 3:
 - 2a. A remnant from 1534 Bacon Park Drive (PIN 2-0134-02-002), 0.26 acres.
 - 2b. A remnant from 2102 Biscayne Drive (PIN 2-0158-01-007), 0.09 acres.
- 3. The City is willing to accept these remnants and maintain them as part of the right of way.

ALTERNATIVES:

- 1. That the Board quitclaim and convey Chatham County’s interest in remnants of 17 parcels acquired to construct the Truman Parkway in the vicinity of 52nd Street, Bacon Park Drive and Skidaway Road, to the City of Savannah.
- 2. That the Board not approve the quitclaims.

FUNDING: None required.

POLICY ANALYSIS: Georgia law (O.C.G.A. 36-9-3 et. al.) sets forth procedures for the disposition of public interest in property. The Georgia Constitution authorizes conveyances between governments without public sale or notice.

RECOMMENDATION: That the Board approve Alternative #1.

Districts 2, 3

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**5. REQUEST BOARD APPROVE AMENDMENT TO THE LEASE WITH THE HUMANE SOCIETY CHATHAM/SAVANNAH TO ADD ONE ACRE OF PROPERTY.
[DISTRICT 1.]**

ACTION OF THE BOARD:

Commissioner Kicklighter moved to approve an amendment to the lease with the Humane Society Chatham/Savannah to add one (1) acre of property. Commissioner Gellatly seconded the motion and it carried unanimously. [NOTE: Commissioners Stone, Shay and Odell were not present when this vote was taken.]

AGENDA ITEM: X-5

AGENDA DATE: May 26, 2006

TO: Board of Commissioners

THRU: R. E. Abolt, County Manager

FROM: Patrick Monahan, Asst. County Manager

ISSUE:

To amend the lease with the Humane Society Chatham/Savannah to add one acre of property.

BACKGROUND:

The Humane Society has requested (see attached letter) an additional acre of property to the north of its current site on Sallie Mood Drive.

FACTS & FINDINGS:

1. The additional one acre of property would be situated north of the existing Humane Society on vacant land which now serves as a buffer with the adjoining land used by the Chatham County Health Department. Under the proposal, the property would be surveyed with a new legal description and then added by amendment to the Humane Society's current lease.
2. The Humane Society notes that the property would be used for a new thrift store, which generates about 25% of the organization's revenues. By expanding the thrift store and storage, the Humane Society believes revenues could be doubled.
 - 2a. The project would be wholly funded by the Humane Society. The amendment amounts to a ground lease, which makes the Humane Society responsible for all improvements.
3. The additional acre for the Humane Society would not interfere with any long-range plans by the Health Department for expansion. Staff received concurrence from Dr. Douglas Skelton, District Health Director, and his staff about the Humane Society's request.
4. The proposed added acre would not interfere with the plans for expansion of the Animal Control Shelter, which is situated west to the Humane Society.

FUNDING:

Not applicable.

ALTERNATIVES:

1. That the Board provide conceptual approval for the additional acre of property. Once surveyed and a plat written, staff would return with a specific site which would be incorporated by amendment into the current lease.
2. That the Board deny the request from the Humane Society.

POLICY ANALYSIS:

Under Georgia law, the Board of Commissioners retains authority for the control of public property in the name of Chatham County. While the Georgia Constitution prohibits a gratuity, by the existing lease Chatham County has recognized the Humane Society's service to the community, which meets the test of "...recover substantial benefit."

RECOMMENDATION:

That the Board adopt Alternative 1.

District 1

Humane Society Chatham/Savannah

MEMORANDUM

May 12, 2006

Dear Mr. Liakakis, Chairman, Chatham County Commissioners and Board of Commissioners,

The Humane Society Chatham Savannah would like to request one acre of property just north of our existing facilities for expansion of our Thrift Store facilities. Our Thrift Store currently brings in approximately 25% of our operating expenses, which we project to be 50% should we have the space for proper storage and merchandising. The property just to the north of us would be a good solution for us to put a new, expanded facility that would allow us to properly store and merchandise the donations we receive. Currently, we do not have the space to store or showcase all of the donations we receive, particularly furniture and appliances, which we now take to Goodwill due to lack of space. We thank you for your consideration of this request.

Yours truly,

/s/ Gloria Leonard

Gloria Leonard
 President, Board of Directors Humane Society Chatham Savannah

cc: Russ Abolt
 Pat Monahan
 Helen L. Stone
 James J. Holmes
 Patrick Shay
 Patrick K. Farrell
 Harris Odell, Jr.
 David M. Gellatly
 Dean Kicklighter
 Dr. Priscilla D. Thomas

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6. 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. One (1) 2006 Ford Ranger pickup truck	Building Safety and Regulatory Services	J. C. Lewis Ford	\$11,127	CIP - Fleet Operations - M&O Vehicle Replacement
B. Wireless broadband equipment	I.C.S.	Motorola Communications (Sole Source)	\$37,120	General Fund/M&O - I.C.S.
C. Purchase and installation of an Evidence Presentation System	Juvenile Court	Remote Technologies (Sole Source)	\$25,840	General Fund/M&O - Juvenile Court
D. Annual price agreement for the "as needed" purchase of batteries	Various	•Batteries Plus •Paper Chemical Supply Company (WBE)	Varies by Item	•General Fund/M&O - Various •SSD - Various

<u>ITEM</u>	<u>DEPT.</u>	<u>SOURCE</u>	<u>AMOUNT</u>	<u>FUNDING</u>
E. Annual price agreement for the "as needed" purchase of copy and continuous paper	Various	<ul style="list-style-type: none"> •Paper Chemical Supply Company (WBE) •Coastal/ Sail Paper Company 	Varies by Item	<ul style="list-style-type: none"> •General Fund/M&O - Various •SSD - Various
F. Annual price agreement for the "as needed" purchase of various paper and chemical supplies	Various	<ul style="list-style-type: none"> •Georgia Correctional Industries •Doyle Chemical and Supply •Coastal/ Sail Paper Company •Paper Chemical Supply Company (WBE) 	Varies by Item	<ul style="list-style-type: none"> •General Fund/M&O - Various •SSD - Various
G. Installation, consulting and migration of financial system to an updated version of the software	I.C.S.	Sungard Pentamation (Sole Source)	\$10,916	General Fund/M&O - Finance
H. Two (2) servers	I.C.S.	Dell Marketing (State Contract)	\$12,000	<ul style="list-style-type: none"> •General Fund/M&O - Human Resources - \$10,000 •General Fund/M&O - Finance - \$2,000
I. Annual hardware maintenance on tape library	I.C.S.	Veristor Systems, Inc. (Sole Source)	\$26,460	General Fund/M&O - I.C.S.
J. Annual software maintenance on System Z program	I.C.S.	Zortec International (Sole Source)	\$10,000	General Fund/M&O - I.C.S.
K. Purchase and installation of Mitel Voice over IP equipment	I.C.S.	Integrated Network Solutions (State Contract)	\$33,945	General Fund/M&O - Communications

<u>ITEM</u>	<u>DEPT.</u>	<u>SOURCE</u>	<u>AMOUNT</u>	<u>FUNDING</u>
L. Change Order No. 1 to the annual contract to provide trash collection and container services to increase the scope of services to include a four (4) yard container at the new CNT facility	C.N.T.	Republic Waste Services, Inc.	\$300	General Fund/M&O - C.N.T.
M. Annual contract with automatic renewals for four (4) additional one year terms, to provide and service portable toilets at specified Parks and Recreational facilities and at various Recycle/ Drop-off center	Public Works and Park Services	Tony's Johns, Inc.	\$22,500	•General Fund/M&O - Parks and Recreation - \$18,360 •Solid Waste Management Fund - \$4,140
N. Contract for structural engineering services for a field review and report of existing courthouse structure ability to withstand Category 3 hurricane	Facilities Maintenance and Operations	W. Hunter Saussy III, P.C.	\$7,500	General Fund/M&O - Facilities Maintenance and Operations
O. Change Order No. 2 to the contract to replace the culvert on the Georgetown Canal at St. Ives for additional material	SPLOST	Sandhill ALS Construction, Inc. (MBE)	\$22,964	SPLOST (1998-2003) - Georgetown Canal Project
P. Change Order No. 10 to the contract for the Middleground Road/ Montgomery Crossroad Widening Project for additional services	SPLOST	Hussey, Gay, Bell & DeYoung	Not to Exceed \$46,100	SPLOST (1993-1998) - Middleground Road Widening Project

<u>ITEM</u>	<u>DEPT.</u>	<u>SOURCE</u>	<u>AMOUNT</u>	<u>FUNDING</u>
Q. Change Order No. 1 to the contract for the survey and design for eight (8) dirt roads to delete Marveling Grove Road and add Adeline Street	SPLOST	Jordan, Jones and Goulding	Net decrease \$1,819	SPLOST (2003-2008) - Unincorporated County Roads
R. Contract for the motorized roll down wind shutters for the County Annex building	CEMA	The Dream, Inc., d/b/a Roll-A-Away	\$156,756	CIP - CEMA Operations

As to Items 6-A through 6-R, except Item 6-C:

Commissioner Kicklighter moved to approve Items 6-A through 6-R, except Item 6-C. Commissioner Gellatly seconded the motion and it carried unanimously. [NOTE: Commissioners Stone, Shay and Odell were not present when this vote was taken.]

As to Item 6-C:

Purchase and Installation of an Evidence Presentation System, Juvenile Court, Remote Technologies (Sole Source); 425,840; General Fund/M&O - Juvenile Court.

Chairman Liakakis said, on Item C this is a evidence presentation. From what I understood, in that department they had one of those particular units. Brian [Hart], would you come up to the microphone and identify yourself. I want to ask you a question. Mr. Brain Hart, Court Administrator, Juvenile Court. Chairman Liakakis said, yeah, Brian [Hart], on this Elmo Unit, don't y'all have one over there now, one of these units?

Mr. Hart said, this is the second part of a — one of what is a three-part plan to put the evidence presentation —, they're not mobile to go in each courtroom. So right now we have one that was with last year's funding that's in Courtroom 2, Judge Beam's courtroom. This is the second part for Judge Burke's courtroom.

Chairman Liakakis said, all right, well, you know, we have supported the Juvenile Court and we put a lot of resources in it, but this particular item I'd like to have discussion, you know, if any Board members would like to do that, have discussion on that because there's some difference in this, and we can contact you and let you know about this particular item. Mr. Hart asked, at a later date? Chairman Liakakis said, yes, at a later date. I'd like a motion on the floor to hold off on this item until we have a discussion with the Juvenile Court.

Commissioner Gellatly said, I make such a motion. Commissioner Farrell said, second. County Manager Abolt said, table it. County Attorney Hart said, motion to table. Commissioner Farrell said, just table it. Chairman Liakakis said, to table it. Okay.

Commissioner Kicklighter asked, do you want to wait and let him say whatever before we table it? Chairman Liakakis said, go ahead, Brian [Hart].

Mr. Hart said, I was going to just by way of information, this is the, like a say, the second one. The first one, which I say was purchased with last year's funds was actually encumbered. We didn't actually get it installed until about the end of March, probably the mid part of April. We had some technical difficulties with it which Remote Technologies worked out for us, some sound issues and that sort of stuff. So we think we got all those issues worked out and so we've got to go in and do the training and all of that, train staff and now we have to train attorneys. So this is just the second part which we'd like to be able to — in our decision package for next year we've got the third one in there, and so we'd like to be able to install both of these at the same time. Chairman Liakakis said, let me —. Mr. Hart said, so we can recognize the efficiency with that and Remote can finish their work on them.

Chairman Liakakis said, the Juvenile Court and Superior Court and State Court is somewhat different because you don't have a jury trial in Juvenile Court. Correct? Mr. Hart said, right. The judge is the sole trier of fact. Chairman Liakakis said, and the Elmo Unit is basically what is used in those other courts to present evidence generally to the jury and all of the people involved in it. Is that correct? Mr. Hart said, well, one thing — that would be — I'm sure they usually present it to the jury in those courts. I haven't been in there, but I'm sure that's probably what they do. What they would do is use this to present it to the judge and also for interaction between the defense attorney and the prosecutor. For example, you can put photos on there and have witnesses identify spots and that sort of stuff. It's a lot more efficient than what you can currently do by passing photographs around and that sort of stuff. This is a very useful tool. If you're going to table it, in the meantime, if you want to, I invite you to come out and take a look at it and when we get the Remote Technologies technician in there to help us with it because it is new to us and we are trying to learn. The other thing that you can use these for, we've used it for presentations, especially like in deprivation hearings where you have a situation where a child is deprived, and you can present documents in that sort of stuff and so you have a group of people, you have panel reviews and that sort of stuff, so you have a group of people sitting there trying to look at all of these documents and they can see it at one time. So it's not just for —.

Commissioner Kicklighter said, if you just take pictures of it and we'll put it on our 19, 22 overhead projector and look at it at the next meeting? [Inaudible comments were made when several individuals were talking at one time.] Mr. Hart said, I'm sure Remote will be glad to [inaudible] or somebody else.

Chairman Liakakis said, well, we have a motion on the floor to table it right now, and then we can get, you know, with you, Brian [Hart], on this —. Mr. Hart said, what I was going to say is that rather than me trying to talk to you about it, I invite you to come out and take a look at it.

Chairman Liakakis said, if any of the Commissioners would like to do, but we'll set up a time element to see about it.

Chairman Liakakis said, we have a motion on the floor and a second to table this, Item C. Let's go on the board. The motion carried unanimously. [NOTE: Commissioners Stone, Shay and Odell were not present when this vote was taken.] Chairman Liakakis said, the motion passes.

Chairman Liakakis said, thank you, Brian [Hart]. Mr. Hart asked, is this for the — tabled to the next meeting? Is that right? Chairman Liakakis said, yes, it's tabled to the next meeting, you know, and then if we have the opportunity to discuss it and go through it, and then we'll go from there.

Commissioner Kicklighter said, that's the thing that someone of what the MPC has. That a —. Mr. Hart said, that's it. Commissioner Kicklighter said, okay.

Mr. Hart said, thank y'all. Commissioner Kicklighter said, thank you.

ACTION OF THE BOARD:

Commissioner Kicklighter moved to approve Items 6-A through 6-R, except Item 6-C. Commissioner Gellatly seconded the motion and it carried unanimously. [NOTE: Commissioners Stone, Shay and Odell were not present when this vote was taken.]

Commissioner Gellatly moved to table Item 6-C to the next meeting. Commissioner Farrell seconded the motion and it carried unanimously. [NOTE: Commissioners Stone, Shay and Odell were not present when this vote was taken.]

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XI. FIRST READINGS

Proposed changes to ordinances must be read or presented in written form at two meetings held not less than one week apart. A vote on the following listed matters will occur at the next regularly scheduled meeting.
On first reading, presentation by MPC staff and discussion only by Commissioners will be heard.
Comments, discussion and debate from members of the public will be received only at the meeting at which a vote is to be taken on one of the following listed items.

None.

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XII. SECOND READINGS

1. 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.

Chairman Liakakis recognized County Manager Abolt.

County Manager Abolt said, this just strikes a blow for fairness and says the taxpayers an expense that should not be theirs or making improvements in a roadway when these utilities are in the way. In fact, in the County right-of-way, our ditches and all that, it's only fair to expect the utilities to cover the cost of that relocation. That's what this ordinance does.

Chairman Liakakis said, okay. Commissioner Kicklighter said, motion to approve. Commissioner Gellatly said, second. Chairman Liakakis said, all right. We have a motion on the floor and a second to approve this. Let's go on the board. The motion carried unanimously. [NOTE: Commissioners Shay and Odell were not present.] Chairman Liakakis said, the motion passes.

ACTION OF THE BOARD:

Commissioner Kicklighter moved to amend 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. Commissioner Gellatly seconded the motion and it carried unanimously. [NOTE: Commissioners Shay and Odell were not present.]

~~AGENDA ITEM: XI-1~~

~~AGENDA DATE: May 12, 2006~~

AGENDA ITEM: XII-1

AGENDA DATE: May 26, 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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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 26, 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>
Miscellaneous herbicides for the various parks	Parks and Recreation	Mantek	\$2,508	General Fund/M&O - Parks and Recreation
Five (5) bulletproof vests	District Attorney	Red Dot Uniform and Supply	\$3,000	General Fund/M&O - District Attorney
Removal of wet well and light pole	SPLOST	Shaw Environmental	\$6,500	SPLOST (1993-1998) - Charlie Brooks Park
Install sidewalk from parking lot to bridge at L. Scott Stell Park	Facilities Maintenance and Operations	Coastline Concrete Services	\$3,344	General Fund/M&O - Facilities Maintenance and Operations
Miscellaneous water and sewer supplies	Water and Sewer	J. H. Poore, Inc.	\$3,150	Water and Sewer
Three (3) encoder boards for control panels in all units	Detention Center	Alstom Power Conversion	\$4,950	General Fund/M&O - Detention Center
Remove and repair transmission for Public Works dump truck	Fleet Operations	W. W. Williams Savannah	\$3,347	General Fund/M&O - Fleet Operations
Additional foundation support for lights at Concord Soccer Field due to unstable soil conditions discovered while auguring to install poles	SPLOST	Rabey Utilities	\$3,500	SPLOST (1993-1998) - Concord Soccer Field

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EXECUTIVE SESSION

Upon motion being made by Commissioner Farrell and seconded by Commissioner Thomas the board recessed at 9:55 a.m. to go into Executive Session for the purpose of discussing litigation, land acquisition and personnel.

Following adjournment of the Executive Session, the meeting of the Board of Commissioners was reconvened at 10:28 a.m.

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ITEMS FROM EXECUTIVE SESSION

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

ACTION OF THE BOARD:

Commissioner 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 carried unanimously.

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ADJOURNMENT

There being no further business, the Chairman declared the meeting adjourned at 10:29 a.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