

MINUTES OF THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF CHATHAM COUNTY, GEORGIA, HELD ON FRIDAY, AUGUST 25, 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 9:33 a.m., Friday, August 25, 2006. We're starting a couple of minutes late, but we had a problem with our voting board here this morning and there was some technical difficulty with our audio system, but right now the audio seems okay and we'll proceed with the meeting.

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II. INVOCATION

Chairman Pete Liakakis introduced Father Mihai, St. Paul's Greek Orthodox Church, 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

The Clerk called the roll.

- Present: Pete Liakakis, Chairman
- Dr. Priscilla D. Thomas, Vice Chairman, District Eight
- B. Dean Kicklighter, Chairman Pro Tem, District Seven
- Helen L. Stone, District One
- James J. Holmes, District Two
- Patrick Shay, District Three
- Patrick K. Farrell, District Four
- Harris Odell, Jr., District Five
- David M. Gellatly, District Six
- Also present: Russell Abolt, County Manager
- Jonathan Hart, County Attorney
- Sybil E. Tillman, County Clerk

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V. PROCLAMATIONS AND SPECIAL PRESENTATIONS

1. UPDATE ON CHATHAM-SAVANNAH YOUTH FUTURES AUTHORITY BY JACQUELINE ELMORE, DIRECTOR. *Note: On August 24, 2006, Ms. Elmore requested that this update be delayed until a later date.*

County Manager Abolt said, Ms. Elmore and Dr. Brown could not be here today. There was an emergency.

Chairman Liakakis said, yeah, I see where it's requested for a delay.

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2. PRESENTATION ON FOOD STAMP OUTREACH PROGRAM BY CHARLOTTE REHMERT, DIRECTOR OF THE CHATHAM COUNTY DEPARTMENT OF FAMILY AND CHILDREN SERVICES.

Ms. Charlotte Rehmert said, good morning, Mr. Chairman and Commissioners. I wanted to come to you today and I've updated the City and I wanted to update the County on some of our efforts in our challenges on our Food Stamp Outreach Program. We have a lot of families and citizens that would be eligible for food stamps and are not applying or we're not reaching them, so we have been doing an extensive Food Stamp Outreach Program for the last — really intensively for the last six months, but also in the last year. I have about four or five slides I wanted to show you and then just let you know that we are trying to reach those families in the County and in the City and we have representation of families from all over the districts in the census track and the zip codes out in the County, but anyway if you can hear me if I step away —. Right now our current —.

Chairman Liakakis said, Charlotte [Rehmert], come up here because at that distance they don't pick it up for the mics.

Ms. Rehmert said, thank you. Right now our current participation rate is about 61% of our eligible population. We have about 28,000 individuals receiving. We run about 11,000 cases of food stamps a month. About a thousand applications, new applications a month, and about 28,000 individuals right now; 45,000 really is our targeted eligible population. So we have a lot of families out there that we are trying to reach. We don't ask them to come in. We go out to all of the senior citizens centers. Our target population is the working families, the working poor, if you will, and also the non-traditional, non-English speaking population that are legal immigrants in the community. So those are the State targets, but we've been working very hard to reach our elderly population. A lot the of problems and challenges with that is they oftentimes they have a lot of medical deductions and they may not have the receipts, so we can't offset some of that income for seniors, so they say what's \$10.00, it's not worth the trouble to come in and go through all of the processes, but we go to them. We'll come to them. We'll go out to all of the centers out of the County, wherever, and we've been doing that with fairs, multi-generational fairs we've been attending, wherever we can send staff to take

applications because our families need those sources. As you — I don't have to tell you about the step-up poverty initiative and the reduction, and that's I think part of that in the State as well as our department is very intensely trying to reach those folks, especially seniors, and convince them that we'll try to make it as easy as we can to get through the system and make home visits for them.

Ms. Rehmert said, we have about \$3.2 million in economic activity we could generate if we added those probably 2,200 more cases of families and individuals. We could — in new dollars would be almost \$1.7 million. So, you know, there is a tremendous economic impact that we're missing just as we're working on the earned income tax credit for our families. The average benefit for a family is about \$257 for an individual or family. It could go up to a maximum of probably \$375 – \$380, and it depends on the income. So there is a lot of complexity in the system and to establish eligibility, but we do that. If a family comes in and needs food stamps, it's an emergency, we get that processed in three days, if not sooner. In 30 days if it's a regular food stamp application. And we have again a thousand applications a month and we've had a lot of downsizing in our staff because of our allocations. So, you know, we're trying to get out in the field and not have people come into the office. And I think I have one or two more slides and then if you have any questions, I'll be glad to answer those.

Ms. Rehmert said, one of the challenges as our [inaudible] decrease, which is a good thing, our families are working, we're into our next phase of work participation with our families. Looking at what's happening to those families as they leave and no longer receive assistance, or they come in and they opt out of going through the work participation program, they may get a job on their own, but what are the other services we can provide to those families because we are, you know, the systems, as you well know, have gaps in them and we're working on filling those gaps, but we're trying to capture those folks and bring in all the resources we can when they come in to apply, and not just for [inaudible], but do you, you know, are you on medicaid, what's your situation with your family because our foster care rates have gone up too. It was going down last year. Now it's gone back up so we're trying very much to look at families and not just say, well, you've got your food stamps, that's all you need. We're trying to have enough time to really look at families and say, you know, we have some of these resources here and food stamps is, you know, with the cost of gasoline and the cost of living for our families, food stamps are essential to help with the poverty reduction. So I felt that that was important to hear some of the data. The policy restrictions, obviously there's a lot of policy restrictions, but we really want to target seniors and target those working families that need it and may not know about it. So we've got community resource specialists going all over the County, all over the City, going to flea markets, you name it, we're there with our brochures and we just don't leave the applications. If a family, given the confidentiality of it, if it's an appropriate place to take an application, then we certainly will do that on the spot for the family. And I think I have one more slide.

Ms. Rehmert said, this just gives you a little idea of some of the things that are up. All the churches have received bulletins from us or will. We've been to fairs, we've done drag time radio, we're doing WTOC spots because these are benefits that Chatham County citizens could be eligible for, and we've got to find a better way to make sure that those children and

families are getting the benefits that they need and that it's not something that they need to be ashamed of. And that's the last slide. I'll be glad to answer any questions you may have.

Chairman Liakakis recognized Commissioner Gellatly.

Commissioner Gellatly said, first of all, I think that you do a tremendous job and your program is desperately needed in our community. I have two questions. The first question is on your overall budget administratively, what percentage of your budget goes to administer the program and then, secondly, you made mention that you or at least alluded to the fact that you do not give benefits to illegal immigrants. I'd like to know how you make sure that someone doesn't slip through the cracks on that?

Ms. Rehmert said, well, we have — I'll answer the first question and get to the verification. We have about — on our overall budget about 80% of our budget is medicaid expenses where they have about a \$235,000,000 budget. Operating, of course, is much more than that. All the administrative expenses we have, we have about 6% administrative overhead, so we — Commissioner Gellatly said, that's what I thought, but I wanted you to say that. Ms. Rehmert said, yes. Absolutely, and we have — obviously the direct services is a major portion of our budget. We have — this year I think we have about a \$350,000 operating budget, and that's travel and, as you know, there are hundreds of codes within those and all of the budgets are targeted for individual direct — the direct services and in many, many categories, but our travel and our operating is very, very low given the number of employees we have, and that's gotten lower. Last year we had 230 and we have 195 now at the department. So — but we're trying to restructure. We are restructuring both sides of the business so we can get out and get those folks where we need them. We had two folks that will be down at Union Mission now again since they've renovated their employment and training program. So — and the second question on the citizenship verification, we have almost — and it's gotten much more stringent this year. We have three levels or three tiers of verification that folks have to commit to. They have to have an original birth certificate, they have to have a social security number, and they have to have passports, they have to have their cards, all of their ID, and they can't be copied. They have to be originals and they have to — we check with Child Support, we check with all of the State agencies on line, we have about three or four systems we go through. And, in fact, I just pulled that off yesterday and I have to read this again because there's two sheets of citizen verifications. It puts more complexity in but I — most of the time, we are — we're going out and working with the Hispanic-Latino volunteers and community leaders that are trying to work with the legal immigrants who may need services for the children. So it's pretty complex. I'm glad I'm not an eligibility worker, but we thank you for your support also. That's the final note. Thank you so much for the support of our foster children and our foster parents and the support of our young people.

Chairman Liakakis recognized Commissioner Farrell.

Commissioner Farrell said, when you're — when someone submits a social security number, is that checked with the IRS to see that it's a real social security number and not just —? Ms. Rehmert said, right. We have what we call — our system is called Success, and it has again three or four systems that we check — cross-check those numbers. Once in a while we'll get a

number that's assigned or the case says there's a same social security number for two different people, and we pretty much can track that down pretty quickly and figure that out in the system because we check with Social Security Office, we work with them all of the time on all of our clients, and I'm not aware — and I try to stay pretty aware of everything that's going on down at that department — I'm not aware of any but the one case that I've known that we had any problem with social security. But people have to — that's the biggest challenge we have is getting folks there benefits and getting their documentation in. You know, they say I mailed and get it, and we deny them and then we go through this cycle again, but — and we get a lot of constituent complaints because of that from the State office, but it's because we're confirming and have to by Federal and State mandates. So it's pretty intense. Commissioner Farrell said, thank you.

Chairman Liakakis said, Charlotte [Rehmert], thank you very much for what you and your staff are doing for those that are less fortunate in our community. We really appreciate that. Ms. Rehmert said, thank you very much.

County Manager Abolt said, Mr. Chairman, I'd like to say and testify this is [inaudible], Ms. Rehmert actually has a very difficult job, as you all know. She's a true pleasure to work with. I've worked with her for a number of years. The quality of her budgeting [inaudible] cost is very commendable and on top of it all, she's a very caring human being. Chairman Liakakis said, thank you.

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3. INAUGURATION OF WALL OF FAME PLAQUE.

County Manager Abolt said, Mr. Nichols is not here, Mr. Chairman. He's in the back monitoring our closed captioning, but, Mr. Chairman, the plaque in question is right next to Ms. Snider. It was done at the request of Commissioner Odell and y'all. So in going forward we'll recognize those citizens who receive their special time in front of you because of acts of bravery or acts that set them apart. You're to be commended for doing this and this will now be up forever in the Commission Chambers.

Chairman Liakakis said, okay. Thank you for the staff for putting that up because we should recognize citizens like the Savannah State University's student who saved that child, and that's important that we do that. County Manager Abolt said, and that's his name up there on the top lefthand corner. Chairman Liakakis said, okay, fine.

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VI. CHAIRMAN'S ITEMS

1. DELAYED START OF NEXT REGULAR COUNTY COMMISSION ON THE 8TH OF SEPTEMBER.

Chairman Liakakis said, on September 7th there are four members of this County Commission who are honorary chairmen of the Grey's Reef 25th Anniversary Celebration in Atlanta, and we're looking at right now — it's going to be the day before or the evening before our County Commission meeting on September 8th, and we have — they'll be meeting at the new Georgia Aquarium and they're going to have U.S. Congressmen there, I think U.S. Senator Saxby Chambliss and they're also going to honor the former chairman of the Home Depot, Birney Marcus, and what we're looking at right now, because of this time frame, we're going to ask those Commissioners that are going there for that, that they have a suggestion now for our September 8th meeting the next day. Do we want to push it up a few hours, catch that early flight, or put it on Monday, September 11th. So, Patrick — the two Patricks [Shay and Ferrell], Helen [Stone]?

Ms. Stone said, I'm open to suggestions. I don't know how the rest of you feel. Commissioner Odell said, how about after lunch?

Chairman Liakakis said, okay. Why don't we do this then? See about starting the meeting at 1:00 P.M. then on September 7th —, excuse me, September 8th.

County Manager Abolt said, we need a motion, sir.

Chairman Liakakis said, yeah, right. Commissioner Odell said, I'll make a motion. Commissioner Thomas said, second, Mr. Chairman. Chairman Liakakis said, all right, a motion has been made and seconded that we change the time of the meeting for the September 8th until 1:00 P.M. All in favor signify by raising your hands and keep your hands up because the County Clerk has to look at that so that she can record it. We still have our voting board, as I mentioned earlier. She's got it now. The motion carried unanimously. Chairman Liakakis said, everybody was in agreement on that. The motion passes.

ACTION OF THE BOARD:

Commissioner Odell moved to change the time for our regular meeting on September 8, 2006, to begin at 1:00 P.M. Commissioner Thomas seconded the motion and it carried unanimously.

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VII. COMMISSIONERS' ITEMS

1. COMPLETING THE VOTER-APPROVED CIVIL RIGHTS MUSEUM SPLOST PROJECT (COMMISSIONER THOMAS).

Chairman Liakakis recognized Commissioner Thomas.

Commissioner Thomas said, thank you, Mr. Chairman and members of the Board. I put this on the agenda to ask staff under the leadership of our County Manager to follow through on the needs of the Civil Rights Museum under the past SPLOST. This is not the new SPLOST now, this is from the former SPLOST that the voters have already approved, but we need to follow through on some of the things that needs to be done, and I'm asking the Commission to direct the County Manager and staff to follow through on this project.

Chairman Liakakis said, and basically what will happen it will go back out on bid —. Commissioner Thomas said, on bid, yes. Chairman Liakakis said, — and we have the same architect as on board that doesn't cost the County any additional funding. Commissioner Thomas said, exactly. Chairman Liakakis said, okay, good. Do we have a motion on the floor —.

Commissioner Thomas said, I move for approval. Commissioner Holmes said, second.

Chairman Liakakis said, we have a motion on the floor to proceed with the Civil Rights bidding process. We have a motion and a second. All in favor raise your hand. The motion carried unanimously. Chairman Liakakis said, it's unanimous. The motion passes.

Commissioner Thomas said, thank you very much. Mr. Chairman, I'm sorry. I failed to preference my statement by acknowledging the presence of Colonel George Bowen, who is the new CEO and President of the Civil Rights Museum, Ms. Helen Johnson, Executive COO, and The Reverend James B. Taylor, who is the Chairman of the Board of Directors, and we just want to thank them for their presence this morning, and also would like to say that Colonel Bowen, who has a very aggressive multi-year development plan in progress, and we're going to be seeing bigger and better things from this. Thank you so very much.

Chairman Liakakis said, okay, thank you.

ACTION OF THE BOARD:

Commissioner Thomas moved to direct the County Manager and staff to proceed with the bidding process for the Civil Rights Museum under the 2003-2008 SPLOST. Commissioner Holmes seconded the motion and it carried unanimously.

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2. STATUS OF NACO CONFERENCE PARTICIPATION (COMMISSIONERS THOMAS, HOLMES AND FARRELL).

Chairman Liakakis said, Commissioners Thomas, Holmes and Farrell went to the National Conference and got a lot of information and additional training. Commissioner Thomas, do you want to start that off.

Commissioner Thomas said, yes. Thank you very much. First of all, we'd like to thank you for the opportunity of representing Chatham County. There were over 3,500 persons in attendance in Chicago. The conference was so well packed with information that was relative not only to our County, but counties all over the United States of America, and that's why it's so important that we be a part of the process so that we can understand and perhaps gain new ideas and new thoughts and also maybe extend some of the things that we are doing and improving the type of things that we are doing in our County. We have prepared for you a packet of information, which will give you a detailed information on the conference, and I'm not going to go through that because you're going to get your packet very shortly before the day is over, and at your leisure time you may look through it, and if you have any questions that you may refer them back to us at a later date. And I would now like to ask Commissioner Holmes and Commissioner Farrell if they wish to have something to say at this time.

Commissioner Holmes said, thank you, Commissioner Thomas and to the Board. I have gone to several of these conventions and usually when I go I sort of pick out my topic what I want to attend before I leave here, and public safety is one of my main issues. In one session that I went into this DVD tape here is a tape that is so compact dealing with juveniles and youth. All over the world we fussed and we've troubled with this topic of how can we resolve juvenile crime. I'm going to put this in the hands of our juvenile department. It's going to be open. We're going to ask that it go on our channel and I ask for you to tune in and look into it. It is three counties that combine some strategy of how they're dealing with their juveniles, and on this DVD is dealing with it. And we will be passing this on. We will put some of these strategies together to see if we can help some of these jail overcrowding we're having with our youth in Chatham County. Thank you for your attention and giving me the opportunity to attend and I will continue to attend these conferences to gain knowledge to come back and share it with the County and the City.

Commissioner Farrell said, I also attended the NACo Conference in Chicago a few weeks ago, and I will very briefly run across a couple of points that I wanted to bring back for my fellow Commissioners and the citizens of Chatham County. One, looking out towards the future, is the census that I would recommend that this governing body and other governing bodies in the County, along with all the citizens, that we embrace the census process early and work with the census folks because it's very important that we get an accurate count of all of our citizens so that we're not under represented in the Federal Branch System and other programs that could enhance our community. So there are a lot of good reasons to embrace the census early. Another item that we should be looking forward to as we build buildings in the County is looking at the green energy guides which basically use better materials for construction and making a much more energy efficient buildings, which will pay dividends going for years and

years to come. As one so well put it, one generation plants the seed of a tree and the next generation enjoys the shade. And I would recommend that this Board consider themselves in a position to plant seeds and provide shade for many generations to come.

Commissioner Farrell said, another area that we could possibly look into, as we run in higher energy costs across the board, is alternate energy in which it takes some time to explore using some of the byproducts of our waste collection system to create some type of energy. There is a possibility that some communities are using methane gas collected from landfills to generate electricity. If there was enough methane to be collected in Brooks Park, wouldn't it be nice to have a generator station there to fuel — to burn the lights perhaps? Everything should be on the table as far as being progressive and far thinking and not just doing things the way we've always done them. And there are some concepts out there that people are using to ease jail overcrowding, there are some corporations that are working with different communities with some programs that we could perhaps look into with our Sheriff's Department. He probably has already looked into them, but there are some ways to look at things in a different and new way and see if it works for us and if it would save us in monies and in increased benefits. So those are just a few of the high points that I just wanted to present to everyone.

Chairman Liakakis recognized Commissioner Stone.

Commissioner Thomas said, excuse me, one thing I want to take advantage on what he just said about the things they were looking at. All counties, I want to say, are looking at preventive types of activities. Everything that they talked about, juveniles and the jails, just in overcrowding of the jails, was the fact that we need to be working and looking at preventive type of programs that will not precipitate the overcrowding of jails, and I thought that was a plus because everybody had the same concerns and we received quite a bit of information as to new programs that were being developed all across the nation. So in your packet you should find some of those things that are listed and hopefully if we are not doing some of those things here that maybe we can pick up on a few things that will help us.

Chairman Liakakis recognized Commissioner Stone.

Commissioner Stone said, I just want to thank my fellow Commissioners that do take the time to go to these things. You're talking away from your jobs and your families, and having attended some of these myself, when you're in a group you get to share and learn problems that other communities are faced with. We find that they mirror some of the problems that we're faced with here, and it's a great way to share and exchange information that will be helpful down the road. So I appreciate you all giving up the time to go to this conference and anybody that takes the time in the future to go to these conferences. They are very beneficial.

Commissioner Odell said, in addition to that, we become players in NACo's grant awards. There has been and we received a year ago a \$200,000 grant. I want you all to understand, counties that do not attend NACo, whether they have the need or not, do not get the grants. If you do not participate in NACo, you don't get the NACo grants. So it's very time consuming and you three are to be commended beyond just the seminars where you receive lecture type information, the communications with other Commissioners, juvenile crime is not just a

problem in Chatham County. You probably noticed that we had some juveniles who got into the business of bank robbery. These are kids — the same of age of kids that I coached basketball thinking about video games — thinking about guns, going into a bank and taking money. We need to look at every avenue to solve those problems. I'm very grateful that you all took the time to go and the community should be too.

Chairman Liakakis said, well, a lot of people don't realize that this County alone has received some millions of dollars through grants that NACo helped. Not only the National Association of Counties Commissioners giving grants to this County, but where they helped and they lobbied Congress for monies that have come to us for a number of years, and you get a lot of training and information that you are well prepared to serve our citizens better than before.

ACTION OF THE BOARD:

Commissioners Thomas, Holmes and Farrell, who attended the NACo Conference in Chicago, Illinois, August 3-9, 2006, gave a brief recap of the conference and advised that the Commissioners would be receiving a packet of detailed information on the conference.

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3. STATUS OF TRICENTENNIAL PLAN (COMMISSIONER STONE). (See *Agenda Item IX-4 for schedule.*)

Chairman Liakakis recognized Commissioner Stone.

Commissioner Stone said, thank you, Mr. Chairman. We're fortunate today to have the Executive Director from the MPC. I know Dennis Hutton works in the Comprehensive Planning. Courtland Hyser is here. He's also a part of this, and we've even got the current Chairman here today to give us an update on something that was started around 2002, which I think will be very beneficial when it's concluded. They've put in numerous hours working on this and I thought it would be advantageous to the Commission to be updated as to where the process is and how much further we have to do. So I will turn it over to Mr. Thomson unless anyone else has anything they want to say.

Chairman Liakakis said, go ahead, Tom [Thomson].

Mr. Tom Thomson said, Mr. Chairman and Commissioners, thank you, Commissioner Stone, for giving us the opportunity to give you a very, very brief update on the Comprehensive Plan. I think you introduced everyone that I was going to. I don't know if you mentioned Charlotte Moore is also here. Commissioner Stone said, I didn't see Charlotte, I'm sorry. Mr. Thomson said, also our Chairman Steve Lufburrow. I think you mentioned everyone else I was going to talk to you about. I just have a couple of slides to show you. First of all, today later on the agenda, of course, is a, I think, a landmark date in our process, and that is the County Commission gets to make the final vote on the final draft of the Comprehensive Plan portion of

this, known now as the Community Agenda Report, and that occurs today. That will be a landmark in our schedule here. Let me just walk through a couple of points with you all on this slide. Back in 2002 there were a number of events and joint meetings and so on, but to make a long story short, the County Commission and City Council wanted really to update the Zoning Ordinance because that's what was causing the problem, but in talking about that and [inaudible] that the first thing that should be done was to update the policy document that drives the resulting [inaudible] of the implementation tools for implementing the policy. So what we've accomplished in the last four years is to reach a point now where we can adopt a comprehensive plan, and so we went through this process and this is the point at which we are today. Kind of concurrent with that, we've been working on the technical drafting of the zoning process as we've been going alone, and I'm going to go into a little more detail in just a moment, but we have done some zoning work already in areas and part of the reason it's taken this long to get here is that there were a number of issues outstanding from previous times and previous efforts that needed to, I think, be resolved. The Islands Plan, that was also a zoning plan, and the Southeast Plan was also a zoning plan, and so much of the zoning issues have been addressed in Commissioner Farrell's district, although we will be going back and revisiting that and looking at where we need to fine tune and update it.

The Mid-City Plan, and Mr. Liakakis may have been on the City Council when we started that, and it took a while to get through it, but again that was full of the comprehensive plan and the zoning plan and really setting them out for much of the further future activity in the City as a part of this. And we've also done a lot of work in the West Savannah area and we will be moving their zoning forward on a parallel schedule to the overall unified zoning code. So — next slide — here's our current time line. This month, the next month we're going to complete our assessment of the current zoning code and part of that, of course, is to take all the components of the comprehensive plan that needs implementation in the zoning code and have them identified and put into an outlying matching outline. Between September and January we're going to produce a zoning code, basically the frame work for it, the administrative part, a process part and other foundation elements, and the important part of that is we would like the public and decision-makers to focus in on the meat of the voting process before we enter into the likely engagement with individual property owners about what their zoning should be, and we think this is the best way to proceed. Let's agree on the text for the new zoning code absent the fine details of each zoning category and their definitions. Then once we get that done, we'll focus in on the actual zoning districts and standards and how they apply to properties in the County and the City. Then there are a number of miscellaneous parts of this that we need to bring together or assign ordinances, parking standards, Zoning Board of Appeals update in terms of how that all relates, and a number of other ordinances that we've identified that either reference the Zoning Ordinance or reference some component related to it that we need to reach into and make consistent with all of this, and we'll do that and then try to finalize this by the end of next year for formal public review. Next slide, please.

This is another view of this. I think we handed this to you, but if you need it, we have copies to hand out, so you might want to glance at it because it's small on the screen. This is the first part that I mentioned that we'll work on. In August-September the assessment involves all these parts. The second part through January is the ordinance itself. The third part we can

start looking on the details of the zoning districts and so on. Parallel to all of this will be the different processes. One will be kind of staff process where staff with the technical committee building on or utilizing the committees that we used in the comprehensive plan process and working through a technical process, and then a public process where we'll have various forms of public opportunities. The website of course will be tooled these days with getting materials available to the public, and we'll have periodic briefings for you and other community groups and other techniques where we'll reach out to neighborhood groups and so on and go and brief them on our status. So we hope by the end of next year — the only caveat, the end of next year we'll be finished with the full product to bring for adoption, the unified zoning code. I want to throw one caveat on the record for today is that our experience has shown that once we start talking about individual property zonings, it becomes sort of an unknown in terms of how long that would take. Our practice for the mid-City one was to spend as much time with every interested property in order — until we resolved their issue that we needed to and that counted for some of the blame in getting where we are today. So with that caveat, that's our report and I'll be glad to answer any questions.

Chairman Liakakis said, go ahead.

Commissioner Kicklighter asked, when do you anticipate all of the Westside zoning and all to pretty much be in place? Mr. Thomson said, two parts of that answer. I know you know this as a representative of that area, but fortunately we don't, the MPC, nor the County Commission is responsible for zoning in all of the municipalities. So there's a large area of the Westside that we don't directly influence. Commissioner Kicklighter said, but there's a large area that's unincorporated out there. Mr. Thomson said, and in the remainder of the area it's probably overall in terms of where we are the best situation because if you look at our Land Use Map, it virtually calls for it to be planned development. So the zonings come in on each property, comes in for like a PUD type zoning. There are improvements we want to make into our PUD zoning, but at least that is — you could chase each item that comes in as we go along, so my estimate would be right now in the interim we'll be dealing with it like that and ultimately we will have a revised planned unit development ordinance would be better than what we have today, in the same time frame on the end of next year. Commissioner Kicklighter said, okay, and I do like the way most of the PUD zones are in there, but — like an example, and I have no problem approving this later today, but someone's requesting multi-family on Quacco, which is — you know, that will be fine to approve it, but without some type of master plan in the future, Quacco's still two lanes right now and we're constantly increasing on the road, so, you know, it would be just good whenever we get that. Thank you. I know y'all are doing a great job. Mr. Thomson said, well, one of the independent, Mr. Chairman, studies we're doing is to look at the southwest quadrant and we're probably not touching a [inaudible] right now, but that could be another very later to look at the question of the development and some land use issues related where commercial should be and the transportation network we just started three weeks ago on that and it will probably be a couple of months before we have anything visible. But we're beginning to plan that area better or at least identify where our future problems might be so that we can start working on them.

Chairman Liakakis said, thank you very much, Tom [Thomson]. We really appreciate all the work that has been put in by the MPO and PC because this has been long overdue in our

County and for the City of Savannah and hopefully, you know, that the volunteer that you have given to the other six cities in our County for them to come along to help them in their procedures and zoning also because that will be a big advantage for them also. Mr. Thomson said, yes, we've reached out and offered some assistance at this point. Chairman Liakakis said, right. Thank you now.

ACTION OF THE BOARD:

Mr. Tom Thomson, Executive Director of the MPC, gave a brief update on the Comprehensive Plan.

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4. COLA FOR RETIREES (COMMISSIONER HOLMES).

Chairman Liakakis recognized Commissioner Holmes.

Commissioner Holmes said, thank you, sir. Pete Liakakis, Chairman, and the rest of the Board, I asked that this be placed on the agenda under my name for a couple of reasons. I've seen us do ceremonials for our retirees and heard all the good words that they do for the County when they were employees, and I know that they have done some work in taking care of the employees as they pay into the pension, but I don't think one realized probably the money or the problems that each one of them saved the County when they were employees or simply what kind of funds did they bring into Chatham County when they are serving as Commissioners. But I know we're going to put our eyes on this with some attention simply because I don't want to send our retirees off into the sunset and forget about them. I want to see us take care of them because they are continuously taking care of us, and as we look back I have seen about five or six employees retired the two years and a half that I have been here and all the good words and the good pat on the back and we give some of them chairs to go off and sit back, but then you look back at how are we continuously serving them for every time they serve us, every time they receive their pay check, there's something missing out of their pay check going into the pension. So I want us to look at this and give it some attention so we could gain the action to see how we're going to resolve this to help our retirees into their COLA. I've talked to Pete Liakakis, our Chairman. I mentioned it to Mr. Russ Abolt. I've also talked to Linda Cramer. So if anyone of you all want to touch base on this now, feel free to.

County Manager Abolt said, Mr. Chairman, Commissioner Holmes, ladies and gentlemen, if y'all wish to do it, this is one of your decision package item. It is — was corrected by Mr. Kaigler to give the pensioners a five percent COLA that was afforded to the County employees. We have paid that cost at \$300,000 effective the first of October. That, of course, would be an ongoing cost, and what you as the employer are doing you're putting this money in — more money into the pension plan. In years gone by, because the pension plan had a little bit of growth in it, we're able to absorb the pension for the pensioners. We were able to absorb COLA just in the last several years, but in this case we're not allowed — we could not

do that. So it's up to the Board as the governing body, as the employer, to pump more money into the pension fund to accommodate that COLA, if that's your choice.

Commissioner Odell said, James [Holmes], I'd like to make a motion and my motion is that for this fiscal year that we adopt the COLA for retirees effective October 1, 2006, and that would be for this fiscal year, and that is to say for that fiscal year we would also have the decision to make. Is there a second? Commissioner Thomas said, second.

Chairman Liakakis said, all right. There's a motion on the floor and it has been seconded. Now is there any other discussion? We look at what our retirees, our employees are doing a really good job serving the citizens of Chatham County. A lot of people unfortunately do not know how hard many of our employees work and to be able to give the services that are not only required by State law but what we have to do on a County basis also, and we can see those retirees are out there and because of the cost factors and all going up, you know, concerning gasoline, our fuel, and many other things and all, and this — the money is in the decision package to give retirees this money this particular year, as was prescribed for this particular fiscal year.

Commissioner Odell asked, may I ask a question, Mr. Chairman? Chairman Liakakis said, yes. Commissioner Odell asked, would that, Russ [Abolt], include former retired Commissioners? County Manager Abolt said, anybody that's a part of the pension plan, yes. Some members would like —, again, it's depending upon —. Commissioner Odell said, but those who have —. County Manager Abolt said, if you're in the pension plan you get it. Commissioner Odell said, my motion was for everybody.

Chairman Liakakis said, okay. We have a —. Chairman Liakakis recognized Commissioner Stone.

Commissioner Stone asked, Mr. Chairman, will this be voted on annually or is this something that we set now and unless it's brought up from now it will never be voted on? Chairman Liakakis said, well, it's according to how the budget is presented to us and what's in the budget. You know, if the money's in the budget, then we will vote on that budget. It's according to the information that we receive from our finance people and our County Manager. Russ [Abolt]?

Commissioner Odell said, excuse me, Russ [Abolt], but my motion structured it as a one-year, forcing a vote for the following year. That was the gist of the motion. Commissioner Stone said, I just wanted to be clear on it. Thank you.

Chairman Liakakis said, all right, we have a motion on the floor and a second to give the COLA to the retirees for Chatham County. Everybody in favor signify by raising your hand. The motion carried unanimously. [NOTE: Commissioner Kicklighter was not present when this vote was taken.] Chairman Liakakis said, the motion passes.

ACTION OF THE BOARD:

Commissioner Odell moved that for this fiscal year (2006-2007) that we adopt the five percent (5%) COLA for Chatham County retirees effective October 1, 2006, and that would be for this fiscal year. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Kicklighter was not present when this vote was taken.]

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5. AQUATIC CENTER LOCKERS (COMMISSIONER GELLATLY).

Chairman Liakakis recognized Commissioner Gellatly.

Commissioner Gellatly said, thank you, Mr. Chairman. As you know, we have a state of the art aquatic center. As a matter of fact, maybe a lot of you don't know this, but it was voted — apparently they have an association — and it was voted as being the most outstanding indoor aquatic center in the entire United States. And we're in the process of — we've already approved a very expensive brand new roof that will be coming on line probably in the next 12 months. We're in the process now of hopefully reopening this pool. As you know, it's been closed for a couple of months for painting of the interior of the pool and some other minor adjustments, clocking and things of this nature, and it is hopefully going to come on line on the 4th of September. It's going to be — it is a beautiful facility. It is well recognized and it's actually the only training facility that our military have as far as aquatic military exercises are concerned. We have several nationally recognized swim teams and when they have their conventions here in Savannah they bring in a lot of tax money, and it's well used by our youth and our seniors and athletes and other people that have injuries. It's an excellent source of exercise and I think that it's certainly a worthwhile building. However, there is one area that I have concern about. When the building was built they put in the women's and men's locker rooms, they put stainless steel lockers, and I guarantee you they're not stainless steel. I don't know what they're made out of, but the hinges are rusted, the faces of the lockers are rusted and they look terrible and many of them are just nonfunctional. I would like to see, and I understand that we can replace those lockers considering the value of the building for very little money and replace them with plastic lockers that will last indefinitely, and I would like us to consider that and I would like to put a motion out that we approve the necessary funding to replace those lockers.

Chairman Liakakis asked, do we have a second? Commissioner Stone said, second to that motion with discussion. Chairman Liakakis said, the motion has been made and seconded. Chairman Liakakis recognized Commissioner Stone.

Commissioner Stone said, I was just curious. Who put in the metal lockers and if there was any guarantee against rust when they knew that they were putting them in an area where there would be water and chemicals and that kind of thing? Commissioner Gellatly said, they were supposed to be stainless steel and you look at the fronts of them and what you have. They look like they're stainless steel, but they're obviously got a lot of other metal in it besides

stainless steel, and I suspect that was a super low bid on that thing, not unlike the roof itself. Commissioner Stone said, well, I think it would be worth going back and researching who the vendor was and if these things are not what they were sold to be, then I think that we need to look at that and see if there's any compensation —. Commissioner Gellatly said, let's see what the guarantee was. Commissioner Stone said, — or guarantee towards if we've got to replace them, then I think there might be considered.

Chairman Liakakis recognized Commissioner Farrell.

Commissioner Farrell said, as I recall from training many years ago, there are multiple different grades of stainless steel, and I would like to ask staff to look up the specifications on those particular stainless steel lockers and to verify that what was specified was actually put in place because there is stainless steel that will hold up to that type of corrosive environment and there is stainless steel that will not. And obviously we have the one that is not, and I would like to know whether it was specified incorrectly or if it was purchased and installed incorrectly.

Chairman Liakakis said, Russ [Abolt], you had your hand — did you want to comment? County Manager Abolt said, just a suggestion, but go ahead, sir.

Commissioner Shay said, Commissioner Gellatly, funding for this would it come from the fund that's already been established for renovation of the building or is this sort of —? Commissioner Gellatly said, Russ [Abolt] can explain that. County Manager Abolt said, let me see if I can answer that and possibly another suggestion. No, I have talked to Ms. Cramer. I have directed her to find \$22,000 out of our Capital Improvement Fund, which is generous. We're very tight on the roof and we don't want to even put that in any type of jeopardy. One thing I might suggest, we'll do everything you want as far as researching and come back to you, but in the memo from Mr. Lipsey that was sent to Commissioner Gellatly that's in your packet, there was an indication and he's had verified that we've actually taken bids on this. So in addition to shifting the money, if that be your choice, I believe technically you can award the bids and we can come back and confirm on the Purchasing report, and the only thing I mention that is then the money would be there if the bid process is good, but for the time being I'll assume it is, and then we can look at the installation as close as possible to the reopening of the pool. If that's your choice.

Commissioner Gellatly said, that would be my choice and that would be my motion.

Chairman Liakakis said, it's just been stated that we look at those particular specifications and that material and if it was not done properly or they gave us the wrong material, let's see about filing some kind of action to recover the money for that. Chairman Liakakis recognized Commissioner Odell.

Commissioner Odell said, Mr. Chair, what I'd like staff to do, Russ [Abolt], and I'm glad Jonathan [Hart] came in, is that after we determine whether or not what we received is what we purchased, I would like Jonathan [Hart] to give us a legal opinion as to the viability of the suit. If there's a conflict, what could have happened is we like a low bid, we like doing it the cheapest way, or we used to, and we paid for what we got. If that be the case, then it is, but if

that wasn't the case I'd like a legal opinion; but before looking at filing suit, I evaluate things based on cost benefit. If the cost to litigate this is going to exceed potentially the benefit, because they provided us something and even if it was not the right thing, it had some value. What's the difference between the value of what we thought we were buying and the value of what we got? That would be the damages potentially in court. Do you follow me, Jon [Hart], as to an assessment because if we're going to spend \$10,000 worth of time on a \$6,000 they're wrong, then I want that not to be an automatic but for that to come back. County Attorney Hart said, sure. Commissioner Odell said, having said that we've determined what the cost is, Russ [Abolt] — it's \$22,500 or \$22,000 —? County Manager Abolt said, \$22,300. Commissioner Odell said, \$22,300. You know, we do a lot of things if you look at what the City of Savannah has for their Recreation Department and what we do and what Pooler and other people do. You can find a basketball or a baseball field literally everywhere, but there is so little that we legitimately do for senior citizens, and maybe this is retirement day or maybe this is just the time that I got the AARP card, but a lot of our senior citizens use this and it is a good program and I think that if we can do it for \$22,300, we put it in place so that when the pool opens, the lockers are in place so that we're not continuing to stagger to do work and we evaluate thereafter whether or not there's a potential cost faction. Commissioner Thomas said, I agree. Commissioner Odell said, and with that unless a fellow Commissioner has a question, I'll call for the question.

Chairman Liakakis said, there's a motion on the floor and a second to replace the lockers in the Aquatic Center. All in favor raise your hand. The motion carried unanimously. Chairman Liakakis said, the motion passes unanimously. Excuse me. Go ahead, Pat [Farrell].

Commissioner Farrell said, while we're on the subject of the Aquatic Center, I have another request for staff. One of the things that came up at the NACo Conference was the use of the geothermal. For those not familiar with the geothermal system, it has a higher up-front cost but it pays big dividends in the long run for heating and cooling of large buildings. It also has the side benefit of mitigating the [inaudible], the change in temperature necessary to bring a swimming pool up to an acceptable temperature for swimming as a byproduct. So I would like to ask staff to do a — as we've got some time on our hands before the major construction and improvements are done at the Aquatic Center, that we also look into the cost benefit of using the geothermal system at the Aquatic Center with the idea that a little bit more money spent today could be reaped over a number of years in lower energy costs to heat and cool — especially cool — the Aquatic Center and the air and to heat the pool. So I would make that request that should be done as expeditiously as possible so that if it was deemed something that we would like to consider doing, because I'm quite certain it would cost some more additional funding to use that system than the conventional heating and air conditioning system and your conventional pool water heating that we have plenty of time to really flush out the details to not go in this unprepared and with our eyes wide open.

Chairman Liakakis said, utility costs, you know, are rising rapidly and is a very high cost factor to the County. So our staff has heard that, you know, and can look into that.

ACTION OF THE BOARD:

Commissioner Gellatly moved to approve the funding to replace the lockers in the Aquatic Center with plastic lockers that will last indefinitely and thereafter evaluate whether the County has any cause of action against a prior vendor. Commissioner Stone seconded the motion and it carried unanimously. [NOTE: Commissioner Kicklighter was not present when this vote was taken.]

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6. STATUS OF ISLANDS PRECINCT (COMMISSIONER FARRELL).

Chairman Liakakis recognized Commissioner Farrell.

Commissioner Farrell said, at this time I ask for a staff update and information on where we are with the new precinct construction for the police precinct serving the Islands area on the East side.

County Manager Abolt said, thank you, Commissioner Farrell, Mr. Chairman, members of the Board. Parveez [Yousuf] is here. Mr. Bungard's kind of worn out after SPLOST. He's home not feeling too well. We do have a reference in your packet that was put in last night. It's points giving you a brief update. I'm very proud of the fact that every day I drive by there I see more and more by the way of progress, but I believe that Parveez [Yousuf] has something even more specific than my recollection. Parveez [Yousuf], please.

Chairman Liakakis said, pull those microphones down so they're at your level there, both of them. Thank you and identify yourself for the Clerk.

Ms. Parveez Yousuf said, I'm Parveez Yousuf from Engineering. I've been asked to give an update on the Islands Precinct. We have up here on the screen the architectural rendering of the precinct. The notice to proceed for this project was issued on July 20th. Though we've had about four weeks of work since then, we have all permits in place, project signs are out. The contractor set up his trailer on the job site last week. We should have temporary power in today or early next week. All the erosion control measures have been installed. Piering is about 80% completed. Piering that's related to the actual precinct building is almost a hundred percent. Piering related to the additional sidewalks, there's work remaining to be done. Surveying and layout work is still ongoing. We have begun work on the building [inaudible] have been subgraded and completed. We have now started to bring in the fill and compaction. The [inaudible] is well under way. I met with the school principal. So far we've had no conflicts between construction activities and start of school, which is one and a half weeks of school, so we're doing pretty good there. We are also starting to now address some of the utility relocations. That's about it.

Chairman Liakakis said, okay. All right, thank you very much. I appreciate that.

Commissioner Farrell said, well, it's good to hear that we're on schedule and everything is running smoothly, and hopefully we'll have a new building in a few more months. Right? Chairman Liakakis said, in the not too distant future. Commissioner Farrell said, well, a few could be, you know, it gives us some latitude.

ACTION OF THE BOARD:

Presentation of the status of the Islands Precinct was given by Parveez Yousuf from Engineering and was received as information.

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7. CONTRACT ISSUES IN THE COMPLETION OF CHARLIE BROOKS PARK (COMMISSIONER FARRELL).

Chairman Liakakis recognized Commissioner Farrell.

Commissioner Farrell said, yeah. At this time I'd like to get an update from our Public Works Director on the status of completion and any pertinent information he may want to share with the Commissioners and all the folks that are eagerly listening to hear about their park.

Mr. Robert Drewry said, good morning. Robert Drewry, Public Works and Parks Services. Well, as you know, we've opened the park to a tournament. We had — I believe it was June 30th was the date of the tournament, but you back up a couple of months, we had a final inspection out there with the contractor and the engineer. The County Engineer's office was represented and we had assistance from Harry McDonald. We had over 30 items on the punch list at that inspection in March. We narrowed it down. We had another inspection last week and narrowed it down, I believe, nine items on the punch list. The two major items left on the punch list is the irrigation system and the entrance for the Concord Road. We're trying to resolve both of those issues. We seem to be having a pump problem, perhaps even a pressure problem with the irrigation system so we're not getting a real even distribution of the sprinklers. And the road entrance at Concord there, we're having some erosion problems and some drainage problems at that entrance so we're trying to work our way through those. Hopefully, we'll have those all wrapped up here very, very shortly. But we have football season coming up, I believe the end of September, and there will be football on the field at that time. Any questions about that?

Commissioner Farrell said, so we have a few punch list items to work on until we're complete. Could you go into a little bit on the limited use for the — initially to improve turf quality for the short and long term for the park?

Mr. Drewry said, yes, I absolutely can. And right now we're looking at football season and, I guess, soccer season, too. The football/soccer field, the limited use on there will be 200 hours a week and it will be scheduled such that obviously your games that have primary — 200

hours a week? Mr. Al Lipsey said, 200 hours until the end of the year. Mr. Drewry said, primary will be football games, football games will have primary use and then, of course, we can schedule soccer and football practices beyond that. Baseball fields there's no league right now to use those fields. We have an occasional tournament come up here and there for baseball or softball, so the limited use on the baseball fields is not really an issue at this time. We'll be looking at that obviously next Spring. And I did want to mention — I failed to mention that we still have over \$70,000 of retainage in that contract. So we are going to address those issues, remaining issues with whatever meets your need.

Commissioner Farrell asked, could you share with everyone the rationale on the limited use because there's some questions out there why there's a limit and where that rationale was derived from?

Mr. Drewry said, well, you're getting a little bit outside of my realms. I'm not really into that field much, but the rationale is obviously that's a new turf out there and we're still trying to establish a root system, and the grass is coming along very well, but if you overuse that type turf — it's a real nice Bermuda type surface — if you overuse it, it doesn't have time to recover. We experienced that at the soccer fields when we were overusing the soccer fields. We had to back off considerably on the soccer fields and you see the effect of that. We've got a nice durable surface out there, but if you continually use it, it's going to wear itself down and not be able to recover.

Commissioner Farrell asked, where did you draw this expertise from? Mr. Drewry said, the County Extension Service with the assistance of the University of Georgia. Commissioner Farrell asked, so you tapped into the resources of the University of Georgia with all their turf specialists and Ph.D.'s to come up with a policy that will enable the long term sustainability of a top quality recreation complex? Mr. Drewry said, yes, that is correct. Actually, the local Extension Service, Jackie Ogden and Dave Linvill, have been a tremendous help to us and giving us expert advise and I believe Dave [Linvill] was probably out there at least once a week. Commissioner Farrell said, you were actively participating with the County Extension Agent to help with oversight and suggestions on the continuous maintenance and upkeep. Mr. Drewry said, that's correct. Commissioner Farrell said, it doesn't seem like grass is real complicated until you're in charge of keeping it green and player ready, so I really appreciate the fact that we're incorporating the academic expertise of one County program with the hands-on, boots on the ground, Public Works that actually performs the day to day, week to week, month to month necessary maintenance, rituals, to ensure that we have a sustainable and top-quality recreation, and hopefully it would be that we use this as a learning area and that as we go forward with our improvements Countywide on our different parts of the recreation, that we're able to export this concept and policy and expertise so that at some point in the future that all of our parks and recreation areas are kept up in a topnotch fashion and something that our citizens can be proud of and point to and feel good about having such quality facilities to participate in.

Chairman Liakakis said, okay, thank you. Go ahead, Patrick [Shay].

Commissioner Shay said, I can't let this opportunity pass because my good friend Retha Mae McCoy calls me from time to time. Given the first part is now up and running and about to become stabilized, what is the schedule and the status for Runaway Point for the improvements there. Mr. Drewry said, we've up —, well, actually the Board ordered a contract to put the restroom facility in, the contracts are being executed. I believe there's a meeting next week with the contractor out there to fine tune some of the final —. Commissioner Shay asked, did I hear you say next week? Mr. Drewry said, yes. I don't know when he's starting, but we're hoping if it's not next week, we fine tune locations and, yes, construction should come very, very quickly. I see no reason why it wouldn't in the next 30 days. Commissioner Shay said, God bless you, sir.

ACTION OF THE BOARD:

Mr. Robert Drewry gave an update on the completion of work in Charlie Brooks Park and an update on improvements at Runaway Point.

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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 (*).

None.

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IX. ITEMS FOR INDIVIDUAL ACTION

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

1. **REQUEST BOARD APPROVAL OF THE FOLLOWING: (1) FY2007 GENERAL FUND M&O CONTINGENCY TRANSFERS OF A) \$245,000 TO TRANSFER OUT TO THE CAPITAL IMPROVEMENT PROGRAM (CIP) FUND FOR PURCHASE OF THE MOSQUITO CONTROL AIRPLANE, B) \$250,000 TO SPECIAL APPROPRIATIONS FOR A COMPENSATION STUDY, C) \$2,500 TO SPECIAL APPROPRIATIONS FOR THE VETERAN'S COUNCIL, AND D) \$881,661 TO THE DETENTION CENTER FOR MODULAR TEMPORARY HOUSING, (2) AN AMENDMENT TO THE FY2007 CAPITAL IMPROVEMENT PROGRAM (CIP) FUND BUDGET FOR THE \$245,000 TRANSFER FROM THE GENERAL FUND M&O, (3) AN**

AMENDMENT TO THE FY2007 SPECIAL SERVICE DISTRICT BUDGET TO RECOGNIZE \$7,200 IN REIMBURSEMENT REVENUE, AND APPROPRIATE \$7,200 TO REIMBURSABLE EXPENDITURES, AND (4) AN AMENDMENT TO THE FY2006 SPECIAL SERVICE DISTRICT BUDGET TO RECOGNIZE \$4,620 IN REIMBURSEMENT REVENUE, AND APPROPRIATE \$4,620 TO REIMBURSABLE EXPENDITURES.

Chairman Liakakis asked, do we have a motion on the floor for that item?

Commissioner Gellatly said, motion. Commissioner Farrell said, second.

Chairman Liakakis said, there's a motion on the floor for those transfers and the use of those monies that has been made and seconded. All in favor signify by raising your hand. The motion carried unanimously. [NOTE: Commissioners Shay, Odell and Kicklighter were not present when this vote was taken.] Chairman Liakakis said, the motion passes.

Chairman Liakakis said, in that we saw that the \$881,661 to the Detention Center for modular housing, and this is the modular housing that we're having to put out at the County Jail area because we have over 500 prisoners that are overcrowding our Jail and it could cost us a lot more money if the courts come in. I see Sheriff Al St. Lawrence is in the background there and also Colonel Holmes. We've approved this, so we're doing fine with this and hopefully they can get that in operation for you, Sheriff, in the very near future.

Sheriff St. Lawrence said, yes, sir. People in the print media keeps calling this trailers. It's not trailers, it's not modular homes. These people are in the business to set up temporary housing for inmates in jail, and they're very secure and even made more secure by the fact that we've got them in a secure area inside the long fence and all, but I wouldn't even call them modular homes. They're not modular. They can be put together, taken down, and moved out, which we plan on doing eventually, but — and they're not trailers. I just wanted to clear that up.

Chairman Liakakis said, okay. Thank you, Sheriff. We appreciate that information. Mr. County Manager, will you see that you staff changes that from modular to temporary housing for our prisoners. County Manager Abolt said, I also want to acknowledge for Colonel Holmes, I realize they're also inside the rat wall. Colonel Holmes said, yes sir. Sheriff St. Lawrence said, they inside the rat wall as well.

Commissioner Farrell said, I have a question for you, Mr. Sheriff. Some of my constituents have asked me why are we building these modular homes inside the gate there, what about some tents or something like that. Sheriff St. Lawrence said, that sounds like Sheriff Arpaio from Maricopa County, Arizona. I'm not going to spend my time in Federal Court all the time, and that's where I'd be if I had done that. What they don't tell you about those programs out there is how many claims they have settled and the millions of dollars they've paid out as a result of Federal Court actions for that. I think we know the way to go, we're going the best way we can. I wish we didn't need more room, but this will take some of the pressure off of us as far as beds are concerned. This will give us 300 more beds. That's larger than the

complete housing unit, which really holds 56 beds, wings of four of them in the housing unit because this will help out some. We'll still be a couple of hundred overcrowded, but it will allow us to keep our head above the water and take some of the pressure off the staff.

Chairman Liakakis said, and we had to do this because if it costs our citizens hundreds of thousands of dollars more if we come under the court jurisdiction for something like that to happen, and actually if the jail wasn't overcrowded, too, we would have been able to give our citizens more of a millage decrease this year than, you know, \$3,000,000 more than we did, but this is something, a necessity that we have to do because the Police Department is doing a good job arresting those repeaters in our community that cause some 80% of the crime, and that's one of the reasons why we've got that, you know, overcrowding in the jail. But we appreciate both of you for the good job you're doing. Sheriff St. Lawrence said, thank you.

ACTION OF THE BOARD:

Commissioner Gellatly moved that the Board approve the following: (1) FY2007 General Fund M&O Contingency transfers of (a) \$245,000 to transfer out to the Capital Improvement Program (CIP) Fund for purchase of the Mosquito Control airplane, (b) \$250,000 to Special Appropriations for a compensation study, (c) \$2,500 to Special Appropriations for the Veteran's Council, and (d) \$881,661 to the Detention Center for temporary housing, (2) an amendment to the FY2007 Capital Improvement Program (CIP) Fund budget for the \$245,000 transfer from the General Fund M&O, (3) an amendment to the FY2007 Special Service District budget to recognize \$7,200 in reimbursement revenue, and appropriate \$7,200 to reimbursable expenditures, and (4) an amendment to the FY2006 Special Service District budget to recognize \$4,620 in reimbursement revenue, and appropriate \$4,620 to reimbursable expenditures. Commissioner Farrell seconded the motion and it carried unanimously. [NOTE: Commissioners Shay, Odell and Kicklighter were not present when this vote was taken.]

AGENDA ITEM: IX-1

AGENDA DATE: August 25, 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) FY2007 General Fund M&O Contingency transfers of a) \$245,000 to transfer out to the Capital Improvement Program (CIP) Fund for purchase of the Mosquito Control airplane, b) \$250,000 to Special Appropriations for a compensation study, c) \$2,500 to Special Appropriations for the Veteran's Council, and d) \$881,661 to the Detention Center for modular housing, (2) an amendment to the FY2007 Capital Improvement Program (CIP) Fund budget for the \$245,000 transfer from the General Fund M&O, (3) an amendment to the FY2007 Special Service District

budget to recognize \$7,200 in reimbursement revenue, and appropriate \$7,200 to reimbursable expenditures, and (4) an amendment to the FY2006 Special Service District budget to recognize \$4,620 in reimbursement revenue, and appropriate \$4,620 to reimbursable expenditures.

BACKGROUND:

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

FACTS AND FINDINGS:

- 1) At their meeting held on August 11, 2006 , the Board of Commissioners approved the following items: a) \$245,000 for purchase of the Mosquito Control airplane, b) \$250,000 for a compensation study, c) \$2,500 for the Veteran's Council, and d) \$881,661 to the Detention Center for modular housing. The funding source is General Fund M&O contingency. The purchase of the airplane will budgeted in the Capital Improvement Program(CIP) Fund. The Special Appropriations budget will be amended for the compensation study and Veteran's Council funds. The Detention Center budget will be increased for the modular housing.
- 2) The transfer from the General Fund M&O will require an amendment to the CIP Fund budget. A resolution has been prepared and is attached.
- 3) Chatham County pays monthly charges for data access lines. Some of these charges will be reimbursed by the Metropolitan Planning Commission. This requires amendments to the Special Service District budgets for FY2006 and FY2007. Resolutions have been prepared and are attached.

FUNDING:

The budget resolutions will set up funding in the Capital Improvement Program Fund, and the Special Service District Fund. Funds are available in the General Fund M&O Contingency for the transfers.

ALTERNATIVES:

- (1) That the Board approve the following:

GENERAL FUND M&O

- a) a contingency transfer of \$245,000 to transfer out to the Capital Improvement Program (CIP) Fund for purchase of the Mosquito Control airplane.
- b) a contingency transfer of \$250,000 to Special Appropriations for a compensation study.
- c) a contingency transfer of \$2,500 to Special Appropriations for the Veteran's Council.

- d) a contingency transfer of \$881,661 to the Detention Center for modular housing.

CAPITAL IMPROVEMENT PROGRAM FUND

an amendment to recognize the \$245,000 transfer in from the General Fund M&O for purchase of the Mosquito Control airplane.

SPECIAL SERVICE DISTRICT FUND FY2007

an amendment to recognize \$7,200 in reimbursement revenue, and appropriate \$7,200 to reimbursable expenditures.

SPECIAL SERVICE DISTRICT FUND FY2006

an amendment to recognize \$4,620 in reimbursement revenue, and appropriate \$4,620 to reimbursable expenditures.

- 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. REQUEST BOARD APPROVE AMENDMENTS TO DETENTION CENTER BUDGET, ADDING PERSONNEL TO STAFF THE TEMPORARY HOUSING UNITS AND DRAWING THE MONEY FROM DECISION PACKAGES CONTINGENCY.

Commissioner Gellatly said, motion for approval. Commissioner Stone said, second.

Chairman Liakakis said, all in favor signify by raising your hand. Priscilla [Thomas], are you going to vote on this one? Commissioner Thomas said, yes sir. Chairman Liakakis said, okay, thank you. Commissioner Thomas said, it didn't read it. The motion carried unanimously. [NOTE: Commissioners Odell and Kicklighter were not present when this vote was taken.]

Sheriff St. Lawrence asked, can I say one more thing, Mr. Chair? Chairman Liakakis said, yes. Sheriff St. Lawrence said, I heard Commissioner Thomas comment a while ago about doing more preventive so that we don't have so many people in jail. If somebody can find an answer to that, as we've talked before, and I heard Commissioner Holmes comment on it, what do we

do about the mothers and fathers? That's the people that — we get started and the Mayor and I talk, and you're aware of [inaudible] suppressant of 16 to 25 year olds. We need to be getting them down when they go to pre-K. They've got serious behavioral problems and so forth, and where are the parents? That's the only way we're going to break this cycle.

Commissioner Thomas said, Sheriff, that's why we're working on it. We have several programs right here in Savannah, Georgia. One that the Summer Bonanza Program is one of which you all are familiar with. We're doing a lot of good things for 200 children every year. That's just one program. There are many other programs. There are some programs that are being tested across the United States which we have just gotten back from Chicago and we will be sharing that information with others, and I'm sure that there are other youth groups here in Chatham County that we can all get together and — like the Youth Futures Authority. They're doing a wonderful job, too, and that's an across the board type of thing. So we have some programs. We've just got to be more aggressive in doing the, like you say, starting at the lower edge rather until they get up there and trying to do some, you know, work.

Sheriff St. Lawrence said, I totally agree with you. That as well as — the Colonel and I don't want to spend a hundred million dollars and rebuild, but we're forced to do so because of the number of inmates we have. We're kind of a lot a cemetery plot — you can buy it now or you can buy it later, but you're going to need it.

Commissioner Thomas said, we understand that, but we've got to make sure that the public also understands that because there's a lot of questions out there about why do we have to keep adding, you know, to the jail, and, you know, I just went through a community meeting last week and the same thing came up and I'm trying to explain to them the need for it, why we have to have it, but at the same time we've got to invent more at the lower end, you know, of the spectrum to be able to cut down on the need for, you know, space or whatever. Plus the fact that the other days we're taking a more proactive stand in terms of the judges sentencing of lesser cases, you know, where we can maybe put them in some other programs as opposed to just staying in jail, you know, all the time. So we're looking at those types of things as well. There are some things that we can do, many things that we can do. We just need the community to get behind all of this and make it a concerted effort among all people and then I think we can see a dent in it.

Sheriff St. Lawrence said, we're going to do more at the front end. When you look at the City and County budget, the Police Department, the Sheriff's Department, or anybody else, two percent is going to prevention. Commissioner Thomas said, exactly.

Chairman Liakakis recognized Commissioner Farrell.

Commissioner Farrell said, following along those lines, I would like to make a suggestion to our State Legislators and our School Board to put some consideration towards a parenting class in our high schools. If we're having trouble with parents, if we could reach them in the ninth or tenth grade before they drop out and start having, you know, and introduce them through a curriculum to introduce our young people to proper parenting schools, perhaps that would bear fruit in years to come. Sheriff St. Lawrence said, we're going to have to stop it before ninth or

tenth grade if you're going to break that cycle. One fashion or other, it's got to be started way back. But you're absolutely right. I don't know how you make mamas be mamas and papas be papas and stay behind the children and make them behave themselves and so forth. That's where it starts and it just works its way on up. Commissioner Farrell said, well, it seems like unfortunately our school system and our government has constantly taking on more of the burden of parenting and teaching our children to behave and act in society and unfortunately, and I hate to add more weight to the heavy load of all the different agencies that are taxpayer supported, but in light of the prisoner overpopulation and the crime problem — and it's not just Chatham County. Again, when you go out to the NACo Conferences and you talk to other County Commissioners from throughout the country, this is not a unique problem to Chatham. It is nationwide, it reaches all the different population levels. So, you know, again I would like to publicly ask for some consideration from the State Legislature and the School Board to consider curriculum added to the public school system that would address parenting skills, and for that matter, character improvement, moral and social guidance.

Chairman Liakakis recognized Commissioner Stone.

Commissioner Stone said, Commissioner Farrell has said a lot of what I was going to say, but I did spend a day in Juvenile Court, and I don't know whether it would be possible for the schools to get something that they use out there, they're electronic babies that you have to take care of and the Juvenile Court knows if you miss a feeding or if you miss a diaper change. There is some kind of ankle or bracelet that's attached to you and attached to the baby. I could not agree with you more that until we get parents to be parents, this cycle will continue. It's a very sad cycle. When I spent the day out there and saw a 15 year old young lady in chains, shackles and chains, and she was seven months pregnant, before a hearing before the Juvenile Court Judge. This is a very sad state of affairs. And until we can get parents to assume the responsibility for having children and raising children, I agree with you, the cycle will not change, and I do not know whether the school system could invest in any of these electronic babies that apparently until you do whatever the baby need, the baby will continue to cry and it will not stop. And they need to learn what the responsibility is in parenting, and I would encourage again exactly what Commissioner Farrell just said, whether it's the State level or whether it's the School Board, we need to start being more proactive in addition to the programs that we now have available in this community.

Sheriff St. Lawrence said, maybe I — I like Commissioner Farrell's idea. Maybe when we have children with behavioral problems starting through K, 1st and 2nd Grade, maybe the Legislators could help us with mandatory parenting classes. As far as that's concerned, try to break that cycle then rather than on up the line when it's more difficult to break. It's a good idea.

Commissioner Farrell said, we can't sit back and continue to do business as usual because we are very well aware at this Board level of the consequences of continuing along those paths. So we have got to give some consideration as leaders in our community and in our State to doing something new and try to make an improvement and analyze what we're doing, and if it's working, keep it up, and if it's not, don't be afraid to pull the plug on it and move on to something else.

Chairman Liakakis said, okay, thank you very much. Appreciate it, Sheriff.

ACTION OF THE BOARD:

Commissioner Gellatly moved to approve amendments to the Detention Center Budget, adding personnel to staff the temporary housing units and drawing the money from decision packages contingency. Commissioner Stone seconded the motion and it carried unanimously. [NOTE: Commissioners Odell and Kicklighter were not present when this vote was taken.]

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3. REQUEST BOARD DENY REQUEST OF EAST COAST TERMINAL ASSOCIATES, LTD., FOR TAX REFUND FOR TAX YEARS 1995-2001 IN THE AMOUNT OF \$243,058.39 ON PROPERTY LOCATED IN THE CITY OF SAVANNAH AND DESIGNATED AS PIN 2-0006-02-002.

Commissioner Gellatly said, motion for denial. Commissioner Farrell said, second.

Chairman Liakakis said, we have a motion on the floor and a second. Any comment? Mr. County Attorney, did you want to discuss that. I see we have somebody in the audience here. County Attorney Hart said, well, we prepared a staff report. We received a request for a refund. It is the position — and this rises somewhat unusual in that CSX originally owned this property and they were considered a utility back when they owned it, and prior to some changes in the law utilities were taxed by the Department of Revenue and not locally. Therefore, the local Board of Assessors would generally put a zero in the value of the property so that you wouldn't have a situation where you would value it at the State level and turn around and value it again at the County level. Sometime during this period the property changed hands into East Coast Terminal. When the property continued not to be returned, it was now a taxable entitled entity. They have requested a refund. We sent out a Change of Value Notice when we caught the problem. They requested a refund. There's only so many years the Board of Assessors can go back by law, so there are some years that probably they're going to end up having to their advantage in the case. It is the position, it is my understanding and I'll let the attorney speak for himself, that what's happened is we've given a zero value to the property and we've come in and attempted to reassessed the property, and there is some law dealing with the inability to reassess property after you're assessed. We're taking a very practical approach here saying we never assessed it in the first place so this doesn't meet the definition of a reassessment. There could be an argument otherwise. We feel comfortable with the position. We think that the request ought to be denied. The taxpayer certainly knew that they were like any other citizen in this community and they owed property taxes and they let it sit until they got caught. They owe the taxes. They are not paying the full amount because we can't go back so many years, and they've had the time value of the money all these years, so we don't think we're requesting anything unreasonable for them to do and don't think they deserve to have the money back. That's the County's position.

Chairman Liakakis recognized Commissioner Stone.

Commissioner Stone said, due to the fact that Commissioner Farrell is not here and Commissioner Odell is not in the room, I'll ask the question that was asked in the pre-meeting, and that is can we legally give the money back? County Attorney Hart said, it's the position of the County Attorney's office that you have no obligation to give this money back and it would be an illegal thing to do from the standpoint that it does not fit in the confines of the language of the statute. This is a simple matter where taxes weren't paid on the property. We have now asked them to be paid, and we feel that there was never an assessment on the property and that's simply where we are.

Chairman Liakakis said, we have an attorney for East Coast, and if you'll come forward and give her your name please so that it will be in the records.

Mr. Jim Gerard said, my name is Jim Gerard and I represent East Coast Terminal Associates concerning this property. And there is a different argument that can be made concerning whether or not the Board of Commissioners has the right or the option to refund money. This concerns a piece of property on the river front, about 25 acres, that was purchased by East Coast Terminal from CSX in 1987. Before that time for about 15 years the property had been rented by East Coast Terminal from CSX pursuant to a long term lease. East Coast Terminal owned the warehouses on the property and they were taxed separately on that personalty. In 1987, as I said, the property was conveyed to East Coast Terminal Associates. That's correct. We now are asking for a refund of the taxes that were paid on the property for the period from 1997 through 2001. Those monies have been paid. The basis that we're going under to ask for that refund is a State law that allows a taxpayer to request a refund from the County where the property has been illegally assessed or has been reassessed rather illegally. What we're saying in this case is, you know, why has the property been illegally assessed? We say it's because it's being reassessed. The County Attorney and myself are in agreement as to one item and that is the fact that once the piece of property is carried on the tax digest at an assessed value for a particular year, the Board of Assessors can't come back later and for that particular year reassess that property. And that's in the memo I believe that the County Attorney's office sent to y'all a couple of days ago. And I'm in agreement with that. Where we disagree however, Mr. Hart pointed out, he believes that the property was never assessed to begin with. We believe it was for those seven years and, therefore, the reassessment of the property in 2002 for the years 1995 through 2001 was illegal. Now what evidence do we have of that? We requested documents from the Board of Assessors office about a year and a half ago to find out whether or not this property did appear on the tax digest and, if so, what value was it being assessed at, and I've gotten documents here that was routed to me by Carol Osborne and for each of those years there is a — and I don't believe Mr. Hart's seen this — but there's been an assessed value of zero and a net assessment of zero. There's also attached tax bills where the same thing is stated and zero was billed for the property. So what more — what better reference do you need that the property was — had an assessed value of zero on the tax digest than the Board of Assessors' own records for those particular years for this particular PIN number showing that the assessed value was zero. Now Mr. Hart says that, you know, we sat around and took advantage of a good thing for these seven years. I would state that the State law has placed a burden on the Board of Assessors' office to properly

assess properties and value them in a timely manner. All the law requires, and it's in Code Section 48-5-20(a)(2), when a person buys a piece of property, they get a deed and then they file a transfer tax form, which they pay transfer tax on the transfer, and then subsequent to that if the taxpayer does not return the property the following year, that is, a lot of us don't know the first part of the year we're allowed to return their properties for whatever value you think they are worth, and if we don't do that, what happens is that they're automatically returned at the assessed value of the prior year unless, of course, the Board of Assessors comes in and says, no, we're going to revalue them and then they issue a change in value notice. Where a person buys a piece of property, they get a deed and they file a transfer tax form. That's supposed to go to the Board of Assessors' office and they're supposed to realize that there's being a transfer and at that time they value the property the following year if the taxpayer has not returned it themselves.

Mr. Gerard said, in this particular case, in 1987 East Coast Terminal received title to the property from CSX. We filed a transfer tax form. The following year, 1988, East Coast Terminal did not file a return, a written return, and I said before, as this code section says, 48-5-20(a)(2), that would mean that it was automatically returned at the value that it was assessed at the prior year, which was 1987 which was zero. And that's what legally was done. Now at that time the Board of Assessors had every opportunity to come in, having constructed notice of the transfer, and saying, hey, wait a minute, it's not zero even though it's been carried on the tax digest for that amount up till now. There's another entity owning it and it's worth four million or two million dollars rather than the zero dollar that's been carried on the tax digest. But they didn't do that. In fact, they didn't do that for 15 years and every year after that, in 1989 for example, there wasn't any return, written return, filed by East Coast Terminal after that property. But as the law provides, where you don't file a written return, it's automatically returned at the assessed value the prior year. So then that was zero. So you keep on going forth from '88, '89, '90, '91, '92. Some — '93, '94, '95, '96, '97, '98, '99, 2000, 2001, and then the County found out that the property had been transferred 15 years late — 15 years earlier from CSX to East Coast Terminal. And at that time they said they served — issued a change of value notice on East Coast Terminal for the years 1995 through 2001, and this change in value notice was issued in 2002. As Mr. Hart pointed out, tax executions can only cover seven years, so that's why the County only went back and tried to reassess the property for seven years and they went back at their property for the whole property was actually four million dollars. It was subsequently reduced to two million because of — they discovered that East Coast Terminal owns the personal property on those properties which are being tax separately. So anyway, the reduced value of two million dollars was placed on the property for years 1995 to 2001, and we state that since there's evidence that that property had already been put on the digest at zero value for those same years, '95 through 2001 as shown on these records, that they didn't have the right in 2002 to all of a sudden go back and say, no, we're going to reassess the property and we're going to put a value of two million dollars on it for the years 1995 through 2001. The reason that was put on the change of value notice received from the Board of Assessors' office is that we didn't return the property. We just — and that's what Mr. Hart mentioned to you a minute ago, and that couldn't be farther from the truth. The law is, and I could quote you pages, especially this one statute, 48-5-20(a)(2), we filed the deed, we filed the transfer tax. Under the law that is deemed to be a return. So the property was returned and subsequently, as I have just mentioned before, '89 through 2001

the property was automatically returned to the value that it was assessed at the prior year. We didn't need to file a written return. It was automatically returned as a matter of law. So the basis for the change of value, as stated by the Board of Assessors' office, was incorrect. And even assuming — even assuming that the Board could go back somehow and reassess this property after the fact for these particular years, there's a code section that's no one's mentioned and neither has the Board of Assessors, it's 48-2-49, which states that once a property is returned, which we say it was for each year from the years in question, '95 through 2001, the Board of Assessors has got to assess it within three years. So that means that assuming they had the right to go back and reassess, in 2001 they could only go back three years to — for 2001, 2000 and 1999, but that's all the statutory authority that they had, assuming that they could reassess it. I'm saying that they couldn't, I'm saying that the value should have been zero, but assuming that they even could go back, the law states that they could only go back three years. They tried going back seven because, as I said, tax executions can cover a seven year period, but the statute that I cited to you, 48-2-49, trumps that and limits the right of an assessor to assess properties to three years after they have been returned, which we say they were for the seven year period in question.

Mr. Gerard said, the argument that we've been hearing as far as why we might be in the wrong and that we don't have a right for a refund is the fact that we're making this argument in 2006 for a change in value that was effective in 2002, and the argument is that we probably or we should have made this illegality of the assessment argument when we were objecting to the value that the tax assessor was putting on the properties in 2002. The statute though, 48-5-380, states that a taxpayer has the right to contest the assessment of a piece of property for three years after the tax has been paid, and that trumps the statute that says that you're supposed to bring up all the issues concerning the taxability of a piece of property before the Board of Assessors and before the Board of Equalization and then you've got an appeal right to Superior Court. But we feel comfortable we did not forfeit the right to object right now to that assessment. Secondly, we heard and I read in the memo to y'all that the East Coast Terminal has not paid the taxes to you and that we owe \$128,000. To correct that, we owe nothing right now and I've got printouts from the Tax Commissioners' office that I got from Danny Powers yesterday and also from Theresa Harrelson. We have paid everything through 2006. There was a statement in the memo to you that we owe \$128,000 is incorrect. We've paid everything and, by the way, the \$128,000 wasn't even owed on the property in question here, but nevertheless we did pay it and we're current through 2005 and 2006 property taxes won't be due until the end of this year. But basically I think what's happened is that the Board of — we did all that we were legally obligated to do. We filed the transfer tax, we filed the deed and the Board of Assessors notice — office was put on notice of the transfer. It was there duty and obligation at that time to keep the values of the properties current and they did. In fact, they did it for 15 years, and if we did something wrong I don't know what that could have been. I mean, my client during this period of time had a number of tax bills, probably about ten tax bills, probably double of that because he had some personal tax bills, too, and was he supposed to keep track of whether or not — in fact, this property in question also had personal property tax bills associated with it. But it was a clerical nightmare, but nevertheless it wasn't his obligation to come forth and file a return. The property was automatically returned at zero and it was the Board of Assessors' obligation to come forth and say, hey, look there was a transfer here, this is our opportunity to reassess and revalue it. They had that option for the 15

years that my client owned it and they forfeited — not forfeited, they just waived that obligation and right and because of that they're now trying to come back and recapture tax that they lost for the County for those seven years, and we feel that the law that I just cited prevents them from doing that.

Chairman Liakakis recognized Commissioner Shay.

Commissioner Shay said, Mr. Chairman, I just had a vivid reminder of why I didn't go to law school and why I went to architecture school because that's maybe a great citation of law, but as a practical matter we're to decide whether or not we're going to give these people a refund after they already got a wonderful break in not paying taxes from 1987 until 1995, which we can't ever recover. I just think we need to go ahead and vote on the motion for denial and if there's another place where lawyers can talk with lawyers and all these citations can all be worked out, that's great, but we need to just remember that the taxpayers of Chatham County funded an awful lot of services and infrastructure that this property owner was able to access during all these years, and it's not really fair to all those taxpayers that do keep track of their all their bills and notice when something's awry if we start saying that, you know, let's just forgive and forget. We have a motion on the floor and I'd like to call for the question.

Mr. Gerard asked, could I respond to that?

Chairman Liakakis said, no, we don't have a motion on the floor. Commissioner Shay said, oh, we don't. I thought we —. Commissioner Gellatly said, we have a motion. The Clerk said, we do. Chairman Liakakis said, yes, we do. I'm sorry, there is a motion and it has been seconded. Commissioner Shay said, you're the Chairman, I just called for the question. Chairman Liakakis said, well, if you called for the question we have to vote on it. I mean, so there won't be any more discussion on it at this point. There's a motion on the floor and it has been seconded to deny the refund, you know, on this East Coast Terminal property, and the question has been called for like I said. All in favor signify by raising your hand. The motion carried unanimously. [NOTE: Commissioner Kicklighter was not present when this vote was taken.] Chairman Liakakis said, the motion passes.

Chairman Liakakis said, let me say this to you so that you know this. A question that was asked to me, it was brought up because of some of the things that you have stated here so eloquently, is the property was never reassessed because the property was owned by the railroad. There was no value on it because they came under certain regulations under law and the property was never reassessed. They just came back and assessed the property, you know, at the time. So that meaning of reassessed doesn't come into play whatsoever, as was told to some of us, you know, at the time and they were concerned and, in fact, had some people to call about it, just to let you know, that saw this in the agenda that they felt that since the railroad was exempt from that, they felt differently than what was presented to us today. I just wanted to let you know that because, you know, we have comments from citizens and all. But we thank you very much from coming up today.

Mr. John Denton said, may I —. My name's John Denton. I'm with the officer — Vice President of East Coast Terminal Associates. I'd just like to say the reason that a lot of this

has come about, and I understand what you're saying that it sounds like we benefitted from this period of time, which we probably did, but we have — I have tried to talk to someone with the County about negotiation some agreement — some settlement here and that when they reassessed this property in 2001 I went to the Board of Equalization meeting and I agreed on a price for today, a price of two million dollars. They went all the way back to 1995, but — and I was told shame on you, Mr. Denton, you should have understood that when we [inaudible] equalization notice. I went to Mr. Tim Whamsley, who was the Tax Assessors' attorney during the period of time when all of the transition was going on there. He's no longer there and we had tried to discuss with them about some way that this thing could be mitigated because I don't believe in 1995 that property was worth the same as it was in 2002, and that I was told that I don't have a forum to do that. I went to the Board of Equalization meeting, that's it, bubba, you're out, and so the only way you're going to have to do this is you're going to have to ask for a refund on your taxes. And that's why we're here because nobody would allow me to sit down and for us to negotiate with the County for some equal amount, but I don't believe that we should have to pay the appraised value from 2001 back to 1995. I'm a businessman and most of you are. Send — Mr. Shay, send a bill to your customer that's seven years old and see what response you get from them, and I just don't think that — I mean, I don't — the sound here is that we're trying to get away from something. Our company is all over the Southeast United States. We probably get from Chatham County alone fifty bills, and that's not counting from Atlanta, Jacksonville and other areas. This was an administrative oversight. It was nothing intentional that happened.

Commissioner Shay said, I just, you know, the matter has been heard. I appreciate this inform. You've had your hearing. It's our prerogative to decide how we want to dispose of it, and we've done that. Mr. Denton said, I understood that, sir, because that's what was on the agenda that you were going to do that, but I just wanted to speak on behalf of my company. Commissioner Shay said, sure. Mr. Denton said, and I appreciate you for hearing it.

Mr. Gerard said, just one more comment and then I understand your argument, but as far as the three year statute of limitations, even if they did have the right to assess it initially the first time, they only had statutory right to do this [inaudible] and I don't know whether or not Mr. Hart wants to look into that or not, but I think that's pretty much a matter of law.

County Attorney Hart said, my position would be in regard to that the property was never returned. You can't have this thing both ways, and that's what we've got going on here. We're going to say we filed —.

Commissioner Odell said, I don't think we need to argue. We made a decision. It's over. We can make that decision and, Jim [Gerard], as an attorney understands that we just made a decision. We understand your position, but it's done.

Chairman Liakakis said, all right. Thank you.

ACTION OF THE BOARD:

Commissioner Gellatly moved to **deny** the request of East Coast Terminal Associates, Ltd., for tax refund for tax years 1995-2001 in the amount of \$243,058.39 on property located in the City of Savannah and designated as PIN 2-0006-02-002. Commissioner Farrell seconded the motion and it carried unanimously. [NOTE: Commissioner Kicklighter was not present when this vote was taken.]

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4. REQUEST BOARD APPROVE RESOLUTION TO ADOPT COMMUNITY AGENDA REPORT OF THE COMPREHENSIVE PLAN, TRICENTENNIAL PLAN FOR CHATHAM COUNTY AND THE CITY OF SAVANNAH.

Chairman Liakakis said, we just heard Tom Thomson talk about that, you know, previously. He gave us a condensed overview. You have had quite a bit of material that has been distributed to us. Some of our Commissioners have gone to the MPC meetings, you know, and different committee meetings and listened to this and, Helen [Stone], did you want to —.

Commissioner Stone said, I just want to make a motion to approve it. Chairman Liakakis said, we have a motion on the floor —. Commissioner Odell said, I'll second Commissioner Stone's motion.

Chairman Liakakis said, go ahead.

Commissioner Farrell said, just one question. Are there any rezonings in this particular document? We had talked — you had talked briefly about rezoning in the future and I just want a clarity before I vote. I'd like to know if there are any rezonings in this document we're going to vote on today. Mr. Tom Thomson said, this document does not rezone any properties. Commissioner Farrell said, thank you.

Commissioner Odell said, call on Pat [Shay] first. Chairman Liakakis recognized Commissioner Shay.

Commissioner Shay said, but there are some changes in the map. Mr. Thomson said, there are some changes in the map which we —. Commissioner Shay said, and the map will lead to zoning changes in the future. Right? Mr. Thomson said, potentially. There were two types of changes to the map, just off the top of my head just to quickly summarize. Most of the —, Mr. Kicklighter left, but many of them were out in the Western Chatham area where we decided to specifically show the individual characteristics of PUD. In other words, where there were commercial areas within our approved PUD, we showed them commercial on the Land Use Map, but where there was residential we showed them residential with the idea that that was better information for people to look at than just the general development category. The other type I think was — well, there were a couple of miscellaneous places where we did this, but on

Liberty Street, Commissioner Shay, where you and I have exchanged some correspondence on it, where we — it was brought to our attention by, in this case, the property owner and the neighborhood association that the traditional commercial designation that we had on some properties on the east end of Liberty Street did not best reflect what was there, that traditional neighborhood was a better reflection. Both are mixed use districts. Once more intense commercial, ones more intense residential. In the couple of blocks that are noted in your report there are currently predominately by far residential, so we thought best reflected what was there today in that location.

Commissioner Shay said, I'm not finished. On the sixth page of the staff report that's in the book, Number Item 4, you see the list of a summary of changes to the Community Agenda since April 21st. You don't have to look if you don't want to. Chairman Liakakis said, yeah, go ahead. Commissioner Shay said, there are changes, okay, and I just think if we're going to make changes to something that's been adopted at least once, I think twice, by this Commission previously, that we ought to know what's different about it, and so that's why it's on the sixth page of the staff report. My question is where have these changes been? There are some on Wilmington Island. Were the individual property owners noticed? Did they — did the individual property owners within the areas that were changed from one code designation to another on the map, were they noticed and were they given an opportunity to make comments on whether or not they should be shifted from one category to another? Mr. Thomson said, some were but when they were, they generally were the ones talking to us directly about the changes. We followed the process that we're required to follow for Comprehensive Plan amendments. Even on these changes we noticed them in an agenda of the MPC and made the information public on our website and other locations. And this is a technicality, I know, but this Board's motion previously and the City Council's motion was to forward the plan to MPC for review. This is the adoption action today, so the document is final when you vote on it today, and up until now we've addressed certain kinds of changes. Just let me summarize them generally for you. We found errors in the document that inter-related to some part, referred to another part, and we tried to make the internal document consistent. Secondly, errors were brought to our attention by various folks and we addressed those. We had comments that came back to us through the Regional Development Council and part of the Community Affairs review primarily that addressed Hunter Army Airfield — addressed property outside of Hunter Army Airfield, but the comments were made by the Commander — by the Garrison Commander, and the other thing we did was zonings that occurred between the draft in April and now we reflected them for land uses appropriately and, you know, brought them up to date. So, they weren't zonings, Mr. Farrell, they were land use designations that represented the [inaudible] underneath there. So —.

Commissioner Shay said, so the stuff that was brought to us before — I remember sitting in a meeting over at the Coastal Georgia Center where the MPC was there, City Council was there, and we were there and all the public was there and all these maps were shown and everybody said, here it is, here's the Comprehensive Plan, we're excited about it, it's done, move forward. And I thought that was the final version, and then something came to us in April and that was identified as being a final something. Is this —. Mr. Thomson said, that was a draft. Commissioner Shay said, what we're going to vote on today, if this motion goes forwards, is this — it's not the final draft, it's not the final version, it's the final, or are we going to keep on

amending it? Mr. Thomson said, this final version terminology will say adopted after you act today and the draft as you have it will include all the changes that are in the reference pages that you mentioned about changes since April 11. Commissioner Shay asked, and how will any changes to the maps in here be made on a going forward basis? What will be the process for those in the future? Mr. Thomson said, it would be a similar process of what we've gone through. In other words, it would come to the MPC, the MPC would make a recommendation to the City Council and County Commission, and you would have a public hearing and the readings. So any changes from today forward would be like the process we use for adoption. Commissioner Shay asked, but the individual property owners would not be noticed? Mr. Thomson said, the process for a Comprehensive Planning doesn't require individual property notice. It requires a general advertisement and posting on the —.

Commissioner Odell said, so the short answer is no. Mr. Thomson said, that's right. Thank you, sir.

Chairman Liakakis said, let me ask this, Tom [Thomson], because this plan has been worked on extensively and all, and we appreciate it because some things need to be done in the community and we've had problems between the City and the County, you know, because there's differences and all, but one of the things that I started on City Council some nine, ten years ago is that I saw where people weren't notified about changes, and I think it's important that we —, you know, that people are notified, you know, about something that's going to affect their property, you know, so that they will have input in it, and your staff and you have worked hard, plus the prior people that are on the MPC staff and all of that, but one thing we need to remember is if something is going to affect somebody's property, some kind of notification, even a letter going out to them, even if you don't have a meeting, or they can have some input on it because that way the citizens feel that they, you know, they know about it and something that just isn't changed, you know, in that area. And this has been a struggle to get this Tricentennial Plan, as you well know, to get things done so that we can help our community. But that point about notifying people is really important, whether it's in this document or wherever it might be, that we do something because I brought up a number of times in the past where somebody lived around the corner and they were going to do a garage. They're one block away and they're going to put a big garage on the corner to affect those people's homes over there. That was way out of order, and what the MPC did, they came up, you know, and put some areas in that, but something like this it's really important that we do that.

Chairman Liakakis recognized Commissioner Stone.

Commissioner Stone said, you all have posted a notification and this has been approved by the MPC. Is that correct? Mr. Thomson said, well, they didn't actually take a vote since technically the ball is in — at the time we did the MPC presentation at the City Council and County Commission's court. Let me explain. The public hearings at the MPC were closed back in March or early April, whenever we had the last one, and the public hearings were closed in April, I think, both the City and County closed those public hearings in April, and the time frame the submittal to the DCA and now it was expected to have some comments addressed and fine tuning. And as a opportunity to make sure that we got the information out to the people, we put it on the MPC agenda and revealed in detail all the changes with them

and had a dialogue with , but it wasn't an actual vote because they've already made their recommendation to you. Let me just add, secondly, you know, most of the items in here, the affected property owners were involved in them. You know, we sent letters to the people that owned land outside of Hunter explaining the word changing that we did there. The Light Industrial-Industrial things that are in there, we were dealing directly with the property owner and in the case of the Liberty Street issues, we did not notify individual property owners, but we had — we're having a dialogue with the neighborhood association. So we had a level of dialogue with people that would be affected by it. Mr. Hart, maybe you would like to help me out here, or not, but, you know, under the Comprehensive Planning it's — we've done the appropriate public notices, we've had the public input in and we're recommending some fine tuning at the end for you to vote on and adopt as part of the final document.

Commissioner Stone said, I guess my question is kind of like well when each individual land use plan for the Southeast or for the Islands, it was approved by the MPC and then came forward to this body, and so I'm concerned as to why the whole thing wouldn't be approved by the MPC and some recommendations before it comes back to this body. Mr. Thomson said, well, it was, Commissioner Stone, but across the steps I think we're following as critically as we can. Commissioner Stone said, but this document today has not been approved by the MPC. Correct? Mr. Thomson said, that's correct because my interpretation was that it has to be approved by the County Commission. Commissioner Stone said, I was under the impression that it's done like the other Land Use Plans and gotten the stamp of approval, which meant that it was another public forum for anyone that had any concerns before it got improved by the MPC to have the opportunity to express their concerns before, and then be approved by your body with a recommendation for approval for this body, and then giving people certainly ample opportunity to make any comments necessary before it came to this body.

County Attorney Hart said, Commissioner Stone, you're correct. In the two previous Land Plans that's the process that was followed. But the Director is correct , he's following the procedure which is clearly allowed by the law. He does not need to go to the MPC and receive their recommendations or approval on it, and the notification requirements under a general plan is general notification requirements, not specific notification. The concerns that Commissioner Stone raised, I can certainly understand them because one you adopt the Comprehensive Plan, that's sort of your Land Use Plan and it does have impact upon people who may be zoned differently under the current zoning law than under your Comprehensive Plan. This Board pretty much has discretion as to whether it wants to adopt, not adopt, follow procedure currently recommended. On the other hand, if it wanted to, it could send it back to the MPC and say let's get your comments and bring it back and look at it. Commissioner Stone said, that's what I think needs to be done. County Attorney Hart said, that's more of a policy decision. Commissioner Stone said, it needs to go back to the MPC, which will then give the public their final comments before it comes to this Board.

Chairman Liakakis recognized Commissioner Shay.

Commissioner Shay said, let me just state for the record that, two things. Number one, the changes that were made in the Liberty Street Corridor, I have no objection to personally. I

don't have a property interest in anything that's being changed. I don't represent anybody that has an interest in anything that is being changed, at least not to my knowledge, but I'm concerned about the process and the fact that when we are about changing the map that is intended to become when the standards are adopted for a zoning district, that we're doing something that's very close to rezoning a piece of property. Maybe we're not legally rezoned, but we're doing something that's pretty close to it, and I don't think the outcome of this is likely to be different, but I just for due process reasons I think the folks in that area ought to be allowed to have the opportunity to comment and do so in a public hearing, and that could very well be at the MPC.

Commissioner Stone said, that would be my suggestion. Would you be comfortable with that being done at the MPC and then you all making an approval and then it coming to us?

Mr. Steven Lufburrow said, if I may, Mr. Chairman. Chairman Liakakis said, yes. Mr. Lufburrow said, Steven Lufburrow, Chairman of the MPC. The MPC was apprised of these particular changes and had an opportunity I guess to request to take another vote on this, and if you follow the procedures that were done through this whole process, and one of the things I was going to say earlier, that as much as we all recognize the need for the change in the zoning and the change in the Land Use Plan and are anxious to see that happen, and would like to see it happen sooner rather than later, the process has taken quite a while, but I think that that is a good thing. We have a lot of public involvement throughout the entire process, but even earlier on there was not any specific notification given through this entire process for various different properties that the MPC staff was going to recommend a change in land use on. And so as Mr. Thomson has stated earlier, most of the property owners involved with these minor changes that came along or whatever, have been involved in the process, so they haven't been entirely left out of the loop. But through the entire process there's been no direct notification ever given in this particular process. Of course, that will be done when we get, you know, to the properties that happen to be rezoned as that is required.

Commissioner Shay said, the whole process up and until about December was very widely known and very widely — you did a lot of outreach, you know, into the community and said we're undertaking this process, we want you input and everything. Now these subtle changes, minor things, not in and of themselves bad, are sort of happening after the fact. I mean, I just, you know, I have some nervousness that somebody's going to show up and say, wait a minute, I attended the public hearing and what was presented to us was this and now somehow it's become that and I'm not sure that the people in the public realm are as aware of this. I mean, I wouldn't have been aware of it. I mean, I really — you dig back into page six of this staff report, you know, to find these changes. That's a pretty subtle way to make a change. Mr. Lufburrow said, well, it wasn't intended — page six to be subtle. I mean, it was put there, you know, to bring it to your attention, but, you know, I would just say through the process that's it's an attempt. If you're getting ready to adopt a document, you want that document to be as accurate as possible as it can be, and there was even a possibility that DCA could have sent it back and required certain changes in it. And so basically all the action that this Board had taken on it before was to send it on to DCA for their review and comment and this was the appropriate time for final adoption. So it was really from the beginning until now open for opportunities to make corrections and, I mean, I think that's basically the

underlying reason that these particular things were done. They were things that were brought to our attention that they were not correct, and so we didn't feel, you know, that we should bring it to this body having knowledge that there were corrections that needed to be made before it was finally adopted. And, no doubt, I can't stand here and tell you that this is a perfect document now. I'm sure that there are still some uses that are shown on there that probably should be changed that no one has discovered, but that's why it's become a living document that can be changed in the future. We're just adopting it or asking it to be adopted as is today, the best document that we could put forth.

Chairman Liakakis recognized Commissioner Farrell.

Commissioner Farrell said, I just want to make a comment that I agree with Commissioner Stone's recommendation that we run this back through the MPC and through that channel as a — in an abundance of precaution that everybody is covered. In addition, I would — I am uncomfortable — I would be uncomfortable in voting in favor of this today without doing some due diligence on these three properties on Wilmington Island so that I would know that these land owners were fully aware of this change and if they had any objection or whatnot that we would have a little bit of time to try to flush out the details on that. I would hate for us to set into motion something that would have unintended consequences in the future and that I would have voted on something that I didn't quite know enough about as a representative of my district.

Chairman Liakakis recognized County Attorney Hart.

County Attorney Hart said, I just wanted to say that MPC staff has followed the process required by law and has done a fairly exhaustive work on this document and there's always going to be some changes between the final public hearing and the last because you leave out commas and you find adjustments or things that don't make sense within a document as complex as this. This is a fairly complex document. You're within your rights to send it back to MPC as part of the Land Commission to get their viewpoint of it, but I don't think we need to reopen the whole door to go back and fight the public hearing fight or because there's been an awful lot of that, and my thought would be if you want the comments of your MPC, then let — then it's within your discretion to send it back to them. If they want to take some information, that's fine. If you want to call that a public hearing, that's fine, and then they could make some comments to be added to this as long as those comments are not such that it would require some type of further review by one of the other agencies, then you're certainly within your rights to bring it back and bring it to a conclusion. But ultimately you're going to have to adopt some type of plan because you're required to and ultimately your plan is not going to please everybody.

Chairman Liakakis recognized Commissioner Stone.

Commissioner Stone said, Mr. Chairman, in light of what I've heard today I would like to withdraw my motion and make the recommendation that it does go back and at least get an approval from the MPC, which gives you all one last opportunity for any changes, and once it's been given approval by you all and you have the opportunity if there are any comments on this

then for it to come forward to us with a recommendation from the MPC, just as we did with the Southeast Land Use Plan and the Islands Land Use Plan, so that we have an understanding that you all have approved it.

Chairman Liakakis asked, does the second withdraw his second? Commissioner Stone said, I withdrew my motion and Harris [Odell] — . Commissioner Odell said, I'll withdraw. Chairman Liakakis said, okay. Commissioner Stone said, if you want me to, I'll make a motion. Chairman Liakakis said, Steve [Lufburrow], that you're doing a really good job, we can see the process that MPC has made. The Commission members are working hard. Sometimes you have a heavy burden on you because sometimes you have to make decisions that are tough, and we understand that, and Tom Thomson has done an excellent job and Dennis and the members of the MPC, I mean, the staff people alone work hard, and they catch a lot of flack and all. But one of the things I want you to consider, Steve [Lufburrow], is setting something in motion that when we have something going on, even if you just send a letter to the property owner — you see what I'm saying — so everybody is notified if we are in some sections, whether it's going to be three houses, three blocks or whatever the situation is, at least they know about it and that's being fair because what you're doing then you are giving them the opportunity to be familiar with it and not something come up the next day or the next year, whatever the case might be, and see that they have not been heard and the circumstances could be detrimental to them.

County Attorney Hart said, Mr. Chairman, individual notice is not required. I want to make sure everybody understands that. Chairman Liakakis said, I fully understand that, but what I'm saying is that we put some requirement in there that we do the individual notices because — I'll just give you another example. There's a piece of property on Skidaway Road, where they wanted to close off a road over there. The three people who lived on that road, you know, on the side of that piece of property weren't even notified that they were closing the road. The person that bought the school over there made the motion or made the request to close off, but the three people right there on the property where they're going to close the road didn't even know about it, you see, and I just think that notification is good because you're giving the people the opportunity to be familiar. And I understand what you're saying, Jon [Hart], about that, that no requirement, but I think things should be in place because this has been going on for a long period of time and it's no need to put that burden on the MPC Commission and the staff people and people on City Council and County Commission, and the situation with the citizens.

Mr. Lufburrow said, Chairman Liakakis, if I may, I do want to state in light of what you have said that we at the MPC have been working diligently and have made changes in recent years to expand notification requirements under the many different petitions that we have heard, and doing other things beyond that — working to make contacts and have relationships with neighborhood groups and neighborhood representatives. I mean, we want the process to be as inclusive as possible and, in view of what has been said here today, I mean, this has been a long process so far. We've worked very hard to include everyone in it. We would like to continue to do so, and so, you know, we would be more than happy to take this back to the MPC, you know, as Commissioner Stone has recommended and bring it back to this body.

We in no way whatsoever, you know, want to exclude anyone from the process. We've worked too hard, you know, to get as far as we have with it.

Commissioner Stone said, and I commend you and I know how hard, I know how long this has taken. As soon as you can get the approval from the MPC, please I want it to come back as quickly as possible, but I think that that gives us one last safety net with your approval before the Commission —. Mr. Lufburrow said, we will put this on our agenda, I believe it's for September 5th, our next —. Mr. Thomson said, but I want to check and see if we are going to notice — follow the rules of notice and make sure it's the number of days —.

County Attorney Hart said, that's one thing that we're going to have to be extremely careful about, and our Director is right on point there. Commissioner Stone said, right. County Attorney Hart said, you know, we've got 119,000 parcels, you know, in Chatham County. If we're going to send notice to everybody, we're talking a couple of hundred thousand dollars. Commissioner Stone said, no, just the ones —.

Commissioner Shay said, we're not talking about notice to everybody in Chatham County, we're just talking about the ones that are involved in a map change. County Attorney Hart said, so that's what I'm saying. We just need to make sure we're going to have to —.

Chairman Liakakis said, I mean, that's not the request at all, I mean, Jon [Hart]. You look at this. Here's the question on that Liberty Street, you know, from Abercorn to Price Street and those people weren't notified. Okay, so we're just talking about three blocks there and just send notification, and that's being fair.

Commissioner Stone said, only the ones that are going to be changed, that are going to be directly impacted, and then as soon as the notification and as soon as we get the approval from the agency, then it to be put on our agenda as soon as possible.

Mr. Lufburrow said, well, we will review how much time we need to make that and will set a date as early as possible and put it on the MPC agenda and will notify y'all.

Commissioner Stone said, Mr. Chairman, I make that in the form of a motion to continue this until they can get the recommendation from the MPC and then put it on our agenda as soon as possible.

Chairman Liakakis asked, do we have a second? Commissioner Gellatly said, second. Chairman Liakakis said, all right. A motion has been made and seconded. Those —, excuse me. Chairman Liakakis recognized Commissioner Thomas.

Commissioner Thomas said, no, I was getting ready to vote. Chairman Liakakis said, oh, okay.

Chairman Liakakis said, everybody let's raise your hand that's in favor. The motion carried unanimously. [NOTE: Commissioner Kicklighter was not present when this vote was taken.] Chairman Liakakis said, the motion passes.

Chairman Liakakis said, thank you Tom [Thomson] and Steve [Lufburrow].

ACTION OF THE BOARD:

Commissioner Stone moved to return the Community Agenda Report of the Comprehensive Plan, Tricentennial Plan for Chatham County and the City of Savannah to the MPC for their review and requested that they return it to the Commission with their recommendation at the earliest possible date. Commissioner Gellatly seconded the motion and it carried unanimously. [NOTE: Commissioner Kicklighter was not present when this vote was taken.]

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5. REQUEST BOARD APPROVAL OF A PLAN TO RESOLVE THE DUPLICATION OF WATER AND SEWER SERVICE IN THE BURROUGHS AND RICE MILL AREA.

Chairman Liakakis recognized County Manager Abolt.

County Manager Abolt said, Mr. Chairman, ladies and gentlemen, I direct your attention to Tab 5, the staff report, but more specifically to the third piece of paper, which is a map showing the area in question. At best you can describe it as a hodgepodge. The County has had a longstanding responsibility to 362 customers, which is a mix of water and sewer patrons. They are arrayed on the map. The dark lines show you how convoluted the configuration and service area are. The City of Savannah approached us asking for, in fact, that an opportunity to now serve those patrons and eliminating the confusion where one person on one side of the street might be served by the County system and on the side by the City system. In doing this based on the wisdom of days gone by and the cautions of previous County Commissions, our main intent there is to protect the current rate payer, and we think we've done that. If you look at the second page, where in fact we talked about the solution, we've protecting this agreement, the current rate structure that these patrons pay, and that rate structure will only be adjusted when and if the County were to adjust its rates in future years. We feel in the long term this is not just a good investment from the standpoint of uniformity of sewer service and water service, but it will also lend to these customers a feeling of confidence as the County Commission. It's just not going to offer them up for the simplicity of water and sewer service. It requests adoption of the proposal.

Commissioner Odell asked, that's in David's [Gellatly] district? Commissioner Gellatly said, yes. Commissioner Odell said, and we're guaranteeing that no change unless the County changes. County Manager Abolt said, yes sir. Commissioner Odell asked, — for what period of time? County Manager Abolt said, forever. Commissioner Odell said, as long as grass is green. County Manager Abolt said, as long as grass is green.

Commissioner Gellatly said, I make a motion for approval. Commissioner Thomas said, second.

Chairman Liakakis said, we have a motion on the floor and a second. Everybody in favor, raise your hand. The motion carried unanimously. [NOTE: Commissioner Kicklighter was not present when this vote was taken.] Chairman Liakakis said, the motion passes.

ACTION OF THE BOARD:

Commissioner Gellatly moved to approve a plan to resolve the duplication of water and sewer service in the Burroughs and Rice Mill area. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Kicklighter was not present when this vote was taken.]

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X. ACTION CALENDAR

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

Chairman Liakakis said, Action Calendar — we have Items 1 through 7 and under the disbursement of funds 7-A through G. Do we have any comments to pull out any of those so that we can take a complete vote, unless somebody wants to speak on a particular item? Okay, do we have a motion on the floor to accept the Action Calendar, 1 through 7 and 7 Items A through G.

Commissioner Thomas said, move for approval, Mr. Chairman. Commissioner Holmes said, second. Chairman Liakakis said, okay, all in favor raise your hand. The motion carried unanimously. [NOTE: Commissioner Kicklighter was not present when this vote was taken.] Chairman Liakakis said, the motion passes.

ACTION OF THE BOARD:

Commissioner Thomas moved to approve Items 1 through 7-G. Commissioner Holmes seconded the motion and it carried unanimously. [NOTE: Commissioner Kicklighter was not present when this vote was taken.]

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

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1. APPROVAL OF THE MINUTES FOR THE REGULAR MEETING OF AUGUST 11, 2006, AS MAILED.

ACTION OF THE BOARD:

Commission Thomas moved to approve the minutes of the regular meeting of August 11, 2006. Commissioner Holmes seconded the motion and it carried unanimously. [NOTE: Commissioner Kicklighter was not present when this vote was taken.]

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2. CLAIMS VS. CHATHAM COUNTY FOR THE PERIOD AUGUST 3 THROUGH AUGUST 16, 2006.

ACTION OF THE BOARD:

Commissioner Thomas moved to authorize the Finance Director to pay the claims against the County for the period August 3, 2006, through August 16, 2006, in the amount of \$4,085,146. Commissioner Holmes seconded the motion and it carried unanimously. [NOTE: Commissioner Kicklighter was not present when this vote was taken.]

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3. REQUEST FROM KERN-COLEMAN, ENGINEER FOR THE DEVELOPER, NORTH GODLEY DEVELOPERS, INC., FOR THE COUNTY TO RECORD THE SUBDIVISION PLAT AND ACCEPT THE SUBDIVISION AGREEMENT AND FINANCIAL GUARANTEE FOR CHAPEL PARK, PHASE 2, AS WELL AS RECOMBINE THIS PHASE WITH THE EXISTING CHAPEL PARK, PHASE 1 STREETLIGHT ASSESSMENT RATE DISTRICT.

[DISTRICT 7.]

ACTION OF THE BOARD:

Commissioner Thomas moved to approve the request from Kern-Coleman, engineer for the developer, North Godley Developers, Inc., for the County to record the subdivision plat and accept the subdivision agreement and financial guarantee for Chapel Park, Phase 2, as well as recombine this phase with the existing Chapel Park Phase 1 Streetlight Assessment Rate District. Commissioner Holmes seconded the motion and it carried unanimously. [NOTE: Commissioner Kicklighter was not present when this vote was taken.]

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4. REQUEST FROM SOUTHEAST ENGINEERING AND ENVIRONMENTAL, ENGINEER FOR THE DEVELOPER, BERWICK TOWNHOMES, LLC, FOR THE COUNTY TO RECORD THE SUBDIVISION PLAT FOR GLENWOOD GROVE, ACCEPT THE SUBDIVISION CONSTRUCTION AGREEMENT AND FINANCIAL GUARANTEE, AND WAIVE THE REQUIREMENT FOR A STREETLIGHT ASSESSMENT DISTRICT. [DISTRICT 7.]

ACTION OF THE BOARD:

Commissioner Thomas moved to approve the request from Southeast Engineering and Environmental, engineer for the developer, Berwick Townhomes, LLC, for the County to record the subdivision plat for Glenwood Grove, accept the subdivision construction agreement and financial guarantee, and waive the requirement for a Streetlight Assessment Rate District. Commissioner Holmes seconded the motion and it carried unanimously. [NOTE: Commissioner Kicklighter was not present when this vote was taken.]

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5. REQUEST BOARD APPROVAL AUTHORIZING THE CHAIRMAN TO SIGN A GEORGIA DEPARTMENT OF COMMUNITY AFFAIRS GRANT IN THE AMOUNT OF \$3,500 TO THE ANDERSON COHEN WEIGHTLIFTING CENTER FOR WEIGHTLIFTING EQUIPMENT.

ACTION OF THE BOARD:

Commissioner Thomas moved to approve the request authorizing the Chairman to sign a Georgia Department of Community Affairs Grant in the amount of \$3,500 to the Anderson Cohen Weightlifting Center for weightlifting equipment. Commissioner Holmes seconded the motion and it carried unanimously. [NOTE: Commissioner Kicklighter was not present when this vote was taken.]

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6. REQUEST BOARD APPROVE TRUMAN LINEAR PARK AGREEMENT.

ACTION OF THE BOARD:

Commissioner Thomas moved to authorize the Chairman to execute all documents pertaining to the Georgia Department of Transportation Enhancement Project Grant in the amount of \$1,008,000 for Truman Linear Park Trail, Phase II. Commissioner Holmes seconded the

motion and it carried unanimously. [NOTE: Commissioner Kicklighter was not present when this vote was taken.]

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7. 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.)

ITEM	DEPT.	SOURCE	AMOUNT	FUNDING
A. One (1) compactor truck	Solid Waste	Freightliner of Savannah	\$107,839	Solid Waste Restricted
B. Annual price agreement for the purchase on an "as needed" basis police pursuit sedans	Fleet Operations	J. C. Lewis Ford	\$20,250	<ul style="list-style-type: none"> •CIP - Vehicle Replacement •General Fund/M & O - Various •SSD - Various •Various Funds •SPLOST (2003-2008) - Vehicle Replacement
C. Change Order No. 1 to the contract for engineering services for the Rahn Dairy Canal Drainage Improvement project for costs related to the State of Georgia requirements for a stream buffer variance	SPLOST	Thomas & Hutton Engineering	\$17,500	SPLOST (1998-2003) - Drainage - Louis Mills/ Redgate/Rahn Dairy
D. Purchase of five four (4) undercover vehicles	C.N.T.	<ul style="list-style-type: none"> •Fairway Lincoln Mercury •J. C. Lewis Ford 	<ul style="list-style-type: none"> •\$34,950 •\$29,500 	CIP - CNT Vehicles

E. Change Order No. 1 to the contract to pave Mobley Street, Perkins Place and Yucca Place to add piping to the project for the paving of Yucca, Mobley and Perkins	SPLOST	Griffin Contracting, Inc.	\$54,543	SPLOST (1985-1993) - Andrews Street, Mobley Street, Yucca Place, Perkins Place, Stone Street and Welch Road
F. Installation of a new overhead communications connection between the Montgomery Street Courthouse and the Montgomery Street Parking Garage	SPLOST	Godbee & Rimes Contractors, Inc.	\$24,500	SPLOST (2003-2008) - Courthouse Renovations
G. Change Order No. 1 to the contract for the sports lighting system for the Concord Road Soccer Field for additional foundation modifications to support the sports lighting systems	Parks and Recreation	Rabey Utilities	\$17,500	CIP - Series 1999 - Bond Fund

ACTION OF THE BOARD:

Commissioner Thomas moved to approve Items 7-A through 7-G, both inclusive. Commissioner Holmes seconded the motion and it carried unanimously. [NOTE: Commissioner Kicklighter was not present when this vote was taken.]

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XI. FIRST READINGS

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

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

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

1. THE PETITIONER, ROY PATEL, RYAN THOMPSON, AGENT (FOR QUACCO LAND INVESTMENTS, OWNER) IS REQUESTING THE REZONING OF 701 QUACCO ROAD FROM AN R-A (RESIDENTIAL

**AGRICULTURE) ZONING CLASSIFICATION TO A PUD-M12 (PLANNED UNIT DEVELOPMENT MULTI-FAMILY RESIDENTIAL 12 UNITS PER GROSS ACRE) ZONING CLASSIFICATION. THE MPC RECOMMENDS APPROVAL TO REZONE THE PROPERTY FROM AN R-A (RESIDENTIAL AGRICULTURE) TO A PUD M-12 (PLANNED UNIT DEVELOPMENT MULTI FAMILY-12 UNITS PER GROSS ACRE AND APPROVAL TO CHANGE THE CHATHAM COUNTY FUTURE LAND USE PLAN FROM SINGLE FAMILY RESIDENTIAL TO SINGLE FAMILY SEMI-ATTACHED AND MULTI-FAMILY RESIDENTIAL.
MPC FILE NO. Z-060516-56325-1
[DISTRICT 7.]**

ACTION OF THE BOARD:

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

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XII. SECOND READINGS

1. ADOPTION OF AN UPDATED CHATHAM COUNTY REVENUE ORDINANCE.

Chairman Liakakis said, as all of you remember there has been discussion on this ordinance issue before. You were all given information on the updated Chatham County Revenue Ordinance. Do we have a motion on the floor to adopt this?

Commissioner Odell said, move for approval. Chairman Liakakis asked, do we have a second? Commissioner Gellatly said, second. Chairman Liakakis said, it's been moved and seconded to adopt the updated Chatham County Revenue Ordinance. Any discussion? All in favor signify by raising your hand. The motion carried unanimously. [NOTE: Commissioner Kicklighter was not present when this vote was taken.] Chairman Liakakis said, the motion passes.

ACTION OF THE BOARD:

Commissioner Odell moved to adopt an updated Chatham County Revenue Ordinance effective August 25, 2006. Commissioner Gellatly seconded the motion and it carried unanimously. [NOTE: Commissioner Kicklighter was not present when this vote was taken.]

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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. *NOTE: None for this meeting.*

ACTION OF THE BOARD:

No report was attached for this meeting.

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EXECUTIVE SESSION

Upon motion being made by Commissioner Thomas and seconded by Commissioner Odell the board recessed at 12:01 p.m. to go into Executive Session for the purpose of discussing litigation, land acquisition and personnel.

Following adjournment of the Executive Session, the meeting of the Board of Commissioners was reconvened at 12:46 p.m.

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ITEMS FROM EXECUTIVE SESSION

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

ACTION OF THE BOARD:

Commissioner Gellatly moved to authorize the Chairman to execute an Affidavit that the Executive Session was held in compliance with the Open Meetings Act. Commissioner Stone

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

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2. FIRE ALARM SYSTEM AT COUNTY JAIL.

ACTION OF THE BOARD:

Commissioner Thomas moved to authorize Purchasing to exercise emergency powers to contract with a vendor on a time and expense basis for the fire alarm system at the Chatham County Detention Center. Commissioner Stone seconded the motion and it carried unanimously. [NOTE: Commissioners Shay and Kicklighter were not present when this vote was taken.]

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ADJOURNMENT

There being no further business, the Chairman declared the meeting adjourned at 12:50 p.m.

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APPROVED: THIS _____ DAY OF _____, 2006

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

SYBIL E. TILLMAN, CLERK OF COMMISSION