

**MINUTES OF THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF CHATHAM COUNTY, GEORGIA, HELD ON FRIDAY, JULY 21, 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 9:28 a.m., Friday, July 21, 2006.

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**II. INVOCATION**

Commissioner Thomas introduced Elder Willie Farrell, Pastor of the Royal Church of Christ, who 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**

Chairman Liakakis said, I'd like a motion on the floor to excuse Commissioner Stone from today's meeting. The Clerk said, and Harris Odell. Chairman Liakakis said, and Commissioner Harris Odell. Commissioner Farrell said, so moved. Commissioner Thomas said, second. Chairman Liakakis said, all right, let's go on the board. The motion carried unanimously. Chairman Liakakis said, the motion passes.

The Clerk called the roll.

Present: Pete Liakakis, Chairman  
Dr. Priscilla D. Thomas, Vice Chairman, District Eight  
B. Dean Kicklighter, Chairman Pro Tem, District Seven  
James J. Holmes, District Two  
Patrick Shay, District Three  
Patrick K. Farrell, District Four  
David M. Gellatly, District Six

Absent: Helen L. Stone, District One  
Harris Odell, Jr., District Five

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

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**V. PROCLAMATIONS AND SPECIAL PRESENTATIONS**

**1. PROCLAMATION FOR NATIONAL NIGHT OUT.**

Chairman Liakakis said, one of the proclamations that we're going to have now, Commissioner Shay will read that and what I'd like to do is call the Chief and his other officers from the Metropolitan Police Department to come up to the podium also. You know, the National Night Out is an important part of the activities that we have in our community and we can see that thousands of citizens responded to this in years past. We hope that even more come this year. The Police Department has done an outstanding job and we can see in categories on a nationwide basis that Savannah-Chatham County has been first, second or third in years past. We hope that we'll be number one this year. We encourage all the citizens to come out because there are going to be a lot of displays and other things and the officers are doing a great job for us, especially Sgt. Montgomery, who's coordinating this for the Chief and other officers, the staff people that are helping him. Chairman Liakakis recognized Commissioner Shay.

Commissioner Shay read the following proclamation into the record:

***RESOLUTION***

***WHEREAS***, sponsored by the National Association of Town Watch, National Night Out is a unique nation-wide crime prevention program that enables communities to join forces with thousands of other communities across the country in promoting cooperative police-community crime prevention efforts; and

**WHEREAS**, National Night Out is a very positive community event that unites neighborhoods, businesses, schools, and local government and law enforcement in our collective resolve to prevent crime and promote public safety in our total community; and

**WHEREAS**, in August 2004, the Savannah-Chatham Metropolitan Police Department coordinated National Night Out activities in the City of Savannah and Chatham County and were ultimately awarded the distinction of national recognition and placed 1<sup>st</sup> in Georgia.

**NOW, THEREFORE**, I, Pete Liakakis, Chairman, on behalf of the Chatham County Board of Commissioners, do hereby proclaim, Tuesday, August 1, 2006 as:

**NATIONAL NIGHT OUT**

in Chatham County and urge all citizens to participate in the main kick-off in Daffin Park.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of Chatham County, Georgia to be affixed this the 21<sup>st</sup> day of July 2006.

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Pete Liakakis, Chairman  
Chatham County Commission

**ATTEST:**

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Sybil E. Tillman, Clerk

Interim Police Chief Willie Lovett said, traditionally National Night Out is a one-night observance; however, I have but one question to make and that is this year our theme will be make it last not just tonight but every night for 365 days a year. We understand that as citizens and policemen working together that there's an awful lot that can be accomplished. It cannot be a one-night thing. So I ask that you support and all the citizens support this endeavor 365 days a year.

Chairman Liakakis said, thank you, Chief, and we really appreciate your leadership and what has occurred and the citizens have seen because of what has been put in place by you and the fine officers that we have with the Metropolitan Police Department that crime has gone down over 16% in our area and those are good figures. We didn't think it would go down that fast that much, but we appreciate the continued work by you and all of the officers with the department.

Sgt. George Montgomery said, Mr. Chairman, Commissioners, I would like to add only one thing. I promise you a bigger and better National Night Out this year. We won it in '99, we won it in

2004 nationally. We've always one first place in Georgia. I promise you this year we're going to do every effort possible to win it for you. Chairman Liakakis said, good.

Commissioner Kicklighter asked, how do you win it? Chairman Liakakis recognized Commissioner Kicklighter. Sgt. Montgomery said, it's an elective effort between the community and the police to beef up security in the neighborhood and the commercial district areas to take away the anonymity of the criminals, to make them be known. Commissioner Kicklighter said, I mean, how is it judged for us to win? Sgt. Montgomery said, the National Association of Town Watch has a satellite that passes over between 7:00 p.m. and 9:00 p.m. every night on that particular night. It takes a flash photo of the area and the illumination —. Commissioner Kicklighter said, so we need everybody to turn their lights on. Sgt. Montgomery said, everybody light up the City and County. Commissioner Kicklighter said, do you coordinate with all of the other cities also in the County. Sgt. Montgomery said, uh huh. Commissioner Kicklighter said, that's good. Sgt. Montgomery said, I've sent bulletins to every city, sir.

Chairman Liakakis recognized Commissioner Gellatly.

Commissioner Gellatly said, I'd just like to take this opportunity to say how proud I personally am of the Metropolitan Police Department. I think individually and collectively they're doing one heck of a job and I think they need full recognition. I think that the Acting Chief needs full recognition also. I would point out that in the six months that he's been at the helm they've had a 16% reduction in crime, they vacancies are filled, they have a plan of action, they know what they're going to do. I think obviously when you see Chief Lovett stand in front of you, you know that there's somebody in charge of that department, and that's so critically important, and I would also ask that the media would do a better job, and they're doing a fair job, but they can do a better job of reporting the successes of this police department. We've had a few car attackings and what isn't crystal clear is that every one of the people that have been involved in that have been arrested and are in the County Jail. We had a bank robbery or two and what isn't advertised or put in as clear as I think it should be is that these people have been arrested and they're in jail, and I think that anytime that the media does screaming headlines on the six o'clock news or in the newspaper, that they have an obligation to do the same thing when someone's arrested, and certainly in the last six months that's been a high probability if you commit any type of crime in Chatham County you're going to be probably arrested. There's no —, your odds of not being arrested are pretty slim, I think, and I think if anyone doubts me on that, why, all they've got to do is ask the Sheriff what the jail count is today. And again, I appreciate the job individually and collectively of what you're doing and I think you've got a good Chief and I hope we keep him. Thank you.

Chairman Liakakis said, okay, thank you.

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## **VI. CHAIRMAN'S ITEMS**

### **1. SECOND HEARING ON SPLOST PROJECTS.**

Chairman Liakakis said, I'm opening the public hearing meeting for the SPLOST funding projects, and what I'd like to do on the first board is the City of Thunderbolt.

Mr. Carl Smith said, good morning, Commissioners. I'm Carl Smith representing our Mayor Anne Marie Thomas and City Administrator Bob Thompson. We've got a PowerPoint coming up, it's real quick. Most of you have a copy of our list. It did change a little bit when it came back, our SPLOST total for the next year. The first thing I would like to say is we've spent a little bit of time and looked at this realistically. Ours is a needs list not a want list, as you can tell. Our requests are only a little over \$4,000,000. We didn't go — start wanting everything in the world. Ours is pretty much a needs list. It's very specific. We looked at how much we got last time and based on how they were doing populations, we figured what the percentage may be this time, so we were realistic in knowing what somewhere ballpark we might get from y'all for an appropriation. Next slide. Like I said, it's a little over \$4,000,000. Mostly our issues are strictly improvements to the town. We have lost one of our wells already this past year for the saltwater intrusion and our goal is to replace that well. We're actually working on now doing some emergency stuff to see if we can do it sooner than three or four years from now, but we may need it because we're down to two. On top of that, our other — one of our other two wells is already over 70 years old, almost 80, and some of the infrastructures are — and our engineers have already told us that we have some possible saltwater intrusion very soon on that one, so we're going to look at replacing that. And then also we have an area in our community that we annexed numerous years ago, Isle of Armstrong, that has no water on it at all, so we would like to go in over there and put a basic system for fire suppression for the small tank and fire hydrant water lines across on the island. We will not make people tie in because that was part of the agreement when we annexed them in, they wanted to — some of them wanted to keep their own water and sewer so we're not going to infringe on that, but we would like to at least have basic fire protection for them over there. The next thing is a lot of our water meters are old and not reading very well, so we would look at replacing all of those and also do it with the electronic meters instead of going with the older meters that will save a lot of manpower when they read the water meters, and also one of the issue we're facing too is having to replace our water tower tank. We've had some issues with it the last few years and it's a little older and not up to par. We're having to spend a lot of work on it to keep it up, so we're going to look at replacing that water tank tower.

Mr. Smith said, the next part is the interior road paving and drainage. We have a lot of our roads in the community, as you know, LARP only will pick one or two roads. In our sized community we only usually get one road a year to be repaved. So we have numerous, numerous streets in the community that haven't been paved in 10 or 15 years, so we're going to look at an aggressive plan to try to get that and work that in with our water line improvements and also continuing on our drainage improvements. As everybody else, we're in the middle of a several million dollar drainage project to help improve the flooding issues in Thunderbolt. So we're going to continue on moving with that — moving forward. Next is enhance and replacement of our vehicles for public works. Several things in there that have not been addressed in quite a while. We're going

to look at doing that and there's a few of our facilities, our Senior Citizens Center and our museum and stuff that we look at fixing some of the infrastructure in those buildings and adding to it a little bit. And then finally public safety and the police department, having some money there to help improve the police department a little bit and replace some of its equipment. That's pretty much it. Any questions?

Chairman Liakakis said, I'll say this here because we have all the other people that are going to testify this morning and give us the information is that in the next number of days we will be distributing information to all of the cities and also to all of our County people, you know, what we're looking at in this distribution of the SPLOST funding so that we will start negotiating these different wish lists in the very near future, but this information that we will be distributing can give people some kind of idea of what to work from because what we have now is \$806,000,000 worth of requests and the total amount is \$440,000,000, which has been estimated for this SPLOST funding. So we want everybody to know that. We hopefully will have this negotiation in the next number of days so that we can come to a conclusion on that. Thank you.

Mr. Smith said, Mr. Chairman, that's one thing I think a lot of us are kind of hoping, because I know before you've always given us a number for each area to shoot for, and that's why we kind of based ours on the previous on how you based it on population on the total, and I think that would help a lot of people if y'all were planning on doing that. If they're going to give us what each area is got —, what our ceiling is going to be for each one of our municipalities and then let us go back in and re-prioritize it. I think that will be a lot easier for us, but thank y'all very much.

Chairman Liakakis said, okay, Port Wentworth.

Mr. Glenn Jones said, good morning, Mr. Chairman and Commissioners. First I would like to approach you and we decided —. The Clerk asked, give you name please. Mr. Jones said, Glenn Jones, Mayor of Port Wentworth. What is there's —, Mr. Chairman and Commissioners, there's our combination of a needs list and, as you requested, a wish list asking what we needed and what we — for the betterment of Port Wentworth. Our highest priority no doubt is, as some of you may know, we're building a wastewater treatment facility. It's mandated by the EPD. We have to be up and going by '08, in combination so that our debt retirement — we have a \$2,000,000 debt retirement that's from our past retention of our water and drainage that we need to definitely take care of no doubt, and also our \$8,000,000 wastewater treatment facility. Like I say, when it's mandated by the EPD, we have to be up and running, our staff we had to make a long decision of whether to build our own or go with the City of Savannah, and it was overwhelmingly decided by the City of Port Wentworth that we should build our own. So that is our major and our highest priority. Second, we have because of all the grow-ups we have, you know, I hear numbers all the time from the developers, we're looking at somewhere near 10,000 homes in the next 10 years of on the other side of Highway 95. I know each, if you drive in up Effingham County, you see all the grow-up that's growing there even before you get into Effingham County. So that's a big major concern for us for our future water and drainage needs. Next, as far as a Level II project that we believe that business category is our P. B. Edwards, Sr. Recreation Center. This center is not only used for our own recreation for the County, but is also used for our training — for the training site for the Governor's Safety Program, which covers a

multi-task force, multi-County task force. It's also used by YMCA's and other County agencies in the city and [inaudible] request that we do not charge a fee for. The roof is in terribly bad shape. It leaks and we request that we have the funding to fix our gym.

Mr. Jones said, next on our list is our public safety equipment. We request eight police cars and a fire truck. We feel like in our industrial city of Port Wentworth, that we maintain and cover fires as well as police, the Georgia Ports Authority and as well as — the land's on the Georgia Ports Authority and new up and coming Target Warehouse that's on Highway 21 as far as Ikia [phonetic] and all the future development that's in the — up on the Jimmy DeLoach Parkway in our County that we, you know, we answer that we're a first-responder for. And also — and last as far as we believe is our Level II project is our roads on Highway 21. We want to improve the signalization on Highway 21 at Crossgate and at Grange Road. We had a survey done back in 2004 where approximately 37,000 vehicles passed through there a day. Grange Road in the next few years will be widened by the State. I met with Mr. Marchand last week and there's not a certain timetable we're going to widen Grange Road, but that will be definitely a major entrance into the Ports because he foresees them building another gate right there in the City of Port Wentworth on Grange Road, so the signalization right there, as we speak, is not — there's some trucks basically just sitting there waiting to turn in and turn out. So we feel like that is a major need for us.

Mr. Jones said, now local projects, you know, naturally us being an older city in Port Wentworth, we have a lot of senior citizens, and we, right now, our Senior Citizens Building is the old school house that I attended elementary school in, built in 1960. It's in deplorable shape and we're looking to ask for funds to basically build us a new Senior Citizens Building. Our public works equipment and our drainage equipment go basically hand-in-hand, a new gardens truck as well as our new drainage equipment because all the future drainage, especially what is going to happen up on the other side of 95, our equipment is getting outdated and we're basically asking for some funds for that also. Actually, we go back to as far as [inaudible] as a needs prospective. We feel like the highest priority would be our debt retirement for our water/sewer in the future for our debt retirement on our water — our sewer plant. Any questions?

Chairman Liakakis said, Glenn [Jones], thank you very much. I appreciate that. Mr. Jones said, I thank you. You want to ask something, Dean [Kicklighter]?

Commissioner Kicklighter said, it's not for the Mayor. I guess it's for this Board. Are we going to approve specific projects for each city or are we going to give them the amount of money they need to work with? In other words, I just don't see the need for these good folks to come up here and justify their projects to us if it's within the legal realm of what can be allowed in SPLOST. I mean, they all have, I assume, have already gone through Al Bungard and our attorney and made sure that it's legal, and if we're going to give them an amount to work with, it's been stated that this has been so peaceful and everything, and it has, but the amount of money that we're going to give these guys to work with has not been stated. That's when I anticipate this peaceful lovefest to come somewhat to maybe a larger debate than we're having and, you know, I just don't — personally I think we need to give them an amount and if we're not specifically telling them which project they're going to have to work with.

Chairman Liakakis said, no, we're not telling any city, any entity whatsoever about any project, you know, that we say that you should have. We're not getting into that. What we're going to do in the very near future, we're going to come up with something, we're going to be discussing it and see about a formula that we can distribute very shortly so that you'll have a figure. It's not cast in stone, but something that people can work from. As I said before, we just don't have the monies. You know, we'd like to be able to give everything that we can, but we have to look at this, we have to look at the formula especially that has been written somewhat in State laws on that. We conferred with our County Attorney in that situation and many other areas, so that's the thing that we've got Glenn [Jones] —. So we will be working on just what you said. The staff is already looking into things at this particular point and then the Commission will make a decision on distributing out to all of the entities so that they can go from there with it. Chairman Liakakis recognized Commissioner Shay.

Commissioner Shay said, you know, I'd like to address that question because, Dean [Kicklighter], you've raised a really, you know, I think a very good question and everybody that's involved in this process is kind of waiting to hear about. But I'd also like to point out that as the County Commissioners that we have sort of a stewardship responsibility up here to make sure that we don't just put onto the ballot projects that are of marginal feasibility or which might require a lot of future subsidy, for example, or which frankly could sink the referendum. Let's be honest about it. You know, in the last election just earlier this week, I think the turnout in Chatham County was around 11%. We're having a referendum when there's nothing else on the ballot. We could well see a turnout of even less than that and a few thousand people that oppose a particular project could turn out in anger and could sink this whole referendum. So I agree with you, we need to set some kind of a benchmark so that the municipalities and, you know, for the other Commissioners, I mean, that they have an idea of whether or not the answer is going to be closer to \$4,000,000 or the answer is going to be closer than \$15,000,000. I think maybe they have in their heart of hearts some ideas about that already, but then beyond that I think we do have a stewardship responsibility as the people who decide what goes on the ballot to make sure that we fashion the ballot that's fair and has a pretty good chance of passing. Otherwise, we're wasting the money of having an election.

Commissioner Kicklighter said, and — if I may —, I don't bring up the point to be argumentative, I bring it up because I have a unique district consisting of five cities. Commissioner Shay said, yeah. Commissioner Kicklighter said, and, you know, I just — I think it's been very nice and peaceful and I commend the Chairman for the manner in which this has been conducted, but I feel like if we really don't come up with the numbers soon, we're going to have the problems surface when it may be too late to actually resolve the problems before the SPLOST election comes up, and the last time it was a heated debate and it lasted right up to the last moment. But if this actually — the numbers are presented too late, this may be something that all of the cities are, you know, not in agreement with, and I just think we need to move forward. Now what — I do agree with you, Commissioner Shay, I believe that if we want to step in that direction, I think we need to give them the cap. Then let's look at their list of what they're going to do and then at that point, if we believe one will sink it, let's get it off. But, you know, right now everybody's throwing out everything on our end, you know, even as far as this Commission. I was asked to reduce my projects and me looked at the list, it looks like I'm the only one that actually reduced.

You know, I just think that's the way for us to go, and I think we need to give them a number quick because I'm receiving phone calls constantly from most all of the cities that I represent, and just the fear of the unknown of what number they're going to have to work with if we don't get it to everyone soon this will go from the most peaceful to the most possibly unorganized towards the vote. And that's my fear.

Chairman Liakakis recognized Mr. Jones.

Mr. Jones said, Commissioner Shay, I acknowledge that at lot and we're desperately in need of keeping the SPLOST vote in, and that was one of the concerns back —, actually my Stand Up For America Day the mayors of the Westside communities, we decided to get together, especially when they're all friends of mine, and we decided we were going to start getting together and meet once a quarter, once every couple of months, and it just so happened that the first time we got together, and that was, you know, because me and the Chairman has had some good discussions on this and he's been very admirable answering my needs, but we got together. As the mayors in the Westside we feel like we just need to — we were taking amongst ourselves about things and it just happened to be the SPLOST was coming up, and we were, like you say, a couple of thousand votes could vote something down like that. So we're all in agreement that we do need to vote this in. I know when we were meeting in here and discussing about the E-SPLOST also, you know, all the good that's going on in Bloomingdale, Pooler and especially in my own city of Port Wentworth, schools are very important to us out there. We have one small elementary school that couldn't no way near hold that, so it's very important to us too, and I acknowledge that very much so. And one last thing is, and I guess following up on Dean's [Kicklighter] statement, that I guess that's just the unknown, that's what we discussed because we're definitely behind you in whatever we can do. I now the Chairman asked us to give our needs a list and we have needs like anyone does, and we come before you today and ask for your help. We acknowledge you have a tough job. I talk to Commissioner Kicklighter quite regularly as well as the Chairman, and they've both been very helpful to me. We know you have a tough job and we just ask for your support and help and we'll be willing to work with you in any way. And when it does come up time for the vote, I can guarantee you that the Westside mayors will be all out pushing to keep this and extend this. I have one last question though. When are we going to — is there going to be a decision made of how it's going to be for the five or the six year? Has that already been made or —?

Chairman Liakakis said, yeah. When we had our City Coalition Meeting, that first one, Glenn [Jones], everybody raised their hand and said the six years. Mr. Jones said, right. Chairman Liakakis said, and the reason for the six years, we'll have more money coming in. Mr. Jones said, I knew that exactly, but is that already said or we are going for that? Chairman Liakakis said, oh, yeah. I mean, when we do the presentation, it will be for a six-year period of time, and that's what the financial directors came together and they asked estimated \$440,000,000. Hopefully the economy it looks like it will continue to go like it is and we will have that \$440,000,000 to distribute out to the different projects around. But we will have information coming out very shortly so everybody can work from that.

County Attorney Hart said, Mr. Chairman —. Chairman Liakakis said, yes. County Attorney Hart said, we're — the consensus was at all those meetings that there was a preference for a six-year SPLOST, and I just want to remind the Commission that we're making plans to do what is necessary to get a six-year SPLOST, but there are some limitations within the State law that depending on the makeup of the projects and the classifications of the projects and whether you have an intergovernmental agreement involved, that could limit it to five years. But our plan right now, unless somebody comes up and we can't get an intergovernmental agreement or handle the problem that we hopefully can avoid, and when everybody's moving towards the six years and staff is planning towards doing what it takes to get there.

Chairman Liakakis said, the conversations and all that we've had, Jon [Hart], so far doesn't look like we're going to have a problem —. County Attorney Hart said, correct. Chairman Liakakis said, — in that area at all, so that we can go with six years. Chairman Liakakis recognized Commissioner Shay.

Commissioner Shay said, Mr. Chairman, if I could extend — Mayor Jones, I think, asked a reasonable thing of us, and one of the arguments that Port Wentworth uses are their allocation is one that I think we've got to talk about a little bit, and that is the notion of future development. In other words, and with five municipalities on the Westside, I know, Dean [Kicklighter], this is something that weighs heavily on your district and, Mr. Chairman, you obviously represent the whole County, but it factors into the Southside and the Islands as well, and it's very, very difficult in my mind to sit down and be able to say, okay, we're going to allocate this based on what we guess future populations might be, and I'm afraid that some of the Westside communities that anticipate just explosive growth, and I think are strapped with some of those costs, you're here today talking about a \$10,000,000 investment in wastewater treatment, you'll have to also recognize that I represent Thunderbolt and the City of Savannah and unincorporated residents as well, and their needs are no less at the present time than your needs are on a going forward basis. So I would just urge that rather than calling these caps when we send these to the municipalities, that we may just call them targets, and I'm afraid in my view they're going to have to be based on population and it's probably going to have to be based on the stuff that comes out of the most recent reliable census. The future development is there, but you know what, Dean [Kicklighter], when we did the referendum 12 or 13 years ago, the Commission really jumped out there and invested a bunch of money in the Westside and they said at that time we're going to build it an infrastructure now, meaning then, for the future development that's along the Westside. And that really has reaped a lot of benefit for the community. But in order to do that, we had to basically say to the urban folks that you're not going to get very much because that infrastructure is more or less in place, and so that comes into play too. We just have to sit down and be able to say, yes, somebody's going to live in Port Wentworth four years from now that doesn't live there now, somebody's going to live in Pooler that doesn't live there now, but the folks that do live in Thunderbolt and Savannah and the unincorporated area, for example, they've been patient and supported referenda in the past when they saw most of the improvements were going to be going for the suburban areas in the outlying development. I just want to point that out, but it's a balancing act that's going to be really delicate.

Commissioner Kicklighter said, right, and I agree. The only thing, I believe, anyone wants is just something that's [inaudible] and that's it, and as far as fair goes, even right off the bat, going in, if we're really truly sharing and wanting everyone's opinions, I believe that all of the Westside and possibly even Tybee, possibly even Thunderbolt, if we set down now and talked, we'd go for five year rather than six because of the projected growth in the most of the areas and the amazing growth there. Front page of one of the sections of the paper today shows that the major developer on Abercorn purchased land on the Pooler Parkway. They did a study through Georgia Southern within a five-mile radius of the Pooler Parkway, they say they're 16,000 people now. That probably on the last census that you guys are going to base this number on is 12,000 more than was there then. So we can't sit here and say we're going to base on any number that's even fair because the last numbers that we have by no way, shape or form represents anything that's currently going on, and, you know, if we wanted to commence some type of professional group or whatever to study to get a real time, real date census or whatever account of the area, I think that would be absolutely wonderful, but, you know, the paper said today, and again here we go with projections, but by 2010 within that five-mile radius, there's going to be 30-something thousand people. And I'll remind everyone here, I will then have in a five-mile radius more people in my five-mile radius than anyone on this Commission has in their entire district. By the time 2010 hits, if I'm still around, and we're on the current numbers, it looks like I may have 60-70,000 people in my district while everyone else has 28 or 30. And, you know, if we want to look at fair, I believe fair is fair for everyone and that would include, you know, again Tybee, Thunderbolt, Savannah, everyone. Savannah's looking at amazing growth with the land they annexed. Their future's looking completely much brighter than years back when they lost population. It's going to go through the roof. The downtown's booming, everything's booming here, and —, but we need to make it fair, and the only way it's going to be fair is to have current numbers and, you know, I admire the move on people that have possibly lost population on somehow getting this thing through at six years, but people that are projecting higher numbers, much higher that just totally changes the face of their city, it's absolutely crazy to support six years, and that's, you know, that's what I'm saying instead of — if we want to be fair, let's just be fair and go a five year term and let's get an accurate count if we're going to go off numbers.

Chairman Liakakis said, well, one of the problems that we've got with that is we will not be able to distribute as much money to all of the places, and you're only talking about one more year. You're talking about going just one more year and we need to look at it so that we can be fair to all of the cities because all of the cities as well as the County have projects that they want to get done. We just have to be realistic about it and we have to go by numbers that we can get. There's no way unfortunately that we can get accurate population or anywhere close to it by the time this is over with. I'll tell you what has occurred. Commissioner Priscilla Thomas and I are members of the Coastal Georgia Regional Development Center, which is comprised of 10 counties and 35 cities, and we had a lot of discussions in there because we felt, as I stated, that the City of Savannah at the last census taking was 15 to 25,000 people less in addition to the rest of the County, and we challenged that with the census bureau. They added a few thousand to it, but the way they —, you know, we have to look at this thing about what we can do on figures that we have, not —, there's no way to do it. Now here's what happened with the RDC, that they have hired the University to go out and come in. They've already interviewed some of us already, they've gone into getting statistics and putting things together so hopefully they can get that to the

State and to the Federal Government so that we can raise our population figures, but right now they don't have all of that because they're checking the utility companies, they're checking all kind of birth records, all kinds of things that they're going into. So that's the situation that we have right now.

Commissioner Kicklighter said, then I would ask is this vote being taken one year early, a year prior —? County Manager Abolt said, yes. Commissioner Kicklighter said, then if we truly are in the name of fairness, and I'm for fair and if it comes out fair that Savannah gets all the money and that's fair somehow or another, then have at it, but, you know, I mean, if it's whatever it may be, let's have the fair — fairest thing happen and we need to commence some type of study because passing something on old numbers —, and I say that while I want the numbers presented to the cities because I'm sitting here looking like an idiot because I've got a clue to what may be coming towards these cities, and I've got a clue that they're going to be outraged when they see the numbers that's being thrown out there, and I'm trying to save it now and do what's fair because I can promise that once this hits, I can't promise anything. But I would imagine every single city out there would oppose it if it's currently the numbers that I've witnessed at this point and it's going to blow everything. If we can't do it fair, we need to slow it down. If we need to do a study to get fair numbers or whatever, let's do it. This is done a year only. There's no need to rush something if we can slow it down and make it fair.

Chairman Liakakis said, well, I can tell you this. It costs the citizens of Chatham County \$500,000 — a half a million dollars for one of these referendums —. Commissioner Kicklighter said, well, we already have the referendum on there for the Board of Education, so there would be zero cost. Chairman Liakakis said, no, if we have another one, if we're not together with them, there is another half a million dollars we have to spend of taxpayers money. Commissioner Kicklighter said, we could go coincide with another election. Chairman Liakakis said, but anyway, we can get into that. Thank you very much, Glenn [Jones], because we're going to be working together, you know, to come up with something. Thank you.

Commissioner Shay said, Mr. Chairman, Dr. Thomas is —. Chairman Liakakis recognized Commissioner Thomas.

Commissioner Thomas said, Mr. Chairman, I don't know why we're tendering on the six-year thing when we've already discussed that, and I believe that everybody was in agreement that we go for the six years. When we start talking about fairness, Dean [Kicklighter], I want to make sure that we are fair. I represent part of Garden City as well and you know I was born and raised out there, so if there's anything to go out there, I would make sure it goes out there. However, I would like to say that we cannot forget those persons, and that includes the City of Savannah, people that live in the City of Savannah, who perhaps may not have gotten their fair share totally in the last SPLOST. Commissioner Kicklighter said, Savannah got \$110,000,000 in the last SPLOST. Commissioner Thomas said, well, it doesn't matter how much they got, but I want to remind you, too, that because of the growth out in the municipalities, a lot of money has gone out in the area because we saw a need to do that. All I'm asking this Commission at this point, and we don't want to get into a whole lot of negative stuff. We want to continue along the road that we have chartered to try to work cooperatively in this matter, but make sure that those areas that were

neglected in the last SPLOST and people that sat by very quietly and they supported the SPLOST, some of them are not going to do it this time unless some other things happen within their areas. So all I'm saying is that let's look at this and, as you use the words fairly, let's look at it fairly and squarely across the board, and that way I think we will be very successful whenever we have the referendum. But if you are looking at it from the standpoint of just one or two entities, and you're not going to look at it from maybe an area that may not have the greatest need as another area, but it doesn't mean, as Commissioner Shay said, that it's any less than the others, you know. So —. Commissioner Kicklighter said, I agree. Commissioner Thomas said, — all I'm saying is that, you know, we don't need to get into all of the negative discussion. Let's just look at it and let's move towards the way we have been working. I think we've had a wonderful working relationship, and I think we need to maintain that, keep a level head about us, and I think we'll be very successful.

Commissioner Kicklighter said, and may I just answer one thing off of that? I agree. I'm speaking for Savannah as well as Tybee, as well as Pooler, all of them. All I'm saying is give these folks a number. If it's remotely close to the numbers I've heard thrown out there, they are going to be on top of their chairs out there. Every city and — you hadn't heard the number yet, Michael. I saw you shaking your head no. You need to know the numbers and then we can go from there and iron it out. And I saw that because again I represent five cities, including Savannah, and it's the right thing to let these people have a clue to what we're working towards. And that's it, and we need to move very quick and that's all I'm saying, fairness to the whole County. And that's it.

Chairman Liakakis recognized Commissioner Gellatly.

Commissioner Gellatly said, just a short comment. You know, fair is in the eye of the beholder and whatever the numbers are, why everyone's going to have an opinion whether that's fair or not, and it's usually going to have an impact on how it affects their particular community. My concern, and I hope Commissioner Kicklighter's projections are right and everyone else's are about this County, but I've been around awhile and I can remember in the 60's and the 70's and the 80's that throughout this country that there was growth areas and boom cities that were going to double in population in five years, and things of this nature, and all it takes is one major event in the world somewhere and the economy goes down the toilet and none of this happens. So, I mean, there's an opposite end of that, too. None of us have a crystal ball, you know, so I don't know how we're going to do it on projected growth. Hopefully, that growth's going to occur, but the opposite is true too that there could be some type of an event and none of that growth occurs, and I can think of two or three cities right now, a couple in Colorado what have you, that were going to have double population in ten years. Not only did they not have double population, but they lost population because of economic problems in there community. So, I mean, that's just something that we're going to have to think about. And, again, fairness is in the eye of the beholder. Commissioner Kicklighter said, I agree.

Chairman Liakakis said, okay. What I'd like to do is call on Tybee Island next.

Mr. Jason Buelterman said, I have some handouts that I wanted to distribute to everybody. Chairman Liakakis said, go ahead. Identify yourself for the Clerk. Mr. Buelterman said, Jason

Buelterman, Mayor of the City of Tybee Island. Before I start, I want to recognize the folks that are here with me today. We have some folks, some other elected officials: Shirley Sessions, who's our Mayor Pro Tem; Paul Wolff on the City Council; Wanda Doyle, City Council; Kathryn Williams is also here from City Council and our City Manager Diane Schleicher and our Assistant City Manager Dee Anderson. We have a lot of folks drive over that bridge. It's just tough to do for us sometimes. Thanks for having — taking the time to hear us all out to give all the municipalities the opportunity to state their case for why they are asking for the amount of money they're asking for. Also, another thing is compared to — I was involved in the last round of the negotiations, and you call it a lovefest and I know that gloves hasn't necessarily come off yet, and hopefully they won't. So far it's been a very positive process and that's been very encouraging. As you know, the City of Tybee Island has formally requested \$14,000,000 from the 2009 SPLOST. There are a couple of points that I would like to share with you concerning the specifics of this request. Please feel free to stop me at any time should you have any questions. First, the City of Tybee Island represents only 1.5% of the total population of Chatham County. However, at the same time, Tybee property owners foot the bill for roughly 6% of the total property tax revenue of Chatham County. Why is this relevant? Because we also serve as the largest recreation destination for the entire County. While Tybee pays a disproportionate share of County property taxes, we also bear high maintenance and operation costs to host your constituents from all over Chatham County. From April to September our crowded streets and jammed-packed beach attest to the popularity of a day at the beach for many Chatham County residents. Along with the increased traffic and headaches associated with living on Tybee during these busy times of the year, our taxpayers pay the cost of the lifeguards, the increased police protection and patrols which we provide to ensure that our beach is safe for folks who come out to Tybee. We pay for the maintenance and operation of our public showers, restrooms and parking lots. We pay for the clean-up of the beach every single morning. We provide public access to the beach by building extremely costly publicly accessible dune crossovers. We also recently begun placing Mobi mats, which allow handicapped folks to access our beach. We also maintain our dune lines. We can ensure a wide swath of sand to accommodate the many visitors to our beach. We financially support our Marine Science Center, which provides educational opportunities for Chatham County students. Add all these items up and the city municipal budget of Tybee Island is impacted by over \$560,000 each year, or well over \$3,000,000 in a six-year period. This doesn't even count the expenses involved with our beach renourishment and storm surge protection efforts. Our taxpayers pay for a substantial percentage of the cost associated with periodic beach renourishments. This includes money for a lobbyist in Washington, matching funds for various studies associated with this complex process, not to mention the tremendous cost of the renourishment itself, which incidentally ate up a very large percentage of our current 2004 through 2008 SPLOST allocation. Over the past few years we have paid about \$1,000,000 out of our general fund added to the \$1,000,000 from the last SPLOST. All this is done to insure folks have access to a safe, clean, wide, healthy public beach. We do not do what other communities do, which is restrict the amount of beach that is open to the public. We can only look northward to Hilton Head to show what we could do, which is provide very limited access to the beach. This is not what Tybee is all about. We believe strongly that the beach ought to be open and accessible to everyone.

Mr. Buelterman said, an internal study and analysis done a few years ago showed that 86% of those who come to our beach are non-Tybee Chatham County residents. A trip to Tybee on any given weekend is all that is needed to recognize that a great majority of the visitors to the beach reside in Chatham County. Why is this so? Because unlike Jacksonville or Tampa or any large metropolitan area near the coast, Tybee is Savannah's only publicly accessible beach. Jacksonville, for instance, has Jacksonville Beach, Huguenot Park Beach, Hannah Park Beach, American Island Beach, Fernandina Beach, et cetera. Chatham County has Tybee. Unless you have a boat, you cannot access Little Tybee or any of the other islands near Tybee. So where do people go? They come out to Tybee. As Savannah and the surrounding areas grow, the number of people coming to Tybee is bound to increase. An analysis of our traffic count from this past year proves that this is actually already happening. In April of 2005, we recorded traffic counts of 144,000 cars. For the same period in 2006, we recorded 237,000 cars coming onto Tybee, an increase in one year of over 60%. The bottom line is this. While we on Tybee pay a disproportionate share of the property tax burden for Chatham County, our taxpayers also bear a disproportionate share of the burden of being Chatham County's only beach. The support of this County Commission for our beach renourishment over the last two years is indicative of the fact that you all understand this dynamic.

Mr. Buelterman said, one other thing I'd like to share with you is that a majority of the projects on our list we feel have clear countywide benefit. For one, our public safety facility for which we're asking for \$3.25 million. This would fund a new police station, a jail and municipal court. Of all the custodial arrests made on Tybee in the last five years, 72% were for non-Tybee residents. We also would like to spend money to remove a seawall at the North Beach, which has become exposed since the sand has been washed away. It's an extremely hazardous thing and we're trying to remove it to make for a safe beach experience for folks. And, of course, we're asking for money for our beach renourishment, which is also for storm surge protection. Obviously, those funds would help defray the cost of our periodic beach renourishments. We are looking to spend money for public beach parking improvements. As you all know, we provide public access to the beach, but must make improvements in our parking lots to make them more user friendly and help us increase the number of available parking spots. We're also seeking funds for a revitalization of our South Beach business district. Our businesses pay incredibly high property taxes. One of the problems that we're having on Tybee is that we're having a hard time maintaining a viable business district because the property taxes are so high rents are going up. It's a problem and we don't want to have a beach where there is no places to purchase items that folks need when they come to the beach. Monies for this project would go to help defray some of the cost of a major investment in our business district so those businesses could stay and operate as a viable entity on Tybee. We're also looking for funds to make for an ADA-accessible restrooms, as well as green space acquisition and debt retirement for some green space acquisition which we've made. These projects were put on the list by our council because they recognize that there was a very clear need to provide for the throngs of Chatham County residents that flock to our beach. We feel strongly that the County ought to support our SPLOST requests, as does every municipality. In terms of dollars and cents, giving Tybee an allotment based solely on our population would yield approximately four and a half million dollars over the six-year SPLOST. This is, of course, based on the fact that we have only one and a half percent of the total population. However, using a rough estimate of the population on July 3<sup>rd</sup>, we would yield about

\$25,000,000. We feel our request is fair and fully justified and hope that you, as the Commission, will fully support our request. And thank y'all for the time to talk to you today. Do you have any questions or anything?

Chairman Liakakis said, thank you, Jason [Buelterman]. Appreciate that. Mr. Buelterman said, thank you. Chairman Liakakis said, okay, next is the Fire Chiefs Association.

Mr. Carl Smith said, thank you, Commissioners. I'm here representing all the fire departments here today. The Clerk asked, identify yourself. Mr. Smith said, Carl Smith. As you can see on the screen, we're encompassing all the fire departments in Chatham County, including the two fire departments that don't have any city government representation, Southside and Isle of Hope, and that's why we have presented this proposal now for the third year or the third SPLOST, I believe. We have done this, like I said, past partnerships. We've had '98 to 2003 SPLOST funds and then '03 to '08 SPLOST funds for the County fire departments. One example of what we've been able to do is Pooler is one of the growing communities. You can see they were able to buy a Class A pumper. That vehicle cost a little over \$250,000. The main reason for our proposal this time is preparation for a hurricane or natural disaster in our community. Chief Futrell and myself were two of the first representatives from the State of Georgia that actually were on the ground in Mississippi and Louisiana a couple of days after Katrina. So first hand we were able to see and identify some of the weaknesses that we have here in Chatham County as far as if we were ever to get hit with anything like that, above it or below it even. So we came back and started working with everybody and came up with a plan, and we feel that this will significantly improve the preparedness response of mitigation and recovery capabilities of every fire department within Chatham County.

Mr. Smith said, SPLOST priorities, we have it divided into two phases. Phase One is an All Hazard Response Component of \$1.6 million and that Phase Two is Department/Safety equipment \$6.2 million; total request of \$7.8 million. That's just an example. That's one of our photos when we were in Biloxi of the devastation from the hurricane. Phase One is the equipment for mostly hurricane and natural disaster response. As you can see, on the bottom, we're Grade 12. National type for search and research teams for the County, we currently do not have that at all. These items are what each department's going to receive, identical equipment. We have all agreed to train together, to work together and all that, so all this equipment can be used together. One is an eight-person rescue boat, two all-terrain vehicles with a trailer, one air light and emergency power trailer, and one heavy duty truck. And real quick on that, those were items that myself and Chief Futrell and several other people who went after noticed that was very seriously lacking when we responded to Katrina, and there's departments here in this County right now that do not have this equipment. The closest department that even remotely has any of that, which they don't have even have all of that, is Savannah. Everybody else, most of us don't even have any of that, and I would point out the four-wheelers. The first two days we were in Louisiana and Mississippi doing searches, we were doing it mostly on foot. It was taking us hours. The third day we were there we were able to obtain some four-wheelers. We were able to significantly increase the amount and the time that we were able to do searches of communities and try to go find victims because we were on four-wheelers and could get down roads and other places where it would take a long time to walk. We were able to significantly improve our search capability with

the four-wheelers. Again, another photo of an area there completely devastated where we were at.

Mr. Smith said, Phase Two, Fire Department Safety Equipment, this is just like the last two times we've been before y'all and asked for equipment. This \$6.2 million, it's broke down. One thousand flotation with 500 minimum for seven and one-two station departments. Seven departments in the County only have one or two stations, and that's 3.5, and then you have your two larger departments, which is Savannah has 14 stations and Southside Fire has 13 stations. Cost of fire equipment, and just to give you a rough estimate, a new engine nowadays is \$250,000. A new ladder truck which numerous municipalities here with what we're after wouldn't even help pay, but several of us need one of those now, is \$750,000. A new rescue truck is \$150,000. Just one 800mhz radio, which we all have to have, which several departments do not even have one as of today. In a couple of years when VHF is gone and we all have to be part of the 800 system and all be on line, everybody's going to have to have numerous dozens of these 800 radios. They're \$4,000 just for one radio for us to communicate, and one breathing apparatus that we wear now because of all the changes, they're also \$4,000 for one unit. That's just a small example. The equipment purchase will be available. We all have mutual aid agreements and we're improving those every day. We all help each other on a daily basis if need be. As a matter of fact, I will say three municipalities on the Westside are going to do something for the first time. I think I believe y'all are working on an automatic aid agreement of some kind to where departments will automatically respond together, not mutual aid but automatic, so if a call goes out in that jurisdiction several departments will either be responding at the same time to provide protection of the communities. And like I said, we have all agreed on our trainings, to train on it together.

Mr. Smith said, going back to this, following up on the Mayor from Tybee, who left, about 86% of the people, I just did a survey on our calls in Thunderbolt on Highway 80, which is vehicle accidents, injuries, fires, electrifications, HazMat, 90% of those calls are not even our residents. We're providing that service to everybody else and 25% of those are not even County residents at all. So you can see, and that's not just Thunderbolt. A lot of the municipality fire departments, and everybody including Southside, are providing a lot of services to people that aren't even in their jurisdiction and we're not getting anything back for it. We do not bill, we don't charge. Any questions?

Chairman Liakakis asked, any questions? Chairman Liakakis recognized Commissioner Gellatly.

Commissioner Gellatly said, not so much as a question as an observation. To begin with, I hope what I'm going to say is not taken the wrong way. If it is —, but I've always been very supportive of fire departments. There's nothing in there that I disagree with. My son is a City fireman. But my concern is should these requests not be coming through the individual cities as opposed to the fire —, I mean, are the police chiefs going to be next, and public works directors after them? Is this something that —, and if this is granted, should that be deducted from the individual city's — what they're asking for. It's just an observation. You know, I've never been through this where — I don't disagree with anything you're asking for, I just have a question on the methodology. Should this not be done through the requests of the individual cities? I see the representatives

of the cities out here just sitting quietly. Is this something they want deducted from what they're asking for or how should we go about it? Just an observation.

Mr. Smith said, the previous two times that hasn't happened, and I'll be honest, I know 9-11 changed a lot of dynamics, but before that, and a lot of these are new council people, but a lot of the cities originally when SPLOST was created never put in for anything for their fire departments, and then we got together and worked with the —. Commissioner Gellatly asked, but is that not an issue between the fire department and the city? Why shouldn't the chiefs of police have an opportunity to come before us —. Mr. Smith said, I don't think they work together like —. Commissioner Gellatly said, for public works. They all get together and they come forward too. I don't know. I'm just —. Mr. Smith said, well, our group —, as far as I know, we're the only agency of any of those things that you mentioned, police or fire, that meet consistently and work together. We have an official organization. We work, we draw up plans —. Commissioner Gellatly said, and I congratulate you. Mr. Smith said, — and that's the reason why we're here for the third time because we've been doing this for, like I said, this is our third time coming before y'all and putting plans together.

Commissioner Gellatly said, I have question then too any city representative out here. How do you feel about this? They're all strangely quiet. Mr. Buelterman said, [inaudible] fire departments —. Commissioner Gellatly said, I can't hear you. Can you come up? Mr. Buelterman said, we obviously are concerned about the safety of everybody — Jason Buelterman from Tybee — but we have our own volunteer fire department and we actually have on our list, you know, a new fire apparatus. Commissioner Gellatly said, so they're not part of your group? Mr. Smith said, no sir. Every chief has been represented at almost all the meetings. Everybody has been on board. We've had meetings with every fire chief. Commissioner Gellatly said, well, how about a representative from some city that's made a presentation, can you tell us how you feel about this? It's almost double dipping on the part of the cities to be doing this, I think.

Mr. Jones said, yes sir. Glenn Jones, City of Port Wentworth. This was new to me when I met with Carl [Smith] at the GMA Convention, and he discussed it with me. He said he had come here previous a couple of times on SPLOST and we had discussed our fire department. Our fire department, as well as like Jason's [Buelterman] is, is a volunteer fire department and for some time they had been dormant and we're now — we just recently, if you read in the paper, we just hired a full time fire chief for the first time since the City of Port Wentworth has been in existence. Mr. Greg Holmes is here with us today. And part of our actual request was part of our fire department, our public safety, because of the fact that we do, you know, answer first responder calls to a lot of unincorporated areas, you know, basically the Georgia Ports area, whatever. When I met with Carl [Smith] and we discussed it at length at times, he had told me what his purpose was as far as representing the fire chiefs in general in trying to get requests for fire safety, and I think I've watched enough of your public meetings, when I sit there in my home on Sundays, and I understand all of y'all believe that public safety is a foremost concern for the County. So you asked, yes, it is part of our request, but it will be due back to Mr. Smith as far as —. Commissioner Gellatly said, you're making two requests then? You're making a formal request and you're saying you support the request of your fire department? Mr. Jones said, well, we made a request for the City of Port Wentworth, and then, as in turn, when he comes as far as

representing fire chiefs in general, and this is just what I've learned from him that he has come before previous County Commissioners the last three times, I believe, and he stated —. Commissioner Gellatly asked, well, will you support a group of police chiefs coming in —? Mr. Jones said, sir, I would support anything, just like you said as far as earlier, anything with public safety is a foremost concern of mine. Commissioner Gellatly said, me too. I'm just asking about the methodology, that's all? Mr. Jones said, I understand. Commissioner Gellatly said, if we're going to do this, I would highly recommend that all the police chiefs in the County come forward and make a presentation because I support public safety, but they are a part of public safety also.

Chairman Liakakis said, one of the things that we've got to realize now that we've got X-number of dollars to be able to distribute and we'll be negotiating and working — hopefully everybody, we can work together, you know, to come out together with a plan, but what Commissioner Gellatly just mentioned is there's a possibility, you know, that monies coming out from a city. So the monies could be deducted from the cities, you know, if they put money into those particular projects as he said. But anyway, we're not negotiating today at all so if we can just get the requests and go from there. We appreciate y'all's comments on this right now.

Mr. Smith said, okay, I'd appreciate that, and again as they brought up, we have been successful and worked with you the last two times. They have not taken that off of the individual municipalities, and I would only ask for your consideration when we saw that the citizens will vote for public safety, we feel like this is a very progressive proposal to help all the citizens of Chatham County and we would hope that y'all would see favorably upon it.

Chairman Liakakis said, thank you very much. Commissioner Gellatly said, and I agree with your proposal. It's the methodology I have a problem with. Chairman Liakakis said, okay, and we thank you very much for this because we know that the fire fighters put their lives at risk on a daily basis and with the things that they have done to, you know, for the protection of our citizens in the entire County.

Mr. Smith said, and again, I would remind a couple of Chairman, we do, while representing two departments and one of which includes five different divisions, which is a majority almost of the residents of the County that don't have any municipal representation. So we're also representing them and some of your constituents who are in the unincorporated areas on the Islands and things like that. So that's also why we did this originally ten years ago is to help because we were all working together and we're representing groups that don't have a city right now.

Chairman Liakakis said, all right. Thank you very much. Okay, the County Commission, we've got to get together, the Commissioners, you know, we're going to get together for our list and all, but there might be a couple of Commissioners that want to speak about a specific project today. We're not going to go into all of them because there's a list that we have to reduce dramatically. So I'll ask any Commissioner on a specific item do they want to discuss an item on the Commissioners list today?

Commissioner Thomas said, I do. I have — I asked for your indulgence. I had work done on my throat, so I don't need to use it as much as I would like to today, but I would like to reference my

comment about the Civil Rights Museum, and we do have in our midst today Col. Bowen, who has been appointed the new President and CEO of the Civil Rights Museum. One thing I want to point out is that this project that we have been working with, with the Civil Rights Museum, has been ongoing and it's a vital project and it needs to be completed, and I'm going to ask Col. Bowen if he would come forward and just very briefly, very briefly give us a few PowerPoints as to your plans for the Civil Rights Museum as the CEO. Col. Bowen, just a brief synopsis.

Col. George Bowen said, Commissioners, George Bowen, Civil Rights Museum. I didn't bring a PowerPoint, but what I do want to emphasize is in the short time that I've been with the museum, we've been taking a look at how we can enhance the value of the museum to the community and have taken a look at the addition, which was proposed under the last E-SPLOST. We see some very, very positive benefits, including opening the museum up as a community center for the community to come in and hold conferences, to take part in special displays. We also see an opportunity to put interactive classrooms in the facility so that when students come in, if they're able to counteract with the materials that we have, and one of the visions I have is to also tie that material to the State curriculum so that we can hopefully help improve the performance pursuits on the social studies and history portion of the exams that they take. We envision also using this center for such things as maybe inviting the health department in to provide health information to the community. All in all, as I envision it, I believe that the money invested in this addition will certainly prove to be very, very valuable to the community and will allow us to extend our services.

Commissioner Thomas said, and also will provide the legacy that needs to be retained. That's the main things that I wanted to emphasize.

Chairman Liakakis recognized Commissioner Shay.

Commissioner Shay said, Dr. Thomas, you know, one of the most gratifying things that I was able to be a part of in my first four years as a Chatham County Commissioner was working with you and the Commission as that time to help create the Civil Rights Museum, and I think it is a really wonderful legacy for our community. It's ahead of its time in some ways and I think we need to continue to support that institution. They have had good leadership in the past, they have good leadership, I think, looking forward to Col. Bowen's leadership, I'm going to ask him a question that's kind of out of left field that's not exactly about his museum. So, are you ready? One of the things that I've heard a lot of discussion about in that area around the museum is that the I-16 flyover that sort of takes everybody that comes into Savannah at about 70 miles an hour and has them go right past your museum and down onto the street on Montgomery and brings them right out by the Civic Center, but there's a possibility over the next six years that we might be able to figure out a way to have the I-16 overpass removed and as a consequence of that it's very likely that the people that are coming from Atlanta and other places on the other side of I-16 would enter Savannah much closer where the museum is? Is that something that you would support or do you concur with me?

Col. Bowen said, yes sir. It just so happens I listened to a presentation on that exact proposal a few days ago at a Kiwanis meeting, and I certainly believe that it would be beneficial to the entire community because making that space available is going to contribute to the development of the

Martin Luther King area and you're absolutely right, it will start, for lack of a better term, dumping those folks off right adjacent to the museum and we see that as a very positive benefit for the museum.

Commissioner Thomas said, Mr. Shay, also I would like to add to that, that the Savannah Development Renewal Authority is also working with that as well.

Commissioner Shay said, I know they are, and one of the reasons that I said the idea was our idea was kind of ahead of the time, of course it's in the building that was the old insurance company, so it's not like we chose to go a little farther out, but my experience with the African-American Heritage Tourism folks is that right now because of that overpass and the conception that it's not a little bit farther out than it really is, that they don't have as much activity there as they might have otherwise. So I just wanted you to know that not only do I support the Civil Rights Museum, but I'm also fascinated by this idea of removing the I-16 flyover if at all possible and allowing that area that you're in right now to become more mainstream in the fabric of our heritage tourism.

Col. Bowen said, thank you. Well, Commissioner Shay, I'd also like to say that, you know, while I haven't had enough to really study all the aspects of it, we're looking at rebranding the museum, if I could use that term, because one of the visions, as I said, is I'd like to brand the museum as a community resource because what happened in Savannah during that period of time, it just didn't happen to the Black community, it happened to the community as a whole, and as we move further away from the days that the museum represents, there are less people that are familiar with it, and I've had the opportunity to speak with students and ask them questions and it's amazing how far removed they are from it, and I think it could be a valuable learning resource for the entire community, and that's going to be one of my goals is to try to put more of the community into the museum, and we're going to be working towards that objective. Also putting together plans right now so that we can increase the resources available to the museum so that we can do more of these things, not from municipal resources or County resources, but from our own fund-raising efforts.

Commissioner Kicklighter said, I don't have a question for Mr. Bowen, and I thank you. I'm glad. I know you're doing a great job. This is more a question for the Attorney because the first meeting — the first meeting we had with all the cities and everyone on SPLOST, I'm wondering if the law changed from that meeting until now. You gave a legal opinion to everyone at that time that non-profits couldn't receive funding —. County Manager Abolt said, this is a County project, County-owned project. Commissioner Kicklighter asked, it's a County building is what —? Okay, well, that's what I didn't know because I've received calls recently like from Rape Crisis and different non-profits and I told them legally we were told it couldn't, so —. County Attorney Hart said, and I would encourage, you know, the concept that this is going to be a community center because that aspect of it, the openness on a countywide basis with the County already having an interest in the museum —. Commissioner Kicklighter said, well, thanks for clearing it up because I was anticipating calls from other like worthy non-profits that would be wanting in, so thank you.

Chairman Liakakis said, all right. Thank you, George [Bowen]. Appreciate it. Okay, the Trade Center Authority.

Mr. Mark Smith said, good morning. I'm Mark Smith, Chairman of the Trade Center Authority. I am here to bring good news and also a request. The Trade Center is working as it was anticipated to work when it was conceived and voted on by the voters of Chatham County to be funded with SPLOST some 12 years ago, and since it opened in the year 2000 we have generated 390,000 room nights that have been consumed by visitors to the Trade Center, and this has resulted in \$89,000,000 in direct expenditures in Chatham County by these visitors. This has obviously generated a tremendous amount of sales tax revenue for Chatham County and the municipalities. In fact, our hotel business continues to grow. It's up over 60% since the Trade Center opened and the sales taxes on hotel rooms have gone from \$8,000,000 a year to over \$13,000,000 a year. We've created a large number of jobs directly at the Center, as well as within the industry, and we've been able to host some fabulous events. We all know about the G-8 Summit, we've had the IBM Shareholders' meeting, we've had numerous other high level events, and we continue to bring repeat business to Chatham County. The GMA meets here every year, Gulfstream every other year. We've gone over and above the call of duty as the authority in taking on some challenges that were never intended for the Trade Center Authority to undertake. We have gone to Washington, we have obtained over \$7,000,000 of direct feral spending to institute a water ferry system that was never our charge, but we took on that project anyway. We went to the State of Georgia. We obtained \$3,000,000 to buy Parcel 7, which includes all of — half of Slip #3, which is the body of water that goes into Hutchinson Island immediately to the west of the Trade Center, and we've recently obtained \$2,000,000 of feral money to provide infrastructure into that Parcel 7. But that's what we're here to talk about today is Parcel 7.

Mr. Smith said, the Trade Center when it was conceived and executed was always intended for growth. It was — the building is designed to be expanded and Parcel 7, which includes — it's 19 acres and includes half of Slip #3 and about 14 acres of high ground immediately adjacent to it — is our next phase of growth. We need the \$7,000,000 that we've requested to extend the riverwalk that goes in front of the Trade Center now along Slip #3 so that we can prepare Slip #3 for future development. Our primary objective was Slip — was that Parcel 7 is to secure a private developer to come in and build another 350 room hotel so that we can have 750 rooms on Hutchinson Island and secure even larger numbers of conventions than what we have now. The extra hotel rooms will allow us to have one-stop shopping for the larger conventions and will open up new markets to Chatham County for the use of the Trade Center. We have been very much involved in integrating the water transportation system into a ground transportation system on the south side of the river, which was again not our original charge, but we've had to undertake these things in order to make the Trade Center work. So that's it in a nutshell. We need to extend the riverwalk, we need to fulfill our obligations to the State of Georgia when they gave us the \$3,000,000 to buy Parcel 7, and we need to bring future development to Hutchinson Island — additional development to Hutchinson Island and expansion of the activities of the Trade Center, and it will pay for itself. It will generate enough tax revenue so that you will be getting a return on this money. I'll be happy to answer any questions.

Chairman Liakakis recognized Commissioner Shay.

Commissioner Shay said, thanks for coming today, Mark [Smith], and thanks for your leadership as the Chairman. The Trade Center keep in mind was built with County funding. It is jointly owned by Chatham County and the State of Georgia. It is the — Parcel 7 is land that the State gave money to Chatham County to purchase so that Parcel 7 does belong to Chatham County and is currently under a long-term lease co-managed by the Trade Center Authority. This Commission twelve years ago, I think, demonstrated some courage and some leadership and followed through on a proposal that had been out there for a long time to build a trade and convention center in our community and the profits from that have accrued to our community since then. At that time I think we invested on the order of about \$75,000,000 in that development originally and almost immediately induced more than that in spending from the private sector with the Westin Hotel and development on Hutchinson Island. At this time I think what they're asking for is that we invest another \$7,000,000, and it's my view, and I think I can back this up with the appropriate statistics, that we would be able to double the amount of economic impact that we have on this community through the investment of \$7,000,000 this time, not \$70,000,000 like we did the first time. That's the reason that we're here today. I'm on the Trade Center Authority and I just wanted Mark [Smith] to have the opportunity to let you know that the top two criteria that the managers identified when they said how we were going to evaluate projects in all of your countywide use and enjoyment, clearly the riverwalk on Hutchinson Island is just that, and the second criteria was is it something that stimulates economic development, and clearly this meets that criteria as well. So thank you for coming today, Mark [Smith]. Mr. Smith said, thank you. Commissioner Shay said, thank you, Commissioners, for listening to this presentation. We'll have some other materials that we'll distribute at a later date.

Chairman Liakakis said, that's fine. Thank you very much, Mark [Smith]. Mr. Smith said, thank you. Chairman Liakakis said, we appreciate your presentation. I'd like to acknowledge, I see our Sheriff in the back, our Tax Commissioner and our District Attorney. Welcome to the meeting also.

Chairman Liakakis said, I'd like a motion on the floor now to adjourn the public hearing. Commissioner Shay said, Mr. Chairman, I know you want —. Chairman Liakakis said, wait a minute, hold it just a minute. Excuse me.

Commissioner Shay said, I know you want to move this along, but I'd like to —, I have some thoughts that I'd like to share with my fellow Commissioners at the end of this process and I think some of the other Commissioners would as well. Chairman Liakakis said, good. Commissioner Shay said, this is probably the next to the last time that we'll be able to share our thoughts at this point with the public, and if I could I'll lead off, if that's all right with you. Chairman Liakakis said, that's fine. Commissioner Shay said, first of all, I'd like to thank all of the people that I'll call solicitors at this point for their various entities that came forward and obviously put a lot of effort into their presentations, a lot of time and thought went into that. I'd especially like to show appreciation for those who were very thorough in their homework, the ones that really went through their individual lists and tried very hard to prioritize and put reasonable costs next to those because the ones that do their homework and have a reasonable and rational proposals are the ones that, in my view, are going to be looked at the most closely. It's going to be very hard for us as Commissioners to just deal with the projects that are nothing more than a paragraph of words

and no real understanding of how those projects would be implemented. The task that we have ahead of us in the next month is very, very difficult. I think everybody up here other than Holmes and Farrell has been through this process before at least once. I was involved in it in 1993, and you start off with this thing and you think you're going to be Santa Clause because everybody's sitting on your lap and whispering in your ear and telling you how good they've been and, you know, it's true, you know, but what you end up being before it's all over is the Grench. You know, you get to be the one that tells every single one of those kids that sat on your lap that they're not going to get what they wanted. They're going to get something, but they're not going to get what they wanted, and I hope that all of you that took the time to present will appreciate the dilemma that we're in and the tough time that we're going to have as we go through these board projects on a going forward basis. I'd like to just share some things that I learned from my mistakes the last time I was involved in this process in 1993. You know, at that time, I think the idea of going to what I'll call vertical projects was brand new. Before that in the referenda there had always been roads and drainage and had been infrastructure projects, and we started funding buildings and I guess we were very brave in doing that. There's a fine line between being courageous and being a fool, I suppose. But we funded some projects that were vague, to be honest with you, and those projects ended up needing a lot of subsidy before all was done. We tried to be very careful about that. Whenever somebody stood up and said we need to have this new project, we would ask them, well, are you going to support it, how is this going to be supported on a going forward basis, and for the most part I think we were successful in that. But we did have some projects that ended up — there were organizations that said they were going to embrace and operate those facilities. At the end, they weren't able to do it so we ended up needing and burdening the taxpayers down the road with some subsidy, and I think that frankly was a bit of a mistake.

Commissioner Shay said, I think also in the past sometimes we used SPLOST to sort of pay off other political debts that we didn't know how to pay off. You know, the fact that we weaned all of the non-profits off of M&O subsidy in the last go around, and we sort of did it by saying, okay, you're going to get this capital money through SPLOST, and that's what you're going to get and you're not going to get the M&O money. It was the thing that you guys had to do at that time because you were on the horns of this dilemma then. I'm not going to be critical of that other than to day now we're at the point of where those non-profits don't get either. They don't get new projects in, they don't get the subsidies and I hope it won't sort of on a going forward basis try and make good other dilemmas. And the third thing, and this is extremely important, and I have no idea of how our County Engineer and staff are going to evaluate this in the time that's left, poor cost estimates killed us. You know, we had well intended, educated, credentialed people stand up in front of us and tell us that that Trade Center was going to cost \$40,000,000. You know what? I think it cost \$77,000,000 by the end of the day, and it wasn't because there were fantastic cost overruns, it took longer to get the project started and there was inflation in costs. It's just that we didn't have very good estimates. You know, and that's one of the things that we've got to be real careful about as we fashion this ballot because if we put things on the ballot that are ill-conceived and not well estimated, between now and September 19<sup>th</sup> the people that are going to oppose this referendum, they're going to figure that out and they will use that as a reason why we should not pass a referendum. So the stewardship responsibility that we all have — are you ready with me, Coach, here? This is going to be a real interesting trip — is we not only have to decide how all of this is going to be allocated between the municipalities and the various needs,

we've also got to make sure that somehow or another that all these projects are actually feasible and defensible when we put it in front of the public. Now the process we've had up until now has been that first part where we've asked all the municipalities to come in and sit on Santa's lap and whisper in our ear and tell us all the things that they need. And by its nature I think the tendency is to want to game that and say, well, let's ask for everything because if you don't ask, you can't get it, and I think maybe that's fair, but I don't know that all of these projects that we're being asked to look at have been as well researched and as well developed and as well flushed out as they're going to need to be between now and September 19<sup>th</sup> if we're going to take this out to the public and say, as a Commission, we think this is what needs to be on the ballot. So I'll pass that along and I appreciate the opportunity to speak. I think this is our opportunity to maybe share our thoughts as we get ready to head into these deliberations with each other and with the public.

Chairman Liakakis said, we have to do that by August 19<sup>th</sup>, so we've got 29 days to have negotiations between our County Commissioners for scaling down our list plus all the other cities' negotiations with them also. So there's 29 days left and I will be calling a meeting with all the County Commissioners because we need to go over our projects and scale them down dramatically, and then we'll have a formula that, you know, that we can present, you know, if everybody agrees on one and then we'll go from there and put that out. Chairman Liakakis recognized Commissioner Gellatly.

Commissioner Gellatly said, I had the opportunity to go through this once before and it was exciting and, as Commissioner Kicklighter alluded to, why we're going to enter the phase where the gloves come off and that we try to put \$880,000,000 in a \$440,000,000 paper sack and that's going to be a challenge for all of us. And I want to tell you where this Commissioner is coming from is I'm going to be very supportive, and I'm not concerned what jurisdiction it's in, whether it's in a city or unincorporated area, I'm going to be very supportive of any public safety issues and public safety requests because we've said this before that the first responsible — responsibility of government is to protect its citizens. Nothing else matters. You know, to have beautiful gardens and beautiful buildings and beautiful roads and things of this nature doesn't make any difference if we're not safe. Okay? It has been my experience when we went through these negotiations before and we had to sharpen pencils, we being all of us in this County, that seem like some of the first things to go are public safety issues, you know, police buildings, police cars, fire engines, fire buildings, and things of this nature, and some of the pretty things still stayed intact because they had more support. Well, this one Commissioner, and you may be surprised when you come down to you've got a fifth vote that's going to call it, this one Commissioner is going to support public safety issues. No matter what jurisdiction it's in. I'll give you an example. The City of Savannah — and I'm not picking on the City of Savannah, but they're the biggest and I used to be part of it — the police buildings that they have in that City are pathetic. They're probably the worst designed buildings in the free world. Seriously. You're talking about a police barracks that doesn't even have hot water in it because it was never designed for that, you know, and my support is going to go with the expansion of that jail. You know, we have all this enhancing better law enforcement. It doesn't make any difference if you have no place to put them. And these people that say, well, we'll just take them to some other jurisdiction, I've got news for you. All these counties' jails are full too, and if they weren't full, we couldn't afford the transportation. I'm going to support the courts, the District Attorney's request, fire and public

safety because I feel very strongly about that, and I don't care what jurisdiction it's in, I will support it. So, if you come back and I notice that you've crossed off the fire trucks or the police building or what have you, why, you've lost my support for whatever that's worth. Thank you. Or the jail. Especially the jail, right, Sheriff?

Chairman Liakakis said, so all the Commissioners know that we're coming together for a meeting and, you know, we're going to go over our particular projects, and what I'd like to do right now is request a motion for setting July 28<sup>th</sup> for a meeting for the Commissioners — I don't know, we won't have time to completely wrap it up at that time because we still have negotiations with the other cities.

County Attorney Hart said, we did not get to the closing of the public hearing portion. I think we were going to do it and then we reserved time for comments, so if y'all want to close the public hearing and then —.

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

#### **ACTION OF THE BOARD:**

Commissioner Shay moved to close the second public hearing on SPLOST projects. Commissioner Holmes seconded the motion and it carried unanimously. [NOTE: Commissioner Stone and Odell were not present when this vote was taken.]

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## **2. SET SPECIAL BOARD MEETING FOR JULY 28<sup>TH</sup> FOR SPLOST WRAP UP.**

Chairman Liakakis said, so —. Commissioner Shay said, this is July 28<sup>th</sup>. At what time? Commissioner Thomas said, what time? County Manager Abolt said, nine o'clock. Chairman Liakakis said, 9:00 a.m.

County Manager Abolt said, Dr. Thomas and gentlemen, with your permission, this would be a special-called meeting of the Board, but the only subject you would be discussing would be SPLOST. Commissioner Gellatly said, 28<sup>th</sup> at what time? County Manager Abolt said, in this room.

Chairman Liakakis said, 9:00 a.m. Do we have a motion on the floor for that. Commissioner Kicklighter said, I make a motion. Chairman Liakakis asked, do we have a second? Commissioner Holmes said, second. Chairman Liakakis said, let's go on the board. The motion carried unanimously. [NOTE: Commissioner Stone and Odell were not present when this vote was taken.] Chairman Liakakis said, the motion passes.

**ACTION OF THE BOARD:**

Commissioner Kicklighter moved to hold a special-called meeting for discussion of SPLOST projects on July 28, 2006, at 9:00 a.m., in the Commission Chambers. Commissioner Holmes seconded the motion and it carried unanimously. [NOTE: Commissioners Stone and Odell were not present when this vote was taken.]

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**3. REQUEST FOR \$2,500 FROM THE VETERANS COUNCIL OF CHATHAM COUNTY FOR THE VETERANS DAY PARADE.**

Chairman Liakakis said, I'm going to ask a motion on the floor to pass that to the next meeting.

Commissioner Farrell said, so moved. Commissioner Kicklighter asked, pass what? Chairman Liakakis said, pass this Item 3, Request \$2,500 for the Veterans Council. You know, every year that put on that — all the things for the veterans in Chatham County and to help out in that area. Unless somebody —.

Commissioner Farrell asked, do you want to table it? Chairman Liakakis said, to table it until the next meeting. Commissioner Kicklighter said, that's what I was asking? Commissioner Farrell said, so moved. Commissioner Shay said, second. Commissioner Shay asked, that would be the next regular meeting. Chairman Liakakis said, at the next regular meeting.

Chairman Liakakis said, let's go on the board. The Clerk asked, who seconded it? Chairman Liakakis said, over here, Patrick [Shay]. Commissioner Shay said, I did. The motion carried unanimously. [NOTE: Commissioners Stone and Odell were not present when this vote was taken.] Chairman Liakakis said, the motion passes.

**ACTION OF THE BOARD:**

Commissioner Farrell moved to table to the next regular meeting on August 11, 2006, the request for \$2,500 from the Veterans Council of Chatham County for the Veterans Day Parade. Commissioner Shay seconded the motion and it carried unanimously. [NOTE: Commissioners Stone and Odell were not present when this vote was taken.]

**VETERANS COUNCIL OF CHATHAM COUNTY**

**POST OFFICE BOX 19561  
SAVANNAH, GEORGIA 31416**

***REPRESENTING ALL VETERANS***

July 17, 2006

This is a request for \$2,500 to the City of Savannah from the Veterans Council of Chatham County for the Veterans Day Parade.

On behalf of the 29 Veteran Service Organizations and 26,000 veterans in Chatham County, I am requesting \$2,500.00 for the purpose of financing the Veterans Day Parade. With the increasing cost of hosting a large parade, we are requiring assistance from the City of Savannah.

The Veterans Council of Chatham County has hosted the Veterans Day Parade since 1954. Please assist us in making our 53<sup>rd</sup> annual parade the best ever by funding our request. We have received this amount in past years.

If there are any questions please call the Chairman, Don Ernst at 224-6195.

Thank you for your support.

/s/ Donald Ernst

Don Ernst  
Chairman, Veterans Council of Chatham County

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**VII. COMMISSIONERS' ITEMS**

None.

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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. TO CONSIDER A REQUEST FROM THE CITY OF SAVANNAH TO ANNEX A PARCEL NOT CONTIGUOUS TO INCORPORATE MUNICIPAL LIMITS BUT LOCATED IN UNINCORPORATED AREA CHATHAM COUNTY. (NOTE: See additional memorandum from the County Attorney offering caution on how to proceed). Item was tabled at meeting of July 7, 2006. NOTE: A letter to the Chairman from the City Manager explaining the City's request is included in the agenda packets.)**

Chairman Liakakis said, I'd like a motion on the floor to take this off the table for the item of the City of Savannah to annex a parcel not contiguous to incorporate municipal limits but located in unincorporated area of Chatham County. I'll explain that in a moment.

Commissioner Kicklighter said, motion we remove the table. Chairman Liakakis asked, do we have a second? Commissioner Gellatly said, second. Chairman Liakakis said, let's go on the board. The motion carried unanimously. Chairman Liakakis said, the motion passes.

Chairman Liakakis said, as you know, you were distributed information that came from the City of Savannah. In that area you had a map and it showed you where the City of Savannah wanted to build another fire station because there's a large area on the Westside that needs that fire protection, and they want to annex that small parcel and a provision was made to me when I met with the City Manager is that the City of Savannah was not doing this to start annexing the surrounding area. That was not their intent. Their intent is to save the City of Savannah money. Instead of building two fire stations, this would be centrally located in that part of the community and that it would help them plus save the citizens taxpayer's money and they would not — they would not ask for annexation for the surrounding area if we approved this. Yes?

Commissioner Kicklighter asked, do you have that in writing from anyone from Savannah? Chairman Liakakis said, no, they just — I had the conversation with the City Manager and some others with the City —. Commissioner Gellatly said, he alludes to it in his letter, the City Manager. Commissioner Kicklighter said, yeah, but I also want to just remind the Chairman and the Commission that no one certain serving government body can bind future councils or Commissions to a certain decision. Legally could the City of Savannah not build a fire station on there without annexing it? Would there be a problem with that? County Attorney Hart said, is that a question? Commissioner Kicklighter said, yes, a legal question. County Attorney Hart said, yes, they could. Commissioner Kicklighter asked, they could without annexing? County Attorney Hart said, they could build — they could build out — they can have a fire station outside their city limits. Commissioner Kicklighter said, okay, well, what I would ask the Commission on this please to consider, if they can build there —, you know, I'm not against annexation if someone requests to

be annexed in. What I just really hate to ever see, and I'm not referring to Savannah but any city around, I hate to see anyone get annexed in or taken in against their will, and if Michael [Brown] gave his word that he wouldn't, I believe Michael [Brown] that he wouldn't, but as we saw when we approved the police merger a while back, you know, I said then that, hey, everything may be good now and you may have a different chief in the future. And sure enough, but then I thought we had a different chief, but Michael [Brown] may not be around forever and none of us will live forever, and, you know, we can't go off of someone's word because he's not necessarily going to be there. And I would just ask is something — they can build it there without being annexed in and those of you that may be new in government, the forms for annexation allow — this would give them the — they would actually butt up to properties, certain properties, and at that point they could annex someone in.

Chairman Liakakis said, Chris [Morrill], do you want to come forward?

County Attorney Hart said, let me make a few comments about that. From a purely legal standpoint, there's no prohibition from a municipality having a facility in unincorporated Chatham County, which would include the fire department. Chairman Liakakis said, city. County Attorney Hart said, yeah, city. From a practical standpoint, you know, most municipalities prefer to have their facilities within their municipality from an operation standpoint. So I think it's understandable why the City of Savannah would prefer that. Commissioner Kicklighter said, absolutely.

Chairman Liakakis said, come forward and identify yourself. Go ahead. Commissioner Gellatly said, Chris —. Chairman Liakakis said, let him identify himself. Mr. Morrill said, Chris Morrill, Assistant City Manager.

Commissioner Gellatly said, Chris [Morrill], I'm prepared to support this, but my problem is, which I will — I guess not aware — if you can have that station in an unincorporated area and it's completely legal, then exactly why do you want it annexed? Mr. Morrill said, the City Attorney really feels strongly that —. Commissioner Gellatly said, yeah, but this attorney said you don't need to, and he's our attorney. County Attorney Hart it's not a — this is strictly a policy issue whether y'all wish to do this or not. The City Attorney's opinion, according to the City Manager, is they think it's a prudent course for the city limits, you know, that they [inaudible] construction —. Commissioner Gellatly asked, but why? Chris? Mr. Morrill said, for construction and operations, you really should have your facility within side your city. Commissioner Gellatly said, but that's not why. Specifically, why does that area have to be annexed for you to be able to work a fire station better? Mr. Morrill said, well, because that fire station will be serving city residents. Commissioner Gellatly said, but it doesn't —. Mr. Morrill said, you need to be in the city to serve those residents. Commissioner Gellatly said, I understand that, Chris [Morrill], and I understand you've got a huge housing complex that's being built a short distance from there and I —, but I want a definitive answer as to why — how that fire station will function better because it's annexed in the City as opposed to it not being annexed. Mr. Morrill said, I think we would have a difficult time building it if it's not within the city. Commissioner Gellatly asked, why? Mr. Morrill said, well, I think that's a legal issue there our City Attorney would have to answer, but he feels very strongly that if we're going to construct a major facility, it should be within city limits. And if you look at the map, it's extremely close to existing city property. It's just that that's the only piece of property that

works for a fire station within that area. But the property owner has requested to come in so it's a 100% annexation. Commissioner Gellatly said, you know, I'm trying awful hard to support you, but something else has been thrown at me. I was under the impression that there was some legal, absolutely drop dead legal thing that you had to be annexed to have a fire station. Well, I'm prepared to go to the wall if that's the case to protect the citizens in the City of Savannah that are in the city limits right now in that area, but I have a problem with — and I have the utmost respect for the City Attorney, but just because it would be nice is not — I would like to have some really solid definitive answers as to why that land has to be annexed, and I would have a difficult time supporting it now knowing that you could go ahead and stick it on that piece of ground and it doesn't have to be annexed. Now on the other hand, if Jimmy [Blackburn] can have a definitive reason as to why that it's in the best interest of everyone involved to have that done, I will support it a hundred percent. You just threw me a new curve ball. Mr. Morrill said, why it may be absolutely legal, I believe your attorney said it may not be practical, and I think that's why our City Attorney — so it may never happen. Commissioner Gellatly asked, but why? Mr. Morrill said, I think for us to construct a \$2,000,000 fire station to serve city residents outside of the city — so they will —. Commissioner Gellatly said, but, Chris, you've got water towers and pump stations and sewage buildings all over the unincorporated area. Mr. Morrill said, they're not staffed facilities with major equipment in them. Commissioner Gellatly asked, none of those facilities are staffed? Mr. Morrill said, no, not full-time staffed. In fact, their equipment that we go out and inspect, but they're not staffed.

Chairman Liakakis recognized Commissioner Kicklighter.

Commissioner Kicklighter said, thank you, Mr. Chairman. Current zoning laws, they keep changing. I mean, annexation laws, they keep changing. First, I'll say I don't even have —, I didn't see a map, I don't even know where this —. Mr. Morrill said, I'd be happy to —. Commissioner Kicklighter said, I don't know if this is on the islands or the Westside. Commissioner Gellatly said, in my district. Chairman Liakakis said, it's on the Westside and it was sent to you —. County Manager Abolt said, it's in your package, sir. Chairman Liakakis said, — in your paperwork. Commissioner Kicklighter said, but I'm just saying that's not even a concern of mine, I was just stating that even if it was on the Islands area. I didn't know where this was being requested, but current zoning for annexation laws, if you have an island, do you — currently you don't have to have — can you annex someone against their will if the property abuts the city limit? Mr. Morrill said, no. County Attorney Hart said, it has to be a hundred percent method, which means that this property owner would have to own a hundred percent and request annexation with the City or a contiguous property to that would have to ask for annexation. Now there's an exception to that, that if you went to the State Legislature and annexed it under local laws, you don't have all those requirements. Commissioner Kicklighter said, right. County Attorney Hart said, that's the way some of this stuff on the Southside was done through State Legislature out there towards Pooler and Port Wentworth. Commissioner Kicklighter said, okay. Current annexation law, has it changed from the time — a while back the former Chairman and myself and someone else went into a City Council meeting. Savannah had a — completely encompassed a unincorporated area —. County Attorney Hart said, it was an enclave. Commissioner Kicklighter said, — and they took it in, took this area in against all of their wishes. Is this a piece — is that law still in effect that if you encompass an area —. County Attorney Hart

said, there's a distinction between those two that you can't have — you can have the unincorporated Chatham County surround a city parcel so as the city parcel is an island — Commissioner Kicklighter said, right. County Attorney Hart said, — but you can't have the reversal of that situation where the city surrounds an unincorporated area. Commissioner Kicklighter said, so if they do, they can still take the unincorporated area again even if it's in — if it's against their wishes. Mr. Morrill said, it would have to have been an unincorporated island before 1991. County Attorney Hart said, that's correct. Mr. Morrill said, you cannot now create unincorporated islands and force annexation. Really, it's only good with a hundred percent method. In fact, all of our annexations in Southwest Chatham have been solely with — after the request of the property owner. Everyone of them has been one hundred percent request by the property owner. Commissioner Kicklighter said, and I know that and I'm not opposed to that whatsoever, but — Mr. Morrill said, there's no way — we could not create an unincorporated island. In fact, the Legislature currently says we won't allow you to create an unincorporated island in your annexation. Commissioner Kicklighter said, okay, this — so you cannot even create it then. So I see why on this map there's a little piece that's starting to hook in over here with this and then if it tied on around Grove Point there, we're missing — close the circle that could encompass these — all of these people — Mr. Morrill said, there would always have to be an opening to the County. We couldn't create an unincorporated island. The Legislature doesn't allow you to do that right now. County Attorney Hart said, you have to have a roadway or something. Mr. Morrill said, yeah, there has to be something there. County Attorney Hart said, some access to it. Commissioner Kicklighter said, so that can never occur again in your legal opinion? County Attorney Hart said, as far as municipalities, yes. Commissioner Kicklighter said, okay, so a municipality cannot encompass this area whatsoever and annex them a [inaudible]. County Attorney Hart said, no, they can go —, if they create an island, they can —, if this thing is allowed by this Commission, which is purely a policy decision, okay? Commissioner Kicklighter said, right. County Attorney Hart said, which is permissible, then if say of an abutting property owner came to the city a year from now, two years from now, and said, hey, I own ten acres and I'm a hundred percent owner and I would like to petition to come into the City, then yes they could be annexed under the hundred percent method. The other method by which that could occur, which the City of Savannah has not historically used, is to go to the State Legislature and say, gee, we would like a special act of the Legislature to annex some area and the requirement of being contiguous is not required under the local act. So, you know, whether — Commissioner Kicklighter said, so the short answer is no. County Attorney Hart said, the short answer is, yes, it could be done. Commissioner Kicklighter said, the short answer it could. If this finished closing and land owners requested, then we could theoretically take all of that area, unincorporated area in Grove Point. County Attorney Hart said, and you'd have to have, you know, the subdivision to the North of that, for example, you'd have to have a hundred percent agreement among the subdivision to do that. Commissioner Kicklighter said, right, each homeowner going down whatever in that area. Mr. Morrill said, I mean what we have now, we have a property owner who owns all the property asking to be part of the City of Savannah. It's very close, you can see on the map it says the existing City of Savannah property. That's really critical for us to build a fire station. Commissioner Kicklighter said, well, why don't built it in one of these huge — Mr. Morrill said, we've looked all around and really to get enough land that is accessible to the right roads — Commissioner Kicklighter said, yeah. Mr. Morrill said, you know, we wanted to keep our Class II fire department. It's critical to us. That — we have been looking for two years and we've tried

other places. That's the only one that works for us right now and that's why we've come to you with this request. Commissioner Kicklighter said, okay. I just want to ask the Commission to please look at the part that says Sweetwater, look at the little arrow pointing to that piece. A few more pieces, you can connect into Valambrosia area, marsh side over on the right, if it connects with Sweetwater, all of King George Boulevard area of Georgetown theoretically could be somehow taken against its will. If they don't have to annex this in, let's just not allow it. We don't need — that's Gellatly's district anyway on that — that portion, but, you know, it's Savannah don't need to annex that little piece, there's no need to even start heading to the direction. You can see this layout here as it was request —, I'm not saying it was a strategy of Savannah — but it's a nice little connection of properties running a nice little circle running all the way out in that area encompassing that major development, and if I were the Mayor of Savannah, I may like this. I wouldn't personally ever take anyone as a leader against their will under my city limits, but it would be a great financial mood.

Mr. Morrill said, there may be a misunderstanding about the unincorporated island law. There is a law that says if there's an unincorporated island surrounded by a municipality or municipalities, it can be annexed against their will, but only if that was created before 1991. They purposely put that in the legislation to prevent exactly what you're talking about, trying to play games like that. Secondly, the current annexation law does not even allow you to create it an unincorporated island. As property owners come in and petition us to be annexed, we have to look and if it creates an unincorporated island, we cannot analyze it. So we — what you describe, cannot happen under the current law. There's two clear statutes that prevent that from happening. This is really about us trying to provide good fire service to our citizens.

Commissioner Kicklighter said, I know, but is it fair to say that the annexation law changes as do our representatives on the State level? Mr. Morrill said, it —. Commissioner Kicklighter said, I mean, I've been in it, you know, quite a few years and they change all the time and, you know —. Mr. Morrill said, usually the changes are — have been more in favor of counties rather than cities in the past. Commissioner Kicklighter said, I represent the other side of Georgetown and I attended a large meeting where, you know, they really at this point are happy where they're at, and one other reason I don't — I think just some of this other annexation struck some fear in them, and looking at the continuous line and the laws that were in place at that time of that meeting, I understand the fear. And, hey, I'm not against y'all whatsoever. Like I said, I'll say this if there's any — because y'all are one of my cities. If it was any of you, it's just I don't want anybody to be taken into consideration. Mr. Morrill said, I'll show you that [inaudible].

Chairman Liakakis recognized Commissioner Gellatly.

Commissioner Gellatly said, a couple of things. You're not planning to break ground next week on that, are you? Or are you? Mr. Morrill said, well, we would like to move quickly. That area, right now we have a temporary station out there. It doesn't serve the full area so we would like to move pretty quickly on this. Commissioner Gellatly said, I've had the opportunity to talk to the Acting Fire Chief and I asked the same question Commissioner Kicklighter asked as to why it couldn't be built in a — on land that's already been annexed, and he gave me some very technical and yet — most of it which I understood — that that is the best location for it, okay, so I'm not

going to debate that. What did throw me a curve this morning, I was under the impression that it was almost beyond critical that it be annexed for really good reasons. I haven't heard any of these really good reasons. What I'd like, if we could do, could we ask the have the City Attorney attend our next meeting? Could we table this until — and let him explain why it needs to be annexed? I'm prepared to support it, I just want to know why it needs to be annexed, and I too am suspicious, looking at the map, you know, maybe not of this present City Council, but we don't know what's coming down the road, and I don't want these people, like people living in Georgetown that really don't want to be annexed into the City to be forced into it. And on the other hand, we have to weigh this out as a public safety issue that this is the best location to locate a fire station. If the City Attorney could tell us why it's important to be annexed in clear, precise language, why that might turn a lot of us around. But we're going to have to hear that.

Chairman Liakakis asked, would you make a motion then to table it until the City Attorney will attend the next meeting —. County Manager Abolt said, next regularly scheduled meeting. Chairman Liakakis said, next regularly scheduled meeting.

Commissioner Gellatly said, my motion is that I'm requesting the City Attorney attend our next regularly scheduled Commission meeting and exploiting the necessity of — the necessity of that piece of land being annexed into the City of Savannah. Chairman Liakakis asked, do we have a second? Commissioner Kicklighter said, second.

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

Chairman Liakakis said, okay, thank you, Chris [Morrill]. Appreciate it.

#### **ACTION OF THE BOARD:**

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

Commissioner Gellatly moved to table to the next regularly scheduled meeting on August 11, 2006, for the City Manager to attend to explain the need for the request from the City of Savannah to annex a parcel not contiguous to incorporate municipal limits but located in the unincorporated area of Chatham County. [NOTE: Commissioners Stone and Odell were not present when this vote was taken.]

**Related to AGENDA ITEM: VIII-1**  
**AGENDA DATE: July 21, 2006**

**CITY OF SAVANNAH - Office of the City Manager**

P. O. Box 1027 • Savannah, Georgia 31402  
912-652-6415 • FAX 912-238-0872  
TDD - 912-651-6702

July 17, 2006

Pete Liakakis, Chairman  
Chatham County Board of Commissioners  
Chatham County Courthouse  
Savannah, GA 31401

Request of City of Savannah for County Agreement  
To Annex 6.17 acre site on Chevis Road for City Fire Station

Dear Mr. Chairman:

The Chatham County Commission has received a request from the City of Savannah in order to allow the City to annex a 6.17 acre site located on Chevis Road. This item was on the July 6 Commission agenda, but was deferred for additional information. Because the site is not contiguous with the City, County concurrence is needed for the annexation – which is important for public safety and fire/emergency services.

This site is currently owned by Avery Kelly who has petitioned the City for annexation. The City has a purchase agreement with Mr. Kelly for the parcel on which the City intends to build a fire station. The City Attorney believes the most prudent course for the City is to limit the construction and staffing of City fire stations to territory within the City's corporate limits.

The City has sought a fire station site in this vicinity because a station in this area will allow the City to serve all areas annexed in prior years with a single fire station. From the attached map you will note the central location that the site has with regard to Bradley Pointe subdivision, Sweetwater Station subdivision, Rice Mill, Fawcett tract, Canebrake area, and Valambrosia, all areas within the City. If we are unable to secure this site, response times and fire service will be hampered.

You should note that annexation of this parcel will not expose significant new territory to City annexation since most parcels contiguous to this parcel are either owned by the County or are already contiguous to the City. It should also be noted that no territory can be annexed by the City under the 100% method unless all the property owners desire the annexation.

It is respectfully requested that the County Commission take a favorable action on the City's request. If you have questions or need additional information, do not hesitate to contact me.

Sincerely,

/s/ Michael

Michael B. Brown  
City Manager

c: Russ Abolt  
David Gellatly, Commissioner, District 6

**AGENDA ITEM:** ~~IX-7~~  
**AGENDA DATE:** ~~July 7, 2006~~  
**AGENDA ITEM:** VIII-1  
**AGENDA DATE:** July 21, 2006

**DATE:** June 30, 2006

**TO:** R. E. Abolt, County Manager

**FROM:** Jonathan Hart, County Attorney

**SUBJECT:** City of Savannah's Request to Annex 6.17 Acres of Land on Chevis Road for Construction of New Fire Station.

We have reviewed the City of Savannah's request to annex 6.17 acres off of Chevis Road in unincorporated Chatham County for the City's fire station. My understanding is that the City would like to annex this 6.17 acres into the City which will result in an municipal island surrounded by the remainder of unincorporated Chatham County.

At the present time, we have received no information which indicates that the City fire station must be located within its municipal limits. As you are aware, a citizen may request under the 100% method of annexation to be annexed into the City. O.C.G.A. § 36-36-20. However, O.C.G.A. § 36-36-21 requires that the area to be annexed must be contiguous to the City limit. The current property does not meet the definition of contiguous under O.C.G.A. § 36-36-21(a). However, O.C.G.A. § 36-36-20(b) provides notwithstanding the limitation of subsection (a), an area may be annexed by agreement between the municipal corporation and the governing body of the County in which the proposed territory to be annexed is to be located.

This is a policy decision for the Board of Commissioners to make. Should the governing authority consent, this 6.17 acres would become part of the City of

Savannah. The City at some point in the future could use the 100% method to annex the land surrounding this "island" since all the property would be contiguous.

I have prepared the enclosed staff report for Board consideration and would request this memo be attached to the agenda item to provide further background.

RJH/jr

enclosure

**AGENDA:**

**DATE:** ~~July 7, 2006~~

**TO:** Board of Commissioners

**THRU:** R. E. Abolt, County Manager

**FROM:** Jonathan Hart, County Attorney

**ISSUE:**

To consider a request from the City of Savannah to annex a parcel not contiguous to incorporated municipal limits but located in unincorporated area Chatham County.

**BACKGROUND:**

The City of Savannah has requested that the Board approve a request to allow the City to annex a 6.17-acre parcel on Chevis Road for the construction of a new fire station. Under Georgia law, since the property remains surrounded in the unincorporated area and not contiguous to any property within the City of Savannah, the parcel can only be annexed by approval of the Board.

**FACTS & FINDINGS:**

1. The City of Savannah needs to construct a fire station to serve nearby areas which the City annexed and has selected a 6.17-acre site on Chevis Road. The City has entered a contract to acquire the property pending the Board of Commissioners' action.
2. The City of Savannah has previously evaluated other sites in this area, including those within areas already annexed. None proved suitable. This parcel, which is vacant and undeveloped, remains centrally located to other newly annexed areas.
3. It is a policy decision to be made by the Board of Commissioners concerning the allowance of annexation so as to create a 6.17 acre municipal island within Chatham County.

**FUNDING:**

Not applicable.

**ALTERNATIVES:**

**POLICY ANALYSIS:**

O.C.G.A. § 36-36-20(b) requires that a city can annex property not contiguous to its existing boundaries and located within an unincorporated area only with approval of a county commission.

**RECOMMENDATION:**

For Board consideration.

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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: REQUEST BOARD APPROVAL OF THE FOLLOWING: (1) AN AMENDMENT TO THE GENERAL FUND M&O FY2007 BUDGET TO RECOGNIZE ADDITIONAL \$4,900,164 TAX REVENUE AND APPROPRIATE \$4,900,164 TO CONTINGENCY, (2) AN AMENDMENT TO THE SPECIAL SERVICE DISTRICT (SSD) FY2007 BUDGET TO RECOGNIZE ADDITIONAL \$476,304 TAX REVENUES AND APPROPRIATE \$476,304 TO CONTINGENCY, AND (3) A TRANSFER WITHIN THE CONFISCATED FUNDS SPECIAL REVENUE FUND OF \$51,200 FROM THE POLICE DEPARTMENT CONTINGENCY FOR PURCHASE AND INSTALLATION OF EQUIPMENT.**

Chairman Liakakis asked, do we have a motion on the floor? Commissioner Thomas said, move for approval, Mr. Chairman. Chairman Liakakis asked, do we have a second? Commissioner Gellatly said, second. Chairman Liakakis said, let’s go on the board. Chairman Liakakis and Commissioners Holmes, Shay, Farrell, Gellatly and Thomas voted in favor of the motion. Commissioner Kicklighter voted in opposition. The motion carried by a vote of six to one. [NOTE:

Commissioners Stone and Odell were not present when this vote was taken.] Chairman Liakakis said, the motion passes.

**ACTION OF THE BOARD:**

Commissioner Thomas moved that the Board approve the following: (1) an amendment to the General Fund M&O FY2007 budget to recognize additional \$4,900,164 tax revenue and appropriate \$4,900,164 to contingency, (2) an amendment to the Special Service District (SSD) FY2007 budget to recognize additional \$476,304 tax revenues and appropriate \$476,304 to contingency, and (3) a transfer within the Confiscated Funds Special Revenue Fund of \$51,200 from the Police Department Contingency for purchase and installation of equipment. Commissioner Gellatly seconded the motion. Chairman Liakakis and Commissioners Holmes, Shay, Farrell, Gellatly and Thomas voted in favor of the motion. Commissioner Kicklighter voted in opposition. The motion carried by a vote of six to one. [NOTE: Commissioners Stone and Odell were not present when this vote was taken.]

**AGENDA ITEM: IX-1**  
**AGENDA DATE: July 21, 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) an amendment to the General Fund M&O FY2007 budget to recognize additional \$4,900,164 tax revenue and appropriate \$4,900,164 to contingency, (2) an amendment to the Special Service District (SSD) FY2007 budget to recognize additional \$476,304 tax revenues and appropriate \$476,304 to contingency, and (3) a transfer within the Confiscated Funds Special Revenue Fund of \$26,190 from the Police Department Contingency for purchase of equipment.

**BACKGROUND:**

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

**FACTS AND FINDINGS:**

- 1) The adopted FY2007 General Fund M&O budget totaled \$123,817,186. The millage rate adopted by the Board of Commissioners at the July 7, 2006 meeting will result in total revenues of \$128,717,350. A resolution to amend the budget and place the \$4,900,164 difference in Contingency is attached.
- 2) The adopted FY2007 Special Service District budget totaled \$22,950,626. The millage rate adopted by the Board of Commissioners at the July 7, 2006 meeting

will result in total revenues of \$23,426,304. A resolution to amend the budget and place the \$476,304 difference in Contingency is attached.

- 3) The Chief of Police has requested an appropriation of Confiscated funds for purchase of body storage coolers. The amount requested is \$26,190. These funds will be combined with \$20,000 appropriated in the Capital Improvement Program (CIP). A staff report is attached.

**FUNDING:**

The budget resolution will set up funding in the General M&O and Special Service District (SSD) Funds. Funds are available within the Confiscated Funds Police contingency for the transfer.

**ALTERNATIVES:**

- (1) That the Board approve the following:

**GENERAL FUND M&O**

an amendment to recognize additional \$4,900,164 tax revenue and appropriate \$4,900,164 to contingency.

**SPECIAL SERVICE DISTRICT FUND**

an amendment to recognize additional \$476,304 tax revenues and appropriate \$476,304 to contingency.

**CONFISCATED FUNDS SPECIAL REVENUE FUND**

a transfer of \$26,190 from the Police Department Contingency for purchase of equipment.

- 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. ADOPTION OF YEAR 2006 MILLAGE LEVY RESOLUTION FOR THE BOARD OF PUBLIC EDUCATION FOR THE CITY OF SAVANNAH AND THE COUNTY OF CHATHAM PURSUANT TO ADVERTISEMENT HAVING BEEN PUBLISHED IN ACCORDANCE WITH O.C.G.A. 48-5-32.1.**

**IN ADDITION, FORM PT-35 COUNTY MILLAGE RATE CERTIFICATION AND FORM PT 32.1 COMPUTATION OF MILLAGE RATE ROLLBACK AND PERCENTAGE INCREASE IN PROPERTY TAXES FOR TAX YEAR 2006 MUST BE CERTIFIED AND SUBMITTED TO THE GEORGIA DEPARTMENT OF REVENUE FOR DIGEST APPROVAL FOR THE TAX YEAR 2006.**

Chairman Liakakis said, now, we don't have anything to do with that except because of us being the highest entity that we're required by State law to approve their millage levy resolution, which actually is a reduction to the citizens.

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

Chairman Liakakis said, in addition, Form PT-35 County Millage Rate Certification and Form PT32.1 Computation of Millage Rate Rollback and Percentage Increase in Property Taxes for tax Year 2006 must be certified and submitted to the Georgia Department of Revenue for digest approval for the tax year 2006.

Commissioner Kicklighter asked, that was a part of Number Two, wasn't it? County Manager Abolt said, yes. Chairman Liakakis said, I just read that.

**ACTION OF THE BOARD:**

Commissioner Kicklighter moved to approve the adoption of Year 2006 millage levy resolution for the Board of Public Education for the City of Savannah and the County of Chatham pursuant to advertisement having been published in accordance with O.C.G.A. 48-5-32.1. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioners Stone and Odell were not present when this vote was taken.]

**AGENDA ITEM: IX-2**

**AGENDA DATE: July 21, 2006**

**TO:** Board of Commissioners

**THRU:** R. E. Abolt, County Manager

**FROM:** Linda Cramer, Finance Director

**ISSUE:**

Adoption of year 2006 millage levy resolution for the Board of Public Education for the City of Savannah and the County of Chatham pursuant to advertisement having been published in accordance with O.C.G.A. 48-5-32.1.

In addition, Form PT-35 County Millage Rate Certification and Form PT 32.1 Computation of Millage Rate Rollback and Percentage Increase in Property Taxes for Tax Year 2006 must be certified and submitted to the Georgia Department of Revenue for digest approval for the tax year 2006.

**BACKGROUND:**

A tax levy resolution must be submitted to the State of Georgia Department of Revenue, and is scheduled for delivery by the Tax Assessor's Office during the week of July 24, 2006.

**FACTS AND FINDINGS:**

- (1) At its July 5, 2006 meeting, the Board of Public Education for the City of Savannah and the County of Chatham adopted a resolution for the millage levy for tax year 2006.
- (2) The recommended millage rates for tax year 2006 are as follows:
  - (a) General Fund, 14.511 mills. This is a reduction of 1.235 mills from the current rate of 15.746 mills. This is equal to the calculated rollback millage rate of 14.511 mills.
  - (b) G.O. Bond Debt, 1.306 mills. This is a reduction of 0.225 mills from the current millage rate of 1.531 mills. This is 0.071 mills less than the calculated rollback millage rate of 1.377 mills.
- (3) The aggregate millage rate is 15.817 mills. This is a reduction of 1.46 mills from the 2005 aggregate millage rate.
- (4) The 5-year history of levy for Chatham County was advertised on June 16, 2006, as required by State Law and incorporated the recommended rates.

**FUNDING:**

N/A

**ALTERNATIVES:**

- (1) Adopt the year 2006 levy resolution for the Board of Public Education for the City of Savannah and the County of Chatham pursuant to advertisement having been published and the Millage Rates as follows:
  - (a) General Fund, 14.511 mills.
  - (b) G. O. Bond Debt, 1.306 mills.
  - (c) An aggregate millage rate of 15.817 mills.

(d) Authorize the Chairman to sign the Georgia Department of Revenue Form PT 35.

(2) Modify the tax levy resolution.

**POLICY ANALYSIS:**

State law requires that the Board adopt a tax levy resolution annually for submission of the digest to the State of Georgia, Department of Revenue (Ga. Code 48-5-302). Georgia law 48-5-32 and 48-5-32.1 further specifies method of publication of ad valorem tax rate.

**RECOMMENDATION:**

For Board consideration.

STATE OF GEORGIA	)	
	)	CHATHAM COUNTY BOARD OF COMMISSIONERS
COUNTY OF CHATHAM	)	IN RE: TAX LEVY YEAR 2006

IT IS ORDERED that the tax of Fifteen Dollars and Eighty One and Seven Tenth cents per One Thousand Dollars (\$1,000) (rate of 15.817 mills) be levied and assessed on all taxable property in Chatham County, Georgia, in the year 2006 to pay for the support and maintenance of Public Education in Chatham County.

IT IS FURTHER ORDERED that the Chairman be authorized to execute the documentation for submission of the 2006 Tax Digest to the State of Georgia Department of Revenue in accordance with this resolution.

IT IS FURTHER ORDERED that the said taxes be collected by the Tax Commissioner of the County or his successor in office.

APPROVED THIS 21ST DAY OF JULY 2006, IN OPEN COURT.

\_\_\_\_\_  
Pete Liakakis, Chairman  
Chatham County Commission

ATTEST:

\_\_\_\_\_  
Sybil Tillman, County Clerk

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### **3. PRESENTATION ON JAIL POPULATION (DISTRICT ATTORNEY SPENCER LAWTON AND SHERIFF AL ST. LAWRENCE).**

Chairman Liakakis said, District Attorney Spencer Lawton and Sheriff Al St. Lawrence, come to the podium please. Chairman Liakakis said, good morning. Identify yourself please.

Sheriff Al St. Lawrence said, Al St. Lawrence, Sheriff of Chatham County. We're glad to be here and glad to be anywhere. Fourteen pounds in 14 days. I don't recommend the method, but it works. We have a Jail Population Committee, as most of you know, chaired by the District Attorney. The County Manager attends. We were talking about jail population and reflected back on some of the things that Commissioner Gellatly wanted, which is Dan Massey to speak to that. He'll do exactly what you said, he'll do exactly what we want to track these inmates and so forth. I can tell you that our inmate population this morning was 1,665. I can tell you that one day last week while I was out doing some work at home they told me it was 1,708. I can tell you that at the next Commission meeting, hopefully, with the Manager and Mr. Kaigler, we will have that presentation before you for the 300 temporary beds. Shipping them out is not an option. Nobody's got room. If they've got 10 beds or whatever, we're talking about 500 over and even if we had the temporary beds, we'd be 200 and something over, but it will ease some of the pressure where we can get some permanent facility and things like that, and that's what we're trying to do and keep the cost down in doing so. So —, Mr. Lawton?

District Attorney Spender Lawton said, just as the Sheriff said, I have the honor to serve as Chairman of our Jail Population Control Committee, which meets from time to time as the need seems to demand. We met on the 20<sup>th</sup> of June. The committee, just for your information, consists of everybody who's got anything at all to do with the prosecution, basically the management of the case file system in the courthouse from the time of arrest forward, to include each of the judges, jurisdictions — myself, the Sheriff, and representatives from the Department of Pardons and Paroles and the Department of Corrections, Probation Department, among others. So we have convened in these meetings everybody who's got any role to play in the management of the criminal justice system, all with a view to doing whatever we can to expedite that management in such a way as to alleviate the population of our jail. Just by way of background, let me say that the salvation of the overcrowding problem is never going to be found in efficient case file management. If you think about it, you will, I think, realize that the criminal justice system was established from the outset by our founding fathers so as to be inefficient, so as to provide as many intersections as possible at which an accused citizen of the United States can escape the ball of justice, as it were. So you've got all of these built-in intersections where there's going to be a bottleneck because the guy, the accused, has all of the presumptions in his favor until the time that he's convicted. So you want to — the system wants to slow things down and give the guy lots of opportunities to improve his position in the criminal justice system. That's why it's — so it's inherently inefficient for very, very good reasons. Now, I think it's safe to say that over the past two decades the system here has improved to the point where we're operating at about three times the efficiency we were where I came into office. Now, granted that was just following the last Ice Age, so we've had time to improve it, but it has been improved. And the other thing I want to point it is when we gather together as a committee to consider the jail population problems, we have in that room everybody who's — not only everybody's who's got a role to play in this system,

but everybody in the room also have an incentive to try to make it work better. There's nobody in that room who has a role to play in the system who doesn't also have a self-interest, as it were, in making the whole thing work better and more efficient. It will never get so efficient as to solve the problem. Chief Judge Perry Brannen is fond of saying, and I think he's correct, that while we all say that justice delayed is justice denied, it is also true that justice accelerated can be justice denied. You have to give the accused an opportunity to know what the charge is, to prepare a defense, to file whatever motions he thinks he might file that will improve his position. The terrain has to be defined on which this civilized combat is going to be carried out, but you do have in the room people who have an incentive, who have a reason, who have a desire to make the system work better. We're all in there to try to solve problems. Frankly, I'll be perfectly honest with you, we don't come up with much. We're all straining as hard as we can against the imperatives of the system, the way the law describes it. So it's pretty hard frankly to think of when you've improved the system to where it's — just hypothetically speaking — to where it's 98% efficient, the next 1% of improvement is going to be very, very hard to come by, as should be obvious, I'm sure. So, there you have it. I just wanted you to know basically what we're up to and the environment in which we try to operate. At the last meeting we had something that I consider to be a bit of a breakthrough. Dan Massey was there and he is the idea man. He has — well, I'll just ask him to tell you what it is that he's done, but I think the initiative that he's undertaken does hold some potential for some improvement among us all who have a role in this. So with that I'll just ask Dan [Massey] to explain what his deal is.

Mr. Dan Massey said, Clerk of the Superior Court. Several months ago we undertook a challenge that faced the criminal justice system of this County. It became readily apparent to me that what we had developed over the years was an information system that was designed by the department, and as a result of that we ended up with information silos scattered throughout this County, and those silos would represent the various departments, whether it be the Sheriff's Department and the jail operations in the Sheriff's Department, or the District Attorney's Office, or my office or the other various courts. While the District Attorney talked about the inefficiencies in the system, what we are proposing in the future is to try to eliminate some of those inefficiencies and take the system to approach the information shared throughout the criminal justice system. And that is what I am proposing. Further down on your agenda today is an ordinance that I'm proposing. I'm not going to speak to that today because it's not right to speak to that first reading. But we'll come back to that at the next regularly scheduled meeting and speak specific to the ordinance, but what we have and what — what we have buy in from all the different departments now is a vision to go forward with that systems approach, a vision to where when the Sheriff has a problem with jail overcrowding, we can identify the time line from the time of arrest all the way through to the time of appeal. How did this person play out in the averages of that? Was it faster, was it slower? How can we improve that time line? The Criminal justice ordinance, which you will be addressing later, is not addressing just criminal justice issues though because we can't again look at a microcosm of the criminal justice system and say that's all we're going to deal with. This system has to look at child support cases, it has to look at the civil demands that are placed on the courts, it has to look at the domestic demands, the various drug courts, DUI courts, things of that sort. It has to encompass all or any portion of it to gain that efficiency that we're looking for, and that's the goal of this new group that we're headed for.

Chairman Liakakis said, okay. Chairman Liakakis recognized Commissioner Gellatly.

Commissioner Gellatly said, Dan [Massey], I'm real happy to hear you and what you're speaking to, and I'm sure in that system, why they're be a set of standards for everybody also, or some kind of measurable standards, and I never thought of — I agree with what Spencer [Lawton] said, there certainly are a lot of intersections out there. A well thought out system could identify those intersections and maybe we can make those lights quicker and, at the very worst case scenario, at least when we get through if we have a system, we can totally justify an expansion of a jail facility as to whatever size that we're going to need. And, Spencer [Lawton], I used to sit on that jail overcrowding and I remember there's a lot of this and I was probably the worst violator, you know, and certainly had no reason to improve what I was doing to junk up the system, but I think that if we have it computerized and can see what's going on that everyone in the system are reasonable people and they'll try to do what's possible to make it more efficient and then at the other end the Sheriff, who has absolutely no control over anyone who is brought in his system, he has to take them in that jail. I think what you're talking about is exactly what I was hoping for, that we could do that and if we have set standards in that system, why, that's going to make a huge difference. If nothing else, we can justify the cost of the Sheriff's end.

Mr. Massey said, through the generosity and the foresight of this mission last year you funded a study and part of what we are doing is the result of that study. This is not just one of those studies that's collected dust. It's being worked on. This is a huge challenge though. Judge Brannen told me a week or so ago that what we are embarking on now is the most innovative thing that has happened in the court system since the introduction of peers, and I believe that. But the first year, what we're going to be looking at is an issue that has been overlooked or ignored for many years, and that's the governments having to do with the criminal justice system, complete system, throughout this County. And so what we'll be doing in that first year is setting those standards. What is a good standard? I don't anticipate that any of this that we are going to be doing in the first year is going to cost one dime. I truly don't because we'll be looking at other jurisdictions and trying to determine what those standards are, what is the best way to move forward, what is the best way to set those goals and those issues. That's got to be done before we can make any improvements.

Chairman Liakakis said, all right. Thank you. Chairman Liakakis recognized Commissioner Kicklighter.

Commissioner Kicklighter said, Mr. Chairman, I commend you, Dan [Massey], on this. This is exactly what I think we were asking for. I was wondering if with this it's going to possibly have room for expansion in the future where it would actually track, like, everywhere — which I guess it would track the charge and all that right off the bat. But whether or not it was a plea, you know, someone if it was pleaded out or whatever, and what the sentence was —, is it going to track everything? Mr. Massey said, it will track everything. Commissioner Kicklighter said, so in other words you will be able to actually pull statistics from this and see, which you do a fine job, the track records of, say, his Assistant District Attorney, he can be able to pull right off of there and see whether or not he has a successful Assistant DA or he has one that likes to plea out everything. Will those type stats be able to be in there and you can also pull up judges wouldn't

necessarily like this, but it will pull up within a click of a button whether or not crime — the specific crimes that are out there, judges' general sentences on convictions, all that stuff. Can it ever be expanded to that? Mr. Massey said, there will be certain information that is confidential to that department. Commissioner Kicklighter said, right. Mr. Massey said, the DA's office would have information that would not be accessible by my office and certainly there would be things in there, like adoption records in my office that would not be accessible to anyone. Commissioner Gellatly said, yeah, but numbers would be available? Mr. Massey said, numbers would be available. You end up with some public perceptions though that are not entirely accurate. Only 2% of the cases are ever tried. That is not necessarily a bad thing though. If we had to have a courthouse large enough to try 98% of them and the judges to do that, no community in this country could afford something like that. Commissioner Kicklighter said, and I agree. I'm — primarily the — like murders, like violent crime. Mr. Massey said, sure. Commissioner Kicklighter said, violent crime. That would be the one I think that would be a nice thing to see what occurs there. Mr. Massey said intent to have a system that provides a tremendous amount of fiscal information. It is also our desire to have a system where you can trace that case from inception. When it is over, the police officer on the street, if they have computers in their car, would know that that case was resolved 15 minutes ago. We're looking for a system that does the work of people that we're currently doing, like typing sentencing orders or things of that sort. Why do we need to be doing that manually if we've got a system with all the information in it to accomplish that task? Commissioner Kicklighter said, I think what you're onto right now, if taken one more level, nationwide — and I'm not talking Savannah, Chatham area — I'm talking nationwide, the police officers are very much frustrated at our — the way we tend to their arrests by day and for whatever reason they're out by night, the criminal — and Gellatly and myself have talked about this quite a bit — the reoccurring criminals, I mean, you know, and this taking to the level and, you know, hey, if I was a judge I wouldn't want to be tracked either, but if taken one more level up, it could really, I think, you know — and I know you already have this in here, I'm sure — the criminal's previous crimes and everything, but if we can have all that info right up front, and I think a little bit more and you might be able to make a national dent on the arrests that are back out by night, and — because it would be a way to track their records.

Mr. Massey said, the more information that we can accumulate, the more municipal information, the better off we are, How we use that statistical information is very important because it can be used for destructive as well as constructive purposes, and so we've always got to be mindful of that.

Chairman Liakakis recognized Commissioner Shay.

Commissioner Shay said, I think I'd like to begin commending the three of you for the work that you've done. This is not my area of expertise, but I'm learning more from you and I appreciate the fact that you're able to educate me. The three of you between now and September 19<sup>th</sup> are absolutely fundamental to our ability to communicate to the public why there's a crying need for us to spend \$100,000,000 on jail facilities and \$30,000,000 on court facilities, because you guys are the ones that are managing that system, and all three of you are elected countywide, you know how to communicate, you know how to campaign, and a lot of the referendum that have been in the past, we haven't asked our fellow constitutional officers to help that much. You know,

we just let us Commissioners sort of hang it out there and take the heat and go to the neighborhood association meetings, and I'm not suggesting that you've got to go to everyone of my neighborhood association meetings, but the three of you in my view will be absolutely fundamental part of the story that we need to communicate to the community in the sale — and I know we're not allowed to actually be part of the campaign — but, I mean, people are going to be asking questions and whatever we could do, whether it's a, you know, how many programs have we committed Pete Nichols too lately, but I mean something so that people will be able to understand what you're telling us right now. It's not just, hey, the jail's full, but, hey, the jail's full, and we're working and we're already doing 98% efficiency and whatever the word is that you guys want to use that we can sort of get to the point where people are not going to be able to say, yeah, but that's this, you know, because I'm hearing a lot of it out there, people just saying, well, they're just building more jail space because [inaudible] won't work for them and all like that, you know, and I certainly didn't run for County Commissioners and spent four years up here being nothing but, you know, an advocate for a bigger jail. But you guys are the ones that are effected by it day in and day out, and I know, Sheriff, you care passionately about it. We've got to make sure that we've got a system so that you can help educate the public why this is such a crying need.

Mr. Massey said, certainly none of us runs for public office without a deep commitment and passion for our community, for our County, and certainly we would do anything within — I hate to speak for you, Sheriff —, but certainly anything within our power to help this Commission and help this community meet those challenges of the future.

Chairman Liakakis said, and thank you very much. I appreciate y'all presentation.

Commissioner Kicklighter said, Mr. Chairman, let me just one thing to them. Chairman Liakakis said, go ahead.

Sheriff St. Lawrence said, to answer Commissioner Shay, I just —. Chairman Liakakis said, come up to the microphone, Al [St. Lawrence]. [Inaudible] Dan Crowder to speak to the Rotary Club on jail overcrowding. They wanted to know more about it. Most people don't understand what's really going on, and I can tell them I've got all these numbers, but the system that Dan's involved with and we're going to be involved with, we'll do exactly what the Commissioners ask for us to do. I want the District Attorney to get a printout once a month to show how long this person's been in jail, if he's been indicted, not been indicted, I want the State Patrol and Probations involved. They're going to put a hold on them on somebody I want them on the record. That's why you know you can't get out of jail, Bibb County wants them. We need that information all packaged into one, not everybody going off doing their own then.

Commissioner Kicklighter said, I just want to say in defense of the DA's, the judges, everyone in your positions, when you guys actually do what we sit up here, and I'm talking nationwide, we ask you to do and put these people behind bars where they belong, then you get the question of, hey, your place is overcrowded. Why, you know, it's costing us some money. To even to start with this conversation, I think we just used the wrong word. I don't care if it's quicker to get a guy in and out of jail, and neither do you guys. I think the word is appropriate. We want them to serve whatever is an appropriate time for whatever that fits their crime, and, you know, I want you to

know that I'm in your — I think y'all are doing an excellent job. I appreciate the fact that that jail is overflowing because that means that's one less chance I'm going to get robbed going to my car. Keep them in and we need to build them bigger. And together —, hey, I'm with you. Let's build that jail as big as needed and let's get even tougher on them. If they don't deserve to be on the street, let's keep him behind the bars. And that's what it's going to take this public to come out with outcries with crime, put the money where your mouth is. They've got to get out and they've got to support you guys because the only way to get them off the streets is to put them behind bars and we're running out of room behind those bars, so we have to build them bigger. And I thank y'all.

Sheriff St. Lawrence said, the public needs to understand that with overcrowding comes other problems, as have been talked about here before. We can't continue without making plans to solve the problem if we get slapped with a lawsuit or whatever. We cannot justify our position unless we've got some firm plans in place to expand the facility. And that's what we're trying to hammer home. Nobody wants to spend \$110,000,000 on a jail. I don't want to spend it either, but the problem is we don't have the room. As Commissioner Gellatly said, they hire more officers, City hires more officers, Garden City, everybody else. They bring more people to jail. But they're getting the thugs off the streets, but we're overcrowded.

Chairman Liakakis said, okay, thank you.

Commissioner Gellatly said, and we've got a 16% reduction in crime in the last six months and the reason for it is that your jail's overcrowded, and we should not apologize for that.

**ACTION OF THE BOARD:**

Report received as information.

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**4. REQUEST THAT BOARD DENY REQUEST FOR TAX REFUND OF HEALTHSOUTH CORPORATION FOR TAX YEAR 2003 IN THE AMOUNT OF \$17,523 ON PERSONAL PROPERTY.**

Chairman Liakakis said, will somebody make a motion for that?

Commissioner Shay said, so moved, Mr. Chairman. Commissioner Farrell said, second. Chairman Liakakis said, all right, let's go on the board. It's been moved and seconded. The motion carried unanimously. [NOTE: Commissioners Stone and Odell were not present when this vote was taken.]

**ACTION OF THE BOARD:**

Commissioner Shay moved to deny the request for a tax refund by HealthSouth Corporation for tax year 2003 in the amount of \$17,523 on personal property. Commissioner Farrell seconded the motion and it carried unanimously.

**AGENDA ITEM: X-4****AGENDA DATE: July 21, 2006****TO:** Board of Commissioners**THRU:** R. E. Abolt, County Manager**FROM:** R. Jonathan Hart, County Attorney  
Ab Quillian, Attorney for Board of Assessors**ISSUE:**

To request that the Board deny request for tax refund of HealthSouth Corporation for tax year 2003 in the amount of \$17,523 on personal property.

**BACKGROUND:**

HealthSouth Corporation ("HealthSouth") owns HealthSouth Diagnostic Center of Savannah. During 2003, HealthSouth's former officers were investigated by the Securities and Exchange Commission and were found guilty of accounting fraud. Part of the fraud consisted of an overstatement of HealthSouth's property and equipment by listing fictitious assets on property tax reports.

In 2004, HealthSouth wrote a letter to the County requesting a refund in the amount of \$14,653 for tax year 2003. The County did not act on the request. The effect of the inaction was a denial. HealthSouth recently realized that there was an additional overpayment of \$17,523 that it failed to request from the County in 2004. The total amount that it contends was overpaid for tax year 2003 is \$32,176.

HealthSouth filed a lawsuit against the County and numerous other Georgia counties contending that its 2004 refund request and request for refunds for other tax years should have been granted. Ab Quillian is handling the suit for the County. If the current request is denied, the amount requested will be added into the amount that is already subject to the lawsuit.

**FACTS AND FINDINGS:**

1. HealthSouth is requesting a refund of taxes for tax year 2003 in the amount of \$17,523. In 2004, it had requested a refund of \$14,653 for the same tax year. Its 2004 refund request is already the subject of a pending suit.
2. HealthSouth contends that its property tax reports overstated listed fictitious assets as a result of fraud on the part of former officers of HealthSouth to the

- SEC and HealthSouth's shareholders in overstating the assets and value of the company.
3. HealthSouth has sued numerous counties in Georgia seeking a refund of taxes paid based on the listing of fictitious assets by former officers.
  4. O.C.G.A. § 48-5-380 (a) authorizes a refund to taxpayers of taxes which are determined to have been erroneously or illegally assessed or which have been voluntarily or involuntarily overpaid. A refund may be requested three years after the date of the payment of the tax to the County. O.C.G.A. § 48-5-380 (b). A claim for refund of taxes that is not based on any inaccuracy in the factual record or in any illegality in the procedure used to reach the assessment, but on a disagreement with the amount thereof is not authorized. Gwinnett County v. Gwinnett I Ltd. Partnership, 265 Ga. 645, 647 (1995). The refund statute may be utilized when it is claimed that a taxing authority assessed and collected taxes in violation of federal or state law. National Health Network, Inc. v. Fulton County, 270 Ga. 724 (1999).
  5. National Health Network, Inc. v. Fulton County, 270 Ga. 724 (1999) provides criteria for granting a refund:
    - (1) a taxing authority assessed and collected taxes in violation of federal or state law;
    - (2) a taxpayer asserts that the property assessed was exempt from taxation;
    - (3) a county or city applied the wrong millage rate to the assessed value;
    - (4) a taxpayer made duplicate payments or paid taxes to the wrong taxing authority;
    - (5) a county or city collected property taxes for land that was located in another county or owned by a different person; or
    - (6) the county committed a clerical error, such as listing the wrong assessed value.

**FUNDING:**

Delinquent collections to be paid by Tax Commissioner.

**POLICY ANALYSIS:**

The SEC's complaint against HealthSouth states that the fraud occurred from at least 1999 through the second quarter of 2002. Tax year 2003 is outside the time

of the alleged fraud. additionally, the assessment of property was based on returns provided by HealthSouth.

**ALTERNATIVES:**

1. Deny request for tax refund of HealthSouth Corporation for tax year 2003 in the amount of \$17,523.
2. Grant request for tax refund of HealthSouth Corporation for tax year 2003 in the amount of \$17,523.

**RECOMMENDATION:**

Alternative 1.

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**5. VERBAL STATUS REPORT ON EMPLOYEE HEALTH PLAN.**

Chairman Liakakis said, Item 5, we discussed that in the pre-meeting on employee health plan.

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**6. REQUEST BOARD APPROVAL OF AMENDMENT TO CONTRACT WITH THE INDUSTRIAL COMPANY (TIC) THAT WILL EXPEDITE WORK TO REPLACE THE METAL GRID DECK ON THE CAUSTON BLUFF BRIDGE.  
[DISTRICT 4.]**

Chairman Liakakis said, what was brought to my attention is that they could do it a little over three weeks ahead of time and we're coming into the hurricane season, the schools will be starting, we have that congestion over there and you're having your information that you received about that, and I'd like to see a motion on the floor to approve that.

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

**ACTION OF THE BOARD:**

Commissioner Farrell moved to approve an amendment to the contract with The Industrial Company (TIC) that will expedite work to replace the metal grid deck on the Causton Bluff Bridge by August 10, 2006, for an additional lump sum payment of \$13,200. Commissioner Shay

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

**AGENDA ITEM: IX-6**

**AGENDA DATE: July 21, 2006**

**TO:** Board of Commissioners

**THRU:** R. E. Abolt, County Manager

**FROM:** Robert W. Drewry, Director of Public Works and Park Services

Issue: Request Board approval of amendment to contract with The Industrial Company (TIC) that will expedite work to replace the metal grid deck on the Causton Bluff Bridge.

Background: The Board entered into a contract with TIC to replace the metal grid deck on July 8, 2005 in the amount of \$321,422. In addition, the County executed a county contract with the GDOT on December 28, 2005 to participate with the cost of the project in the amount of \$140,000.

Facts and Findings:

1. The contract with TIC requires work to be completed within 60 calendar days. However, TIC could not begin until the emergency repairs on the bridge were completed by H.C. Enterprises on July 5, 2006.
2. The westbound bridge remains closed to vehicular traffic until TIC completes the replacement of the deck. According to the contract, work may continue until the Labor Day weekend. As a result, staff approached TIC to provide a guarantee of a completion date on August 10<sup>th</sup> before the first day of school when traffic is expected to increase. The cost of the guarantee is \$13,200 and is attached.

Funding: Funds are available in the M&O Contingency.

Policy Statement: Board action is required to amend contracts.

Alternatives:

1. Board approve an amendment to the contract with TIC to expedite work to replace the metal grid bridge deck on the Causton Bluff Bridge in the amount of \$13,200.
2. Board not to approve contract amendment and allow TIC to continue work on the bridge until completed.

Recommendations: Board approve Alternative #1.

Districts 4

# TIC

The Industrial Company®

July 17, 2006

**Mr. John F. Walz**  
**Maintenance and Operations Manager**  
**Chatham County Department of Public Works & Park Services**  
**P. O. Box 8161**  
**Savannah, Ga. 31412**

Project: Causton Bluff Bridge Deck Replacement

Reference: Accelerate to August 10<sup>th</sup> Completion

Dear Mr. Walz:

We have reviewed your request to accelerate the completion date on the referenced project and have the following proposal:

1. We have examined our schedule and all work can be completed by August 10<sup>th</sup> provided no events which are beyond our control (i.e. Acts of God) occur before the completion date.
2. We will increase our crew size, increase our weekly hours by working overtime hours and if required hire additional contract welders.
3. We will reschedule our balancing subcontractor once the welding of the deck panels is completed. The bridge can be opened to vehicular traffic even if the final balance readings have not been completed. The manipulation of counterweight blocks can be made during the daytime lane closures.

We request an additional lump sum payment of \$13,200.00 to accelerate our work schedule as described above.

We reserve the right to modify and or withdraw this proposal if it is not accepted on or before July 21, 2006.

TIC – THE INDUSTRIAL COMPANY

/s/ Carl Kleeman

Carl Kleeman III  
Regional Vice President

**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, on Action Calendar 8-E, we would like to pull that off, that two four-capacity body morgue refrigerators. They need additional information on that, so I'd like a motion to take that off. Commissioner Kicklighter said, I make a motion to remove Item 8 from the agenda. Commissioner Gellatly said, second. Commissioner Kicklighter said, 8-E. Chairman Liakakis said, all right, let's go on the board. The motion carried unanimously. [NOTE: Commissioners Stone and Odell were not present when this vote was taken.]

Chairman Liakakis said, okay, we have items 1 through 8 and A through G. Do we have a motion? Commissioner Thomas said, move for approval, Mr. Chairman. Chairman Liakakis asked, do we have a second? Commissioner Thomas said, second. Chairman Liakakis said, okay, we have a second. Let's go on the board. The motion carried unanimously. [NOTE: Commissioners Stone and Odell were not present when this vote was taken.] Chairman Liakakis said, the motion passes.

**ACTION OF THE BOARD:**

Commissioner Kicklighter moved to delete Item 8-E from the agenda. Commissioner Gellatly seconded the motion and it carried unanimously. [NOTE: Commissioners Stone and Odell were not present when this vote was taken.]

Commissioner Thomas moved to approve Items 1 through 8-G, except 8-E. Commissioner Holmes seconded the motion and it carried unanimously. [NOTE: Commissioners Stone 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 SPECIAL CALLED MEETING OF JULY 5, 2006, AND THE REGULAR MEETING OF JULY 7, 2006, AS MAILED.**

**ACTION OF THE BOARD:**

Commission Thomas moved to approve the minutes of the regular meeting of July 7, 2006. Commissioner Holmes seconded the motion and it carried unanimously. [NOTE: Commissioners Stone and Odell were not present when this vote was taken.]

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**2. CLAIMS VS. CHATHAM COUNTY FOR THE PERIOD JUNE 29 THROUGH JULY 12, 2006.**

**ACTION OF THE BOARD:**

Commissioner Thomas moved to authorize the Finance Director to pay the claims against the County for the period June 29, 2006, through July 12, 2006, in the amount of \$3,230,310. Commissioner Holmes seconded the motion and it carried unanimously. [NOTE: Commissioners Stone and Odell were not present when this vote was taken.]

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**3. REQUEST BOARD APPROVE A REQUEST FOR A COUNTY CONTRACT WITH GEORGIA DEPARTMENT OF TRANSPORTATION TO WIDEN A PORTION OF LITTLE NECK ROAD AT ITS INTERSECTION OF US 17 AND AUTHORIZE THE CHAIRMAN, COUNTY ATTORNEY, COUNTY ENGINEER AND COUNTY CLERK TO SIGN THE FORMS NECESSARY TO IMPLEMENT THE PROJECT WHICH INCLUDES THE GDOT FORM 632, A UTILITY AGREEMENT, A LOCAL GOVERNMENT PROJECT AGREEMENT (LGPA), A RIGHT-OF-WAY CERTIFICATION, A TRAFFIC SIGNAL ENERGY AGREEMENT AND A COST SHARING AGREEMENT WITH HENDERSON PROPERTY HOLDINGS DEVELOPMENT.**

**[DISTRICT 7.]**

**ACTION OF THE BOARD:**

Commissioner Thomas moved that the Board approve a request for County contract with the Georgia Department of Transportation (GDOT) to widen a portion of Little Neck Road at its intersection of US 17 and authorize the Chairman, County Attorney, County Engineer and County Clerk to sign the forms necessary to implement the project which includes the GDOT Form 532, a Utility Agreement, a Local Government Project Agreement (LGPA), a Right-of-Way (ROW) Certification, a traffic signal energy agreement and a cost sharing agreement with Henderson Property Holdings Development. Commissioner Holmes seconded the motion and it carried unanimously. [NOTE: Commissioners Stone and Odell were not present when this vote was taken.]

**AGENDA ITEM: X-3**  
**AGENDA DATE: July 21, 2006**

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

**ISSUE:** That the Board approve a request for County Contract with the Georgia Department of Transportation (GDOT) to widen a portion of Little Neck Road at its intersection of US 17 and authorize the Chairman, County Attorney, County Engineer and County Clerk to sign the forms necessary to implement the project which includes the GDOT Form 532, a Utility Agreement, a Local Government Project Agreement (LGPA), a Right-of-Way (ROW) Certification, a traffic signal energy agreement and a cost sharing agreement with Henderson Property Holdings Development.

**BACKGROUND:** The purpose of the project is to widen a portion of Little Neck Road at US 17 to alleviate congestion and to install a traffic signal at the US 17 intersection.

**FACTS AND FINDINGS:**

1. The GDOT has advised that they will commit to participation in a County Contract for the project.
2. As with all County Contracts with the GDOT, the Department will reimburse the County for its participation upon satisfactory completion of the contract. The GDOT will provide contract inspection and administration for the contract.
3. Henderson Property Holdings Development will reimburse the County a portion of the cost.
4. The County will agree with GDOT to provide energy and maintenance for the proposed signal.

**ALTERNATIVES:**

1. That the Board authorize a request for a County Contract with the GDOT to widen a portion of Little Neck Road at its intersection of US 17 and authorize the Chairman, County Attorney, County Engineer and County Clerk to sign the forms necessary to implement the project which includes the GDOT Form 532, the Utility Agreement, the LGPA, a ROW Certification, a traffic signal energy agreement and a cost sharing agreement with Henderson Property Holdings Development.
2. That the Board not authorize the County Contract and cost sharing agreement.

**FUNDING:** No funds are required to approve the request.

**POLICY ANALYSIS:** That the Board must authorize intergovernmental agreements and cost sharing agreements.

**RECOMMENDATION:** That the Board approve Alternative No. 1.

District 7

Prepared by Kirk Thomas

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**4. REQUEST BOARD APPROVE A REQUEST FOR A COUNTY CONTRACT WITH GEORGIA DEPARTMENT OF TRANSPORTATION FOR INTERSECTION IMPROVEMENTS AT PRESIDENT STREET AND WAHLSTROM ROAD AND AUTHORIZE THE CHAIRMAN, COUNTY ATTORNEY, COUNTY ENGINEER AND COUNTY CLERK TO SIGN THE FORMS NECESSARY TO IMPLEMENT THE PROJECT WHICH INCLUDES THE GDOT FORM 532, A UTILITY AGREEMENT, A LOCAL GOVERNMENT PROJECT AGREEMENT (LGPA) , A RIGHT-OF-WAY CERTIFICATION. [DISTRICT 2.]**

**ACTION OF THE BOARD:**

Commissioner Thomas moved to approve a request for a County contract with Georgia Department of Transportation (GDOT) for intersection improvements at President Street and Wahlstrom Road and authorize the Chairman, County Attorney, County Engineer and County Clerk to sign the forms necessary to implement the project which includes the GDOT Form 532, a Utility Agreement, a Local Government Project Agreement (LGPA), and a Right-of-Way Certification. Commissioner Holmes seconded the motion and it carried unanimously. [NOTE: Commissioners Stone and Odell were not present when this vote was taken.]

**AGENDA ITEM: X-4**  
**AGENDA DATE: July 21, 2006**

**TO:** Board of Commissioners

**THRU:** R. E. Abolt, County Manager

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

**ISSUE:** That the Board approve a request for a County Contract with the Georgia Department of Transportation (GDOT) for intersection improvements at President Street and Wahlstrom Road and authorize the Chairman, County Attorney, County

Engineer and County Clerk to sign the forms necessary to implement the project which includes the GDOT Form 532, a Utility Agreement, a Local Government Project Agreement (LGPA) and a Right-of-Way (ROW) Certification.

**BACKGROUND:** The purpose of the project is to construct a median cross-over at President Street and Wahlstrom Road to accommodate expansion at Georgia Pacific.

**FACTS AND FINDINGS:**

1. The GDOT has advised that they will commit to participate in the total cost of the project.
2. As with all County Contracts with the GDOT, the Department will reimburse the County for its participation upon satisfactory completion of the contract. The GDOT will provide contract inspection and administration for the contract.

**ALTERNATIVES:**

1. That the Board authorize a request for a County Contract with the GDOT for intersection improvements at President Street and Wahlstrom Road and authorize the Chairman, County Attorney, County Engineer and County Clerk to sign the forms necessary to implement the project which includes the GDOT Form 532, the Utility Agreement, the LGPA, a ROW Certification.
2. That the Board not authorize the County Contract.

**FUNDING:** No funds are required to approve the request.

**POLICY ANALYSIS:** That the Board must authorize intergovernmental agreements.

**RECOMMENDATION:** That the Board approve Alternative No. 1.

District 2

Prepared by Kirk Thomas

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**5. REQUEST BOARD APPROVAL TO ADOPT OUTDOOR WATER USE RESTRICTIONS AS IMPOSED BY THE STATE.  
[ALL DISTRICTS.]**

**ACTION OF THE BOARD:**

Commissioner Thomas moved to approve outdoor water use restrictions as imposed by the State. Commissioner Holmes seconded the motion and it carried unanimously. [NOTE: Commissioners Stone and Odell were not present when this vote was taken.]

**AGENDA ITEM: X-5**

**AGENDA DATE: July 21, 2006**

TO: Board of Commissioners

THRU: R. E. Abolt, County Manager

FROM: Robert W. Drewry, Director of Public Works and Park Services

Issue: Request Board approval to adopt outdoor water use restrictions as imposed by the State.

Background: On June 21, 2006 the Georgia Department of Natural Resources Environmental Protection Division (EPD) and State Drought Management Response Committee recommended that a Level One Drought be declared on a statewide basis. In addition to the ongoing restrictions (odd-numbered addresses may water on Tuesdays, Thursdays, and Sundays; even-numbered addresses may water on Mondays, Wednesdays, and Saturdays), outdoor watering is now restricted to 12:00 midnight to 10:00 a.m. and 4:00 p.m. to 12:00 midnight on scheduled days.

Facts and Findings:

1. Chatham County owns and operates multiple water systems throughout the County serving approximately 3500 customers. These systems fall under the regulatory requirements for outdoor water use adopted by EPD. As such, the County is required to implement and enforce these water use restrictions. EPD advises that local governments should begin enforcing the new restrictions as soon as possible but fully implemented no later than August 1, 2006. The County will not enforce violations to other government or privately owned water systems in Chatham County.
2. In June 25, 2004 the Board revised the Water Systems Ordinance for provisions to impose outdoor water restrictions.
3. Staff has developed a policy on implementation of these water use restrictions to have an equitable and fair treatment for violators. A copy of the recommended policy is attached to the staff report. Essentially, staff's position will be to educate the customer on water conservation and water restrictions versus taking legal action. However, customers who to continue to violate outdoor water use restrictions will be subjected to the same penalties currently outlined in the Water Systems Ordinance.

- 4. Chatham County’s education campaign thru the MPC includes billboards, TV commercials, cable channel 16, and classroom programs.

Funding: No funds are requested.

Policy Funding: Board action is required to amend County policies for the purpose of enforcement and education.

Alternatives:

- 1. Board approve to adopt amended outdoor water use restrictions as imposed by the State.
- 2. Board not approve and provide staff with other direction.\

Recommendations: Board approve Alternative #1.

All Districts

## **POLICY FOR IMPLEMENTATION OF OUTDOOR WATER USE RESTRICTIONS**

The goal for the implementation of the water use restriction regulations will be to educate the water customers on water conservation and the need to restrict water use. However, on those rare occasions, there will be repetitive violators who used to adhere to the restrictions imposed.

When a violation is brought to the attention of staff, the notice is documented and at staff’s earliest convenience will make a site visit. If a violation is observed, the resident will be left pre-printed educational material on water conservation and the outdoor water restrictions. If a second violation by the same resident is observed and documented, staff will send an informational letter to advise them of the violation and the necessity to restrict outdoor water use. On the third observed and documented violations, the Director of Public Works and Park Services will send a certified letter advising the repeat offender of the violation and legal consequences if the violation is to continue. Another violation will then initiate legal action of fines.

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### **6. REQUEST BOARD APPROVE A MEMORANDUM OF UNDERSTANDING TO TRANSFER OWNERSHIP OF COMPUTER EQUIPMENT FROM THE UNIVERSITY OF GEORGIA COLLEGE OF AGRICULTURAL AND ENVIRONMENTAL SCIENCES COOPERATIVE EXTENSION TO CHATHAM COUNTY.**

**ACTION OF THE BOARD:**

Commissioner Thomas moved to approve a Memorandum of Understanding to transfer ownership of computer equipment from the University of Georgia College of Agricultural and Environmental Sciences Cooperative Extension to Chatham County. Commissioner Holmes seconded the motion and it carried unanimously. [NOTE: Commissioners Stone and Odell were not present when this vote was taken.]

**AGENDA ITEM: X-6**

**AGENDA DATE: July 21, 2006**

**TO:** Board of Commissioners

**THRU:** R. E. Abolt, County Manager

**FROM:** Jackie Ogden, Chatham County Extension Coordinator

**ISSUE:**

Board of Commissioners approval on Memorandum of Understanding to transfer ownership of computer equipment from the University of Georgia College of Agricultural and Environmental Sciences Cooperative Extension to Chatham County.

**BACKGROUND:**

Memorandum of Understanding to transfer purchase of laptop computer equipment for the Extension office to Chatham County.

**FACTS AND FINDINGS:**

1. Transfer of ownership of computer equipment from UGA Extension to Chatham County to be used for the operation of an effective Extension education program.

**FUNDING:**

Funds came out of 2006 county budget.  
Attached copy of check.

**POLICY ANALYSIS:**

This is an on going process for the past 7 years and allows us to benefit from our partnership with the University of Georgia

**RECOMMENDATION:**

We are seeking The Board of Commissioners approval.



**ACTION OF THE BOARD:**

Commissioner Thomas moved to formally approve a resolution authorizing the joining of a class action lawsuit against Internet travel agencies to collect the full amount owed on hotel/motel taxes. Commissioner Holmes seconded the motion and it carried unanimously. [NOTE: Commissioners Stone and Odell were not present when this vote was taken.]

**AGENDA ITEM: X-7****AGENDA DATE: July 21, 2006****TO:** Board of Commissioners**THRU:** R. E. Abolt, County Manager**FROM:** R. Jonathan Hart, County Attorney**ISSUE:**

To formally approve resolution authorizing the joining of a class action lawsuit against Internet travel agencies to collect the full amount owed on hotel motel taxes.

**BACKGROUND:**

On June 23, 2006, during Executive Session, the Commission discussed joining a class action lawsuit against Internet travel agencies to collect the full amount owed on hotel motel taxes.

**FACTS AND FINDINGS:**

1. A class action lawsuit filed in the U.S. District Court in the Northern District of Georgia seeks to collect the full amount owed on hotel motel taxes.
2. Several counties have joined the lawsuit as party plaintiffs to seek underpaid hotel motel taxes in their counties.
3. The Commission did not vote in Executive Session but Commissioners did indicate the desire to join the class action suit.

**FUNDING:**

Not applicable. All fees and expenses of counsel will be paid out of the proceeds, if any, obtained in the class action in the amounts and conditions as determined by the court. If there are no proceeds, the County is not responsible for any legal fees and expenses.

**POLICY ANALYSIS:**

It is in the County's best interest to join the class action lawsuit against Internet travel agencies.

**ALTERNATIVES:**

1. Approve resolution authorizing the joining of a class action lawsuit against Internet travel agencies to collect the full amount owed on hotel motel taxes.
2. Do not approve resolution authorizing the joining of a class action lawsuit against Internet travel agencies to collect the full amount owed on hotel motel taxes.

**RECOMMENDATION:**

Alternative 1

**RESOLUTION AUTHORIZING THE JOINING OF A CLASS ACTION LAWSUIT AGAINST INTERNET TRAVEL AGENCIES**

**WHEREAS**, on November 18, 2005, certain local governments in Georgia filed a class action complaint in the United States District Court for the Northern District of Georgia alleging that certain online sellers of hotel rooms, such as Hotels.com, Priceline.com and Expedia.com are, and have been, negotiating discount rates with local hotels, and then selling rooms at marked up rates to consumers but paying excise and sales taxes to local governments based on the discount rates; and

**WHEREAS**, the lawsuit seeks to recover said underpaid taxes; and

**WHEREAS**, it appears that Chatham County has been short changed on said taxes and is entitled to recover.

**NOW, THEREFORE**, be it resolved that Chatham County join said lawsuit as a named plaintiff or class member to recover its losses.

**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]

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

<u>ITEM</u>	<u>DEPT.</u>	<u>SOURCE</u>	<u>AMOUNT</u>	<u>FUNDING</u>
A. "Piggyback" off the City of Port Wentworth contract with four (4) additional one year terms, for wrecker service for Chatham County and "head-out" services for the Savannah-Chatham Metropolitan Police Department	Various	Sapp Wrecker Services	\$95 per police tow and \$15 per day storage	No funding required
B. Annual support software contract	ICS	Manatron/VisiCraft Systems, Inc. (Sole Source)	\$38,430	General Fund/M&O - Tax Commissioner
C. Liability and hull insurance for four (4) aircrafts	Mosquito Control	Phoenix Aviation	\$69,284	Risk Management Internal Services Fund
D. "Piggyback" off the City of Savannah's solicitation to purchase 16 replacement police vehicles	Fleet Operations	J. C. Lewis Ford	\$313,067	CIP - Fleet Replacement (SSD)

<u>ITEM</u>	<u>DEPT.</u>	<u>SOURCE</u>	<u>AMOUNT</u>	<u>FUNDING</u>
E. Two (2) four (4) capacity body morgue refrigerators	Savannah-Chatham Metropolitan Police Department	Mepec, Inc. of Oak Park, MI	\$46,186	•CIP - Coroner •Confiscated Funds - SCMPD
F. Change Order No. 1 to the Annual contract to provide delinquent real and personal property tax collection services to recognize and increase an administrative fee for Phase II - Full Service Tax Collection Services	Tax Commissioner	Delinquent Tax Solutions, Inc. (DTSi)	N/A (fees paid by delinquent tax payer or from tax sale proceeds)	N/A
G. Emergency repair to 1994 John Deere 544G wheel loader	Fleet Operations	Industrial Tractor Company	\$27,000	General Fund/M&O - Fleet Operations

**ACTION OF THE BOARD:**

Commissioner Kicklighter moved to delete Item 8-E from the agenda. Commissioner Gellatly seconded the motion and it carried unanimously. [NOTE: Commissioners Stone and Odell were not present when this vote was taken.]

Commissioner Thomas moved to approve Items 8-A through 8-G, except Item 8-E. Commissioner Holmes seconded the motion and it carried unanimously. [NOTE: Commissioners Stone 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.

**1. REQUEST BOARD ADOPT A CRIMINAL JUSTICE INFORMATION SYSTEM ORDINANCE.**

**ACTION OF THE BOARD:**

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

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**XII. SECOND READINGS**

**1. ORDINANCE TO LEVY A 3% EXCISE TAX ON MIXED DRINKS. *Item was tabled at meeting of July 7, 2006.***

Chairman Liakakis asked, do we have a motion on the floor to take that off of the table items? Commissioner Shay said, so moved, Mr. Chairman. Commissioner Gellatly said, second. Chairman Liakakis said, let's go on the board. The motion carried unanimously. [NOTE: Commissioners Stone and Odell were not present when this vote was taken.] Chairman Liakakis said, the motion passes.

Chairman Liakakis said, this is —. County Manager Abolt said, this is your excise tax on the sale of liquor and it applies to the unincorporated area. The amount estimated would be about \$115,000 dedicated to the operation of DUI Court. It would go into effect in September. You had an extensive presentation on this several months ago by Judge Fowler.

Chairman Liakakis said, right. Okay, do we have a motion on the floor to approve? Commissioner Gellatly said, motion. Chairman Liakakis asked, do we have a second? Commissioner Holmes said, second. Chairman Liakakis said, all right. We have a motion on the floor and a second. Let's go on the board. The motion carried unanimously. [NOTE: Commissioners Stone, Odell and Kicklighter were not present when this vote was taken.] Chairman Liakakis said, the motion passes.

**ACTION OF THE BOARD:**

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

Commissioner Gellatly moved to adopt the proposed ordinance to levy a 3% Excise Tax on Mixed Drinks. Commissioner Holmes seconded the motion and it carried unanimously. [NOTE: Commissioners Stone, Odell and Kicklighter were not present when this vote was taken.]

STATE OF GEORGIA            )  
   )  
 COUNTY OF CHATHAM        )

**AMENDMENT TO THE CODE OF  
 CHATHAM COUNTY, GEORGIA**

An Ordinance to amend the code of Chatham County, Georgia to provide for the assessment of an excise tax on distilled spirits by the drink; and other purposes. Be it ordained by the Chatham County Commission in regular session as follows, to wit;

**CHAPTER 17**

Article I

Alcoholic Beverage Code

17-122        Alcoholic Beverage Excise Tax

Each bar or restaurant within Chatham County shall pay in addition to the regular license provided by this ordinance, an excise tax of 3% on distilled spirits sold by the drink in accordance with the following Municipalities that currently levy an excise tax on distilled spirits sold by the drink are hereby exempt from this provision.

1.     Report Process, Due Date and Penalties

- (a) True and correct records of all sales of such beverages; such records shall be preserved for a period of one year and to be made available on request for inspection by any duly authorized representative of Chatham County;
- (b) Collect from each drink the amount of tax due under the ordinance and hold the same in trust for the County until such amount is remitted to the County, as provided in this section;
- (c) All taxes on distilled spirits sold by the drink are due and payable to the Chatham County Finance Department on or before the tenth day of the month;
- (d) There shall be a penalty of not less than \$5.00 or 3% which ever is greater, on all remittances not submitted by the proper due date;
- (e) All remittances of excise taxes must be accompanied by a completed report form approved by the Chatham County Finance Department. All forms must be supported by records that must be made available for inspection by County Officials upon request.

- 2. Sale Prohibited if Taxes Are Not Paid. It shall be unlawful for any person to sell distilled spirits by the drink that taxes provided for in this ordinance have not been paid to the County.

This Amendment shall become effective September 1, 2006.

ADOPTED: This \_\_\_\_\_ day of \_\_\_\_\_, 2006

CHATHAM COUNTY COMMISSION

\_\_\_\_\_  
Pete Liakakis, Chairman

Attest:

\_\_\_\_\_  
Sybil Tillman, Clerk of Commission

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**2. REQUEST BOARD AMEND THE COUNTY OCCUPATIONAL/BUSINESS TAX ORDINANCE TO MODIFY THE TAX RATE ON GROSS RECEIPTS. See additional report providing samples on categories.**

Chairman Liakakis recognized Gregori Anderson.

Mr. Anderson said, thank you, Mr. Chairman. This —. Chairman Liakakis said, identify yourself. Mr. Anderson said, I'm Gregori Anderson, Director of Building Safety and Regulatory Services. What's before you today is a proposed amendment to an Occupational Tax/Business Tax Ordinance to modify our tax rates. You've been given information and shown what the new tax classification would be, changing the tax rate for the very first time in the history of this ordinance. The ordinance was put into place roughly in 1995 based on a change in the State law, statewide, and we took the opportunity in conjunction with the City of Savannah at that time to develop this ordinance, which gives you the opportunity to tax certain occupations and businesses within the unincorporated area. This proposed rate we're estimating would raise about a half a million dollars in revenue, changing from the existing rate which ranges from roughly 17¢ per thousand to 67¢ per thousand to 47¢ per thousand and 97¢ per thousand. The additional information that was requested at our previous meetings and submitted to you, giving you a breakdown of the targeted tax brackets that most of the businesses in the unincorporated area fall into, and that is roughly Bracket 1 and 2, roughly represented about 61% of the businesses in the unincorporated area, so those are the ones that will be affected mostly by this ordinance. And, as you can see also in the submitted information that was sent to you, in Bracket 1 and Bracket 2, we're focusing on Bracket 1 right now, the difference in what the rate would be for a business in Bracket 1 gross receipts ranging from a \$1.00 to \$30,000 of gross receipts would go from roughly \$78 a year to

\$82 a year on the low end and from \$85 a year to \$89 on the high end. That gives you an idea of a breakdown of what types of businesses we're taking about, the classification of those businesses, as well as the dollar amount that would be changed and they will be required to be pay if this ordinance is successful today.

Chairman Liakakis asked, any questions? Chairman Liakakis recognized Commissioner Farrell.

Commissioner Farrell said, you said you anticipate raising an extra \$500,000 per year from the business community. Could you tell us a little bit about why now and what's the need for the half a million? County Manager Abolt said, the need is the Special Service District to keep the fund balanced. This is money that can be shared in the general fund in the Special Service District to keep our commitment to the Police Department, to recognize that we're very close on Recorder's Court revenue. To essentially keep us in the black this is essential. And as you will note from your comparative, it is still substantially lower than what the City of Savannah has.

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

**ACTION OF THE BOARD:**

Commissioner Holmes moved to amend the County Occupational/Business Tax Ordinance to modify the tax rate on gross receipts. Commissioner Shay seconded the motion and it carried unanimously. [NOTE: Commissioners Stone, Odell and Kicklighter were not present when this vote was taken.]

**AGENDA ITEM: XII-2**  
**AGENDA DATE: July 21, 2006**

TO: BOARD OF COMMISSIONERS

THROUGH: R. E. ABOLT, COUNTY MANAGER

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

ISSUE

To amend the County Occupational/Business Tax Ordinance to Modify the Tax Rate on Gross Receipts.

BACKGROUND

Under Georgia law, Chatham County is authorized to levy an Occupational/Business Tax as covered by provisions contained in

O.C.G.A. 48-13-5 through 48-13-26. In 1995 Chatham County adopted the Occupational/Business Tax Ordinance to levy the tax throughout the unincorporated limits.

FACTS AND FINDINGS

1. The Occupational Tax levy is based on gross receipts and profitability classifications.
2. The gross receipt brackets and profitability classifications were developed in accordance with the newly adopted State law in 1995. The brackets and classifications have only been adjusted downward since their origination.
3. Two thousand eight hundred eighty eight (2,888) Occupational Tax Certificates have been issued for 2006. The majority of the tax certificates issued in the County fall into gross receipt brackets one and two, approximately forty one (41) percent and twenty (20) percent of the total, respectively (See Attachment "A").
4. The proposed tax rate modification will range between 47 and 97 per thousand. The anticipated revenue generated by the proposed rate is estimated to be approximately five hundred thousand dollars (\$500,000) (See Attachment "B").

ACTION

For Information Only

NUMBER OF BUSINESSES = 2888

BRACKET 1	\$1	-	\$30,000	.....	1200
BRACKET 2	\$30,000	-	\$100,000	.....	588
BRACKET 3	\$100,001	-	\$200,000	.....	269
BRACKET 4	\$200,001	-	\$300,000	.....	159
BRACKET 5	\$300,001	-	\$500,000	.....	157
BRACKET 6	\$500,001	-	\$750,000	.....	110
BRACKET 7	\$750,001	-	\$1000,000	.....	71
BRACKET 8	\$1000,001	-	\$2000,000	.....	136

BRACKET 9	\$2000,001	-	\$3000,000	.....	50
BRACKET 10	\$3000,001	-	\$4000,000	.....	21
BRACKET 11	\$4000,001	-	\$5000,000	.....	15
BRACKET 12	\$5000,001	-	\$6000,000	.....	11
BRACKET 13	\$6000,001	-	\$8000,000	.....	22
BRACKET 14	\$8000,001	-	\$10000,000	.....	11
BRACKET 15	\$10000,001	-	\$999999,000	.....	48
OTHER				.....	20

**ATTACHMENT "A"**

**CHATHAM COUNTY  
DEPARTMENT OF BUILDING SAFETY  
AND REGULATORY SERVICES  
OCCUPATIONAL TAX DIVISION**

**BUSINESS TAX SCHEDULE**

The business tax amounts, **including \$75 base tax**, for the various brackets or ranges of gross receipts in each profitability class are shown below:

GROSS RECEIPTS BRACKETS		Business Tax by Profitability Class					
		A	B	C	D	E	F
Base Rates		.00047	.00057	.00067	.00077	.00087	.00086
<u>Bracket</u>	<u>Range in Dollars</u>						
1	\$1 - \$30,000	\$82	\$84	\$85	\$86	\$88	\$89
2	30,001 - 100,000	105	112	118	125	131	138
3	100,000 - 200,000	145	160	175	190	205	220
4	200,001 - 300,000	192	217	242	267	292	317
5	300,001 - 500,000	263	303	343	383	423	465
6	500,001 - 750,000	368	431	493	556	618	681
7	750,001 - 1,000,000	486	574	661	748	836	875
8	1,000,001 - 2,000,000	780	930	1,080	1,230	1,380	1,530
9	2,000,001 - 3,000,000	1,250	1,500	1,725	2,000	2,250	2,500
10	3,000,001 - 4,000,000	1,720	2,070	2,420	2,770	3,120	3,470
11	4,000,001 - 5,000,000	2,190	2,640	3,090	3,540	3,990	4,440

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12	5,000,001 - 6,000,000	2,660	3,210	3,760	4,310	4,860	5,410
13	6,000,001 - 8,000,000	3,365	4,065	4,765	5,465	6,165	6,865
14	8,000,001 - 10,000,000	4,305	5,205	6,105	7,005	7,905	8,805
15	10,000,001 - and over	4,775	5,775	6,775	7,775	8,775	9,775

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**ATTACHMENT "B"**

**AGENDA ITEM:** ~~XI-1~~  
**AGENDA DATE:** ~~July 7, 2006~~  
**AGENDA ITEM:** **XII-2**  
**AGENDA DATE:** **July 7, 2006**

**TO:** BOARD OF COMMISSIONERS  
**THRU:** R. E. ABOLT, COUNTY MANAGER  
**FROM:** GREGORI S. ANDERSON, DIRECTOR OF BUILDING SAFETY AND REGULATORY SERVICES

ISSUE:  
 To amend The County Occupational/Business Tax Ordinance to modify the tax rate on gross receipts.

BACKGROUND:  
 Under Georgia law, Chatham County is authorized to levy an Occupational/Business Tax as covered by provisions contained in O.C.G.A. 48-13-5 through 48-13-26. In 1995 Chatham County adopted the Occupational/Business Tax Ordinance to levy the tax throughout the unincorporated limits.

- FACTS AND FINDINGS:
1. The occupational tax levy is based on gross receipts and profitability classification.
  2. The initial tax rate for the gross receipts was reduced through an amendment to the ordinance in 1997.
  3. The proposed tax rate increase will become effective January 1, 2007.

4. Renewal forms are mailed in November. The mail-outs will contain the modified tax rate schedule.
5. The proposed rate is expected to generate an additional revenue of approximately \$500,000.
6. The current occupational tax rate for the City of Savannah is between 69 and 119 cents per thousand dollars of gross receipts.

#### FUNDING

The modified gross receipt tax rate would provide an estimated \$500,000 additional annual revenue.

#### ALTERNATIVES

1. Approve proposed gross receipt tax rate modifications.
2. Deny proposed modifications.

#### POLICY ANALYSIS

The procurement of diverse revenue sources is consistent with established financial policies.

#### RECOMMENDATION:

Alternative #1, Approve proposed tax rate modification.

### **AMENDMENT TO THE CODE OF CHATHAM COUNTY, GEORGIA**

An Ordinance to amend the Code of Chatham County, Georgia to provide for the assessment of a Business/Occupational Tax; and other purposes. Be it ordained by the Chatham County Commission in Regular Session as Follows, to wit;

#### CHAPTER 16 ARTICLE I

#### 16-104(B)(3) BUSINESS PROFITABILITY CLASSES

Businesses shall be assigned to profitability classes by the first two digits of the Standard Industrial Classification measured by nationwide averages derived from statistics, classifications, or other information published by the U.S. Office of Management and Budget, the U.S. Internal Revenue Service, or successor agencies.

The six profitability classes with tax rates expressed as decimals are incorporated into the Business Tax Schedule in Section 16-105.

<u>PROFITABILITY CLASS</u>	<u>TAX RATE ON GROSS RECEIPTS BRACKETS PER \$1,000</u>	
	<u>ADD: \$</u>	<u>DELETE \$</u>
A	.47	.17
B	.57	.27
C	.67	.37
D	.77	.47
E	.87	.57
F	.97	.67

This amendment shall become effective January 1, 2007.

ADOPTED: This \_\_\_\_\_ day of \_\_\_\_\_, 2006.

CHATHAM COUNTY COMMISSION

\_\_\_\_\_  
Pete Liakakis, Chairman

ATTEST:

CLERK OF COMMISSION

\_\_\_\_\_  
Sybil E. Tillman

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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: July 7, 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>
Office furniture	County Manager	The Hon Company	\$3,612	General Fund/M&O - County Manager
Miscellaneous painting and striping for 21 Chatham County parking locations	Facilities Maintenance	A.C.R. Construction & Logistic	\$9,810	General Fund/M&O - Facilities Maintenance
Yearly lease for copy machine	Purchasing	Alford Leasing Company, Inc.	\$6,904	General Fund/M&O - Purchasing

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**EXECUTIVE SESSION**

Upon motion being made by Commissioner Thomas and seconded by Commissioner Gellatly the board recessed at 11:58 a.m. to go into Executive Session for the purpose of discussing litigation, land acquisition and personnel. [NOTE: Commissioners Stone, Odell and Kicklighter were not present when this vote was taken.]

Following adjournment of the Executive Session, the meeting of the Board of Commissioners was reconvened at 12:53 p.m. [NOTE: Commissioners Stone and Odell were not present when this vote was taken.]

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**ITEMS FROM EXECUTIVE SESSION**

**1. LIVE OAKS REGIONAL LIBRARY**

**ACTION OF THE BOARD:**

Commissioner Holmes moved to approve reappoint Dr. Daniel Brantley to the Live Oaks Regional Library with a term to expire June 30, 2009. Commissioner Farrell seconded the motion and it

carried unanimously. [NOTE: Commissioners Stone and Odell were not present when this vote was taken.]

## **2. LIVE OAKS REGIONAL LIBRARY**

### **ACTION OF THE BOARD:**

Commissioner Kicklighter moved to approve appoint Rebecca Gaston-Dawson to the Live Oaks Regional Library with a term to expire June 30, 2009. Commissioner Holmes seconded the motion and it carried unanimously. [NOTE: Commissioners Stone and Odell were not present when this vote was taken.]

## **3. LIVE OAKS REGIONAL LIBRARY**

### **ACTION OF THE BOARD:**

Commissioner Kicklighter moved to approve appoint Sandrae McCorkle to the Live Oaks Regional Library with a term to expire June 30, 2009. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioners Stone and Odell were not present when this vote was taken.]

## **4. CHATHAM URBAN TRANSPORTATION STUDY CITIZENS ADVISORY COMMITTEE (CUTS)**

### **ACTION OF THE BOARD:**

Commissioner Holmes moved to confirm the appointment of Mark Egan made by Commissioner Kicklighter to serve on the Chatham Urban Transportation Study Citizens Advisory Committee (CUTS) with a term to expire June 30, 2008. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioners Stone and Odell were not present when this vote was taken.]

## **5. BOARD OF ETHICS**

### **ACTION OF THE BOARD:**

Commissioner Kicklighter moved to approve the appointment of David Saussy to the Board of Ethics with a term to expire July 31, 2010. Commissioner Gellatly seconded the motion and it carried unanimously. [NOTE: Commissioners Stone and Odell were not present when this vote was taken.]

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

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**ADJOURNMENT**

There being no further business to come before the meeting, Commissioner Kicklighter moved to declare the meeting adjourned. Commissioner Farrell seconded the motion and it carried unanimously. [NOTE: Commissioners Stone and Odell were not present when this vote was taken.]

In accordance with the previous motion, Chairman Liakakis declared the meeting adjourned at 12:58 p.m.

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**APPROVED:** THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2006

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

\_\_\_\_\_  
SYBIL E. TILLMAN, CLERK OF COMMISSION