

**MINUTES OF THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF CHATHAM COUNTY, GEORGIA, HELD ON FRIDAY, JULY 20, 2007, 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 9:35 a.m., Friday, July 20, 2007.

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**II. INVOCATION**

Commissioner James J. Holmes 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  
                  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. PROCLAMATION FOR CAPTAIN BOB MERRIMAN ON HIS RETIREMENT.**

Chairman Liakakis said, we have a special proclamation for an individual who has served our community long, with dedication, a lot of loyalty, and because of this particular individual a lot of serious cases, whether it's murder or some other aggravated assault of many cases were solved by this individual, and what I'd like to do right now is call on Commissioner Kicklighter for this proclamation for Captain Bob Merriman. Chairman Liakakis said, Bob [Merriman], why don't you have your wife come up and stand while this is being done.

Commissioner Kicklighter said, Mr. Chairman and Commissioners, I'm proud to be able to read this proclamation and present it, and this is a very honorable man who means so much to this community and me and my family personally, along with David Lock here also, who means so much, and a former partner, Owen Ferguson. Approximately 20 years ago, June 2, 1987, I met Captain Merriman. I was 17 years old and had to walk across the street and into my brother's

home past him laying on the ground, shot and laying there dead. Me and my dad, which is here today, also walked in and sat down on a couch and met Captain Merriman. And the calm in his voice, the coolness, and I don't remember if it was popular back then or if it was on television then or shortly after, but Bob [Merriman] reminded me of the fellow on Miami Vice. He was calm, cool, collected, not just — something about him I knew that they would find who murdered my brother. He just brought some type of peace through his voice, and I'll say this, throughout I believe it took six years to actually collect enough evidence to bring the person to justice that murdered my brother. Throughout the six years my father probably went in there, in the police office, the detective's offices, at least once a week. Sometimes more than once a week, and every single time he would walk in my brother's file would be either sitting directly on the desk or within arm's reach right there where they knew where it was. The determination that Captain Merriman displayed, not only on that case but all cases, is just unbelievable. And I heard the Assistant District Attorney David Lock speak at one point about Captain Merriman about how his pursuit was just relentless and he absolutely moved forward until he solved the cases and all, and what I heard him speak about was how he actually goes above and beyond, he follows and helps keep the criminal in jail. That's what I heard him actually speaking about. That's a huge part as far as caring for the people, the victims, the victim's families. Captain Merriman is there to have or make sure that these people stay behind bars also. He's going to be greatly missed and he's a — just a modern day hero as far as I'm concerned, and this day and time when we really don't hear good things about the police, this man is a true hero.

Commissioner Kicklighter said, at this point I want to read the proclamation. It says:

### **PROCLAMATION**

**WHEREAS**, Chatham County is honored to have dedicated and professional law enforcement officers who place their lives in jeopardy to protect the lives and property of our citizens; today we pay tribute to one of our own, Captain Robert "Bob" Merriman; and

**WHEREAS**, Captain Merriman received a Bachelor's degree in Criminal Justice in 1976 and further prepared himself and displayed his dedication to enforcing the law by becoming a 1<sup>st</sup> year law student at the University of Georgia while working for the Athens Police Department; and

**WHEREAS**, on February 18, 1978 Chatham County was privileged to have him join the proud members of the Chatham County Police Department where he distinguished himself as a true protector of the citizens and because of his knowledge and skills, he was transferred to the Criminal Investigation Division and was voted Policeman of the Year in 1985; and

**WHEREAS**, he was promoted several times due to his thoroughness and professionalism and on August 5, 2000, Bob Merriman obtained the rank of Police Captain and after the police merger in 2005, Captain Merriman assumed the role of Captain - Assistant Commander, Criminal Investigations Bureau; and

**WHEREAS**, Captain Merriman diligently worked on and solved over 50 homicide cases and has successfully worked on four death penalty cases where defendants were found guilty. He is well known throughout Chatham County for his aggressive work ethics in solving high profile cases and has been commended by families of homicide victims for the determination he showed in solving the cases of their loved ones.

**NOW, THEREFORE**, I, Pete Liakakis, Chairman, on behalf of the Chatham County Board of Commissioners, do hereby proclaim Friday, July 20, 2007 as:

### **CAPTAIN BOB MERRIMAN DAY**

in Chatham County for his dedication in the battle against crime and applaud him for making the motto, "To Protect and Serve" a code by which he lives. We extend best wishes as he assumes the role of "Retired Captain Merriman".

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of Chatham County, Georgia to be affixed this the 20<sup>th</sup> day of July, 2007.

**ATTEST:**

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

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Sybil E. Tillman, Clerk

Captain Merriman said, I just want to thank the Commission, Commissioners and Chairman, and Mr. Abolt, but I would like to say this. You know, at first when Chief Berkow and then Chief Lovett said that y'all were wanting to do this for me, I said well I was just doing my job all these job. To me, that's what it was. It's been an honor to serve the community, the citizens of Chatham County and the City of Savannah. There's been a lot of cases, a lot of cases that were successful, but some that — and others that the suspects haven't been found or we know who they are and just not able to prosecute them. Thirty-one years is a long time and sometimes it's a thankless job, but sometimes it's a very rewarding job, especially when you bring justice to some of the victims of the community and to the families. Again, I just want to thank y'all. I appreciate it. I never thought I'd see this. I didn't think I deserved it, and I just want to thank y'all for it. Thank you very much.

County Manager Abolt said, ladies and gentlemen, Commissioner Kicklighter and his personal testimony can say much more than I about the quality of the man behind me. The only thing I would add is that it's been my pleasure to work with numerous chiefs of police since I've been your measure: Chief St. Lawrence now Sheriff St. Lawrence, Chief Ron Lowe, Chief Tom Sprague, Chief Flynn and now Chief Berkow. They were all to a person nothing but the highest supporter and cheerleader for the man who stands behind me and to my right. This is a man who if anyone out there in the audience, the TV audience that is interested in coming up with a script for an outstanding movie of crime fighter par excellence, please remember Bob Merriman. I also want to add that we're going to present him — really to his wife — the lamp which signifies a very small token of appreciation and recognition for the service of this hero.

Chairman Liakakis recognized Commissioner Gellatly.

Commissioner Gellatly said, thank you, Mr. Chairman. Captain, I want to take exception with one of the things that you said about having a job. You didn't have a job — he's fixing me with my microphone here. Captain, you didn't have a job, you had a profession and you were a true professional, and I'd like to say in my opinion you are and were and will continue to be a policeman's policeman. Only another person in law enforcement can say that. That might not mean much to a lot of people, but those of us in law enforcement, there's just a very small select group of officers that we ever say are policeman's policeman, and you certainly fit that category. I've had the pleasure of knowing you and working with you for decades and I know that even with your departure into retirement and, Bob [Merriman], I can attest to this almost eight years now, it's a good thing. It's a good thing, but I think that everyone that has known you, worked with you professionally are a little better off for that, and I know and I've heard from your subordinates that they've all learned things from you. They've learned skills that were unique and skills that only you possess, that there a lot of younger officers out there that still have a lot of career ahead of them that have learned a lot of important, critical investigative techniques that you can't learn out of textbook, and they learn them from you and they're going to live on for many, many years to come. I consider it a true privilege to have had the opportunity to work with you through the years, and you're a damn good cop. Thank you. Captain Merriman said, thank you.

Chairman Liakakis said, Assistant Chief Lovett, would you like to comment?

Assistant Chief Willie Lovett said, thank you. You know, when the merger took place at that time I happened to be in charge of CIB and one of the things that I was confronted with was how are we going to make the transition a smooth transition and I didn't have to look far after I really spoke to the staff and especially Captain Merriman. It was indeed him and him alone that made the investigations bureau as smooth as possible. That was just one of the talents that he had. As before many of you have mentioned his ability to solve cases or to make people feel special, that is a unique characteristic that everybody doesn't possess. But I must tell you, it's going to be a great loss to Savannah-Chatham Metropolitan Police Department, especially in criminal investigations. We will look and we will find someone to fill his position, but we will never be able to find someone to replace him. Thank you.

Chairman Liakakis said, thank you. David Lock, the number two man in the District Attorney's Office, who is quite familiar with Bob [Merriman].

Mr. Lock said, thank you, Chairman. As Commissioner Gellatly said, it wasn't just a job to Bob [Merriman], it was a profession, but I'll take it one step further. It was really his life's work. It was a major part of his life and it consumed a lot of what he did, and that's why he identified so well with the job because it was — a lot of his identity was as Detective Bob Merriman, later Captain Bob Merriman, and that relentlessness as Commissioner Kicklighter alluded to did help us when — maybe some crimes were solved immediately, others it was years later, but it was that dedication and resourcefulness that led to a lot of these crimes being solved, and the thing we always liked about Bob [Merriman] was it didn't stop when the arrest was made. The investigation continued and it continued on through the prosecution, the trial, so that he was always there by our side making the case. So if you ever had to draw the framework for a detective of the characteristics you wanted in a detective, you would just have to look at Bob Merriman. Thank you.

Chairman Liakakis said, and Bob [Merriman], again, for your dedication in protecting the people's lives in this County, we really appreciate that. You did an outstanding job and hopefully and prayerfully that you will be blessed in the years to come, but still with your knowledge and ability if you will consider, you know, to train at some point — to help train the investigators so that they will gain addition knowledge. Captain Merriman said, thank you, sir. Chairman Liakakis said, okay.

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**2. PROCLAMATION FOR NATIONAL NIGHT OUT. ASSISTANT CHIEF WILLIE LOVETT WILL BE PRESENT TO ACCEPT.**

Chairman Liakakis said, next on the agenda is a proclamation for the National Night Out. Assistant Chief Willie Lovett will be present to accept this and with him are some members of the Metro Police Department who have in the past done an outstanding job, and of course we do appreciate Sgt. Montgomery because for many years he has been involved in this National Night Out. And the people might not know this, Savannah, Chatham County has been up in the lead nationwide. Out of the thousands and thousands of cities around the country, Savannah has always placed in the top ones in the cities for their participation in National Night Out and it has made a difference, and we really appreciate that. And what I'd like to do right now is call on Commissioner Shay to read the proclamation.

Commissioner Shay read the following proclamation into the record:

**PROCLAMATION**

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

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

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

**NOW, THEREFORE**, I, Pete Liakakis, Chairman, on behalf of the Chatham County Board of Commissioners, do hereby proclaim, Tuesday, August 7, 2007 as:

**NATIONAL NIGHT OUT**

in Chatham County and urge all citizens to participate in this national campaign for heightening crime and drug awareness which helps to strengthen police and community partnership.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of Chatham County, Georgia to be affixed this the 20<sup>th</sup> day of July 2007.

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Pete Liakakis, Chairman  
Chatham County Commission

**ATTEST:**

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Sybil E. Tillman, Clerk

Chairman Liakakis said, Chief, would you like to comment? Introduce your officers please, and don't hide in the corner there, Major. Come up front here, too, at the podium area and introduce all the officers.

Several officers introduced themselves as follows: Major Jerry Long, Savannah-Chatham Metro; Corporal (Inaudible); Corporal David James; Officer Diane Williams; Sgt. George Montgomery. Chief Lovett said, and of course this is McGruff. Chairman Liakakis asked, McGruff? Yeah, McGruff, listen, that picture that you took with me, I sent it to my sister and told I had a new pet in the family and I said he's a very large dog and I asked her if you could come up there and stay with her, and we had a great time doing that. Thank you.

Major Long said, Chairman Liakakis, after your nice little jitterbug that you did on television a while back —. Chairman Liakakis said, yeah. Major Long said, [inaudible] agreed to do the electric slide, so be brushing up on that. We plan on kidnapping you at some point and getting you to do the electric slide. Chairman Liakakis said, okay.

Assistant Chief Lovett said, there was actually one member of our staff that we didn't recognize and that's Lt. Garfield. Major Long said, he'll be there as well and will be helping out.

Chairman Liakakis said, okay, thank you very much. Appreciate it, and we want all of our citizens to participate in the National Night Out in August, and you'll receive more information through the TV and the newspaper. Thank you.

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### 3. PRESENTATION BY NATIONAL WEATHER SERVICE/CHARLESTON ON STORMREADY CERTIFICATION FOR CHATHAM COUNTY.

Chairman Liakakis said, identify yourselves to us please.

Mr. Paul Yura said, my name is Paul Yura. I am the Warning Coordination Meteorologist with the National Weather Service Office in Charleston, and we have jurisdiction over Chatham County as well as twelve other counties in Southeast Georgia. Dustin Hetzel and Phillip Webber are from CEMA is here. I'm going to present them with a certificate of Chatham County once again being recognized as storm ready. A brief explanation as to what that is, basically ninety percent of all presidential declarations of disasters are weather related. So obviously weather is a big factor when it comes to property damage, death and so on. So back in 1998 the National Weather Service created a volunteer program for counties and communities to basically go through a checklist of things that they could do to become proactive in helping to reduce the number of fatalities, but then also property damage with weather related storms or other impacts. There is a checklist that basically what happens is that there is a partnership with the Emergency Management, with GEMA in the case of Georgia, and also the National Weather Service. We go through a checklist of items where they will go through and they will — we will determine whether or not it is satisfactory. Some of this is a 24-hour warning point. They have to have more than one way to report and receive severe weather reports. They create a system that monitors local weather and then also more importantly they have to develop a formal severe weather plan. And so they have done all this. The certification — they were, I'm happy to say, was the first county in our jurisdiction back in 2001 to have this certification. They are now being re-certified for an additional three years. That will last from 2007 all the way until 2010. So you should be very proud of CEMA and what they do here in Chatham County to prepare the citizens to protect them from all the storms. So I'll present them with a certificate and then also with these nice road signs which you'll see on Interstate 95. It will be telling drivers and also residents of Chatham County that they are entering into a storm ready county, which will be Chatham County. And the certificate reads: *National Weather Service and the Storm Ready Advisory Board hereby recognizes Chatham County as Storm Ready County from June 6, 2007, until June 31, 2010.* So congratulations again.

Chairman Liakakis said, thank you. Chairman Liakakis recognized Commissioner Gellatly.

Commissioner Gellatly said, I have a question for you. Mr. Yura said, yes. Commissioner Gellatly said, how many counties are in your jurisdiction and how many of them are storm ready? Mr. Yura said, we are proud to say that we have twenty counties. Eight of them are in South Carolina and twelve are actually in Georgia, and all twenty of our counties are storm ready. Across the nation there are only about 600 counties that are storm ready. So we're talking about a very small group of counties across the entire United States that have gone the extra step in being prepared. Commissioner Gellatly asked, and you said that Chatham was the first? Mr. Yura said, was our very first, yes, in our twenty-county jurisdiction back in 2001. Commissioner Gellatly said, that would be our own Director, Phil Webber, that we thank for that. Mr. Yura said, yes. Commissioner Gellatly said, thank you. Mr. Yura said, you're welcome.

Chairman Liakakis recognized Commissioner Stone.

Commissioner Stone said, I just want to reiterate what Commissioner Gellatly just said. We can thank Phillip Webber. This isn't, I can tell, a job for you; this is a passion, and we're so fortunate to have someone like you in this County looking out for the welfare of our citizens in the event of some tragedy. And I've watched you and I'm just — it's really amazing what you've done and how you've kept us prepared and we're very fortunate to have you.

Chairman Liakakis said, thank you, and we appreciate the National Weather Service helping us, keeping in contact with us and giving us all the vital information so that we can keep our citizens informed and protected. Mr. Yura said, I appreciate that. It's definitely a team effort on everybody's part. Chairman Liakakis said, thank you. And, Phillip [Webber], I want to say this. As the general public might not know this at this particular point, but we had twenty members of a Chinese delegation who came in yesterday afternoon and spent a couple of hours with us and the County Manager had a number of his department heads here, Phillip [Webber] being one of them for the Chatham Emergency Management Agency, of course, and they were impressed how our government, and we explained how our County Commission how we vote on things, how we present our particular agenda to the public, and they were quite impressed with Phillip [Webber], the Director of our Emergency Management Agency, because he took them into the basement here and showed them the Emergency Operation Center. They really did appreciate that, and so these twenty high officials from China really appreciated Chatham County yesterday, finding out about county operations. And there will be several more Chinese delegations coming to Chatham County and we do appreciate that and will continue to do what we can. But, Phillip [Webber], I just wanted to let you know that the message that we got. They really appreciated you and, of course, our County Manager and everybody's participation. And it will make a difference, I think, in years to come with the U. S. and our participation with them about their feelings towards the U.S. Thank you.

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### ORDER OF BUSINESS

Commissioner Kicklighter said, Mr. Chairman, I'd like to make a motion to amend the agenda and move number one under Section 7 [sic], titled Second Readings, up to this point to handle it now. I'll put that in the form of a motion. Commissioner Farrell said, second.

Chairman Liakakis said, we have a motion on the floor and a second to move that agenda item to this portion now. Let's go on the board. The motion carried unanimously. Chairman Liakakis said, the motion passes.

[NOTE: Item XII-1 was taken out of order and was heard at this point on the agenda.]

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**VI. CHAIRMAN'S ITEMS**

None.

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**VII. COMMISSIONERS' ITEMS**

None.

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**VIII. TABLED/RECONSIDERED ITEMS**

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

None.

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**PERSONAL PRIVILEGE - COMMISSIONER THOMAS**

Commissioner Thomas said, Mr. Johnson will be in shortly and he has a short presentation, but we want to recognize the Youth Commissioners who are here today and they are the candidates for the 2007-2008 Youth Commission and their main job here today is to observe government in action, but Mr. Johnson wanted to make a further statement in that regard and also to give you a short report on the youth trip to Richmond, Virginia, attending the NACo Conference last week.

Chairman Liakakis said, we can recognize him when he comes in. Commissioner Thomas said, thank you.

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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.)

- DUE TO ADOPTION OF THE 2007 MILLAGE RATES, THE FOLLOWING BUDGET TRANSFERS ARE REQUESTED: (1) AN AMENDMENT TO THE GENERAL FUND M&O FY2008 BUDGET TO RECOGNIZE ADDITIONAL \$1,596,414 IN PROPERTY TAX REVENUE AND APPROPRIATE \$1,596,414 TO CONTINGENCY, AND (2) AN AMENDMENT TO THE SPECIAL SERVICE DISTRICT (SSD) FY2008 BUDGET TO RECOGNIZE ADDITIONAL \$912,013 IN PROPERTY TAX REVENUE AND REDUCE THE FUND BALANCE APPROPRIATION BY \$912,013.**

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

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

Chairman Liakakis said, we have a motion on the floor and a second to approve this item. Let's go on the board. The motion carried unanimously. Chairman Liakakis said, the motion passes.

**ACTION OF THE BOARD:**

Commissioner Farrell moved to approve, due to adoption of the 2007 millage rates, the following budget transfers: (1) an amendment to the General Fund M&O FY2008 budget to recognize additional \$1,596,414 in property tax revenue and appropriate \$1,596,414 to contingency, and (2) an amendment to the Special Service District (SSD) FY2008 budget to recognize additional \$912,013 in property tax revenue and reduce the fund balance appropriation by \$912,013. Commissioner Thomas seconded the motion and it carried unanimously.

**AGENDA ITEM: IX-1**  
**AGENDA DATE: July 20, 2007**

**TO:** Board of Commissioners  
**THRU:** R.E. Abolt, County Manager  
**FROM:** Linda B. Cramer, Finance Director

**ISSUE:** Due to adoption of the 2007 millage rates, the following budget transfers are requested: (1) an amendment to the General Fund M&O FY2008 budget to recognize additional \$1,596,414 in property tax revenue and appropriate \$1,596,414 to contingency, and (2) an amendment to the Special Service District (SSD) FY2008 budget to recognize additional \$912,013 in property tax revenue and reduce the fund balance appropriation by \$912,013.

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

- FACTS AND FINDINGS:**
- 1) The adopted FY2008 General Fund M&O budget totaled \$139,600,500. The millage rate adopted by the Board of Commissioners at the July 6, 2007 meeting will result in total revenues of \$141,196,914. A resolution to amend the budget and place the \$1,596,414 difference in Contingency is attached.
  - 2) The adopted FY2008 Special Service District budget totaled \$26,581,300. The budget was balanced with a fund balance appropriation of \$1,426,655. The millage rate adopted by the Board of Commissioners at the July 6, 2007 meeting will result in total revenues of \$26,066,658. This reduces the fund balance appropriation by \$912,013 to \$514,642. A resolution to amend the budget and reduce the fund balance appropriation is attached.

**FUNDING:**  
The budget resolutions amend funding in the General M&O and Special Service District (SSD) Funds.

**ALTERNATIVES:**  
(1) That the Board approve the following:

**GENERAL FUND M&O**  
an amendment to recognize additional \$1,596,414 in property tax revenue and appropriate \$1,596,414 to contingency.

**SPECIAL SERVICE DISTRICT FUND**  
an amendment to recognize additional \$912,013 in property tax revenue and reduce the fund balance appropriation by \$912,013.

(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. **TO REQUEST APPROVAL OF THE FOLLOWING: (1) AMENDMENTS TO THE FY2007 GENERAL M&O FUND TO: A) TRANSFER \$25,000 FROM THE FINANCE DEPARTMENT BUDGET TO TRANSFER OUT TO CIP, B) TRANSFER \$2,000 FROM CONTINGENCY TO FLEET MANAGEMENT FOR SALARIES AND WAGES; (2) AMENDMENTS TO THE FY2008 GENERAL M&O FUND TO: A) TRANSFER \$15,000 FROM CONTINGENCY TO SPECIAL APPROPRIATIONS FOR THE FAIR HOUSING COUNCIL, B) TRANSFER \$40,000 WITHIN THE BOARD OF ELECTIONS BUDGET TO SALARIES AND WAGES FOR TEMPORARY EMPLOYEES; (3) AN AMENDMENT TO THE FY2007 CAPITAL IMPROVEMENT PROGRAM FUND TO INCREASE REVENUES FOR A \$25,000 TRANSFER IN FROM THE GENERAL FUND M&O AND INCREASE THE HURRICANE PREPAREDNESS PROJECT \$25,000; AND (4) AN AMENDMENT TO THE FY2007 SALES TAX IV FUND TO TRANSFER \$40,000 FROM ADMINISTRATIVE EXPENDITURES – DRAINAGE TO ADMINISTRATIVE EXPENDITURES – ROADS.**

Chairman Liakakis said, let's go on the board — we need a motion. Commissioner Kicklighter said, motion to approve. Commissioner Thomas said, second. Chairman Liakakis said, let's go on the board. The motion carried unanimously.

**ACTION OF THE BOARD:**

Commissioner Kicklighter moved to approve the following: (1) amendments to the FY2007 General M&O Fund to: a) transfer \$25,000 from the Finance Department budget to Transfer Out to CIP, b) transfer \$2,000 from Contingency to Fleet Management for salaries and wages; (2) amendments to the FY2008 General M&O Fund to: a) transfer \$15,000 from Contingency to Special Appropriations for the Fair Housing Council, b) transfer \$40,000 within the Board of Elections budget to salaries and wages for temporary employees; (3) an amendment to the FY2007 Capital Improvement Program Fund to increase revenues for a \$25,000 Transfer In From the General Fund M&O and increase the Hurricane Preparedness Project \$25,000; and (4) an amendment to the FY2007 Sales Tax IV Fund to transfer \$40,000 from Administrative Expenditures – Drainage to Administrative Expenditures – Roads. Commissioners Holmes and Thomas seconded the motion and it carried unanimously. Chairman Liakakis said, the motion passes.

**AGENDA ITEM: IX-2**  
**AGENDA DATE: July 20, 2007**

**TO:** Board of Commissioners  
**THRU:** R.E. Abolt, County Manager  
**FROM:** Linda B. Cramer, Finance Director

**ISSUE:** To request approval of the following: (1) amendments to the FY2007 General M&O Fund to: a) transfer \$25,000 from the Finance Department budget to Transfer Out to CIP, b) transfer \$2,000 from Contingency to Fleet Management for salaries and wages; (2) amendments to the FY2008 General M&O Fund to: a) transfer \$15,000 from Contingency to Special Appropriations for the Fair Housing Council, b) transfer \$40,000 within the Board of Elections budget to salaries and wages for temporary employees; (3) an amendment to the FY2007 Capital Improvement Program Fund to increase revenues for a \$25,000 Transfer In From the General Fund M&O and increase the Hurricane Preparedness Project \$25,000; and (4) an amendment to the FY2007 Sales Tax IV Fund to transfer \$40,000 from Administrative Expenditures - Drainage to Administrative Expenditures - Roads.

**BACKGROUND:**

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

**FACTS AND FINDINGS:**

- 1) The Finance Director is proposing a transfer of \$25,000 from the Finance Department FY2007 budget to Transfer Out to CIP. The funds will increase the Hurricane Preparedness Project \$25,000 to purchase computers for the project, and to provide additional funding for the installation of the generator. A resolution to amend the CIP Fund is attached.
- 2) The overtime expenditures in Fleet Operations exceeded the original budget in FY2007. A \$2,000 contingency transfer is requested.
- 3) A contract of services with the Fair Housing Council will require a \$15,000 transfer from M&O Contingency to Special Appropriations. The contract is shown on the Action Calendar.

- 4) An analysis of the salaries and wages in the Board of Elections budget for fiscal year 2008 indicates a need to transfer funds for temporary employees. Funds are available within the department's budget.
- 5) A transfer of \$40,000 from Administrative Expenditures - Drainage to Administrative Expenditures - Roads in the FY2007 Sales Tax IV Fund budget is requested to cover project expenses.

**FUNDING:** The budget amendment will establish funding in the Capital Improvement Program Fund. Funds are available in the General Fund M&O budget and the Sales Tax IV budget for the transfers.

**ALTERNATIVES:**

- (1) That the Board approve the following:

**GENERAL FUND M&O FY2007**

- (a) transfer \$25,000 from the Finance Department budget to Transfer Out to CIP,
- (b) transfer \$2,000 from Contingency to Fleet Management for salaries and wages.

**GENERAL FUND M&O FY2008**

- (a) transfer \$15,000 from Contingency to Special Appropriations for the Fair Housing Council,
- (b) transfer \$40,000 within the Board of Elections budget to salaries and wages for temporary employees.

**CAPITAL IMPROVEMENT PROGRAM FUND FY2007**

an amendment to increase revenues for a \$25,000 Transfer In From the General Fund M&O and increase the Hurricane Preparedness Project \$25,000.

**SALES TAX IV FUND FY2007**

transfer \$40,000 from Administrative Expenditures - Drainage to Administrative Expenditures - Roads.

- (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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**3. TO AMEND THE 2007-2008 M&O CAPITAL IMPROVEMENT PROGRAM (CIP) WHICH WOULD ALLOW FUNDING REPLACEMENT OF THE CHATHAM COUNTY AQUATIC CENTER MECHANICAL SYSTEM BY USING 2003-2008 SPLOST OF THE JUDICIAL COURTHOUSE DUCT REPLACEMENT PROJECT AND APPROVING A FUNDING PLAN FOR THE ANIMAL CONTROL SHELTER.**

Chairman Liakakis said, now we need a motion on the floor because there was a request to separate these two items.

Commissioner Kicklighter said, Mr. Chairman. Chairman Liakakis said, yes. Commissioner Kicklighter said, I'll state this and I believe Commissioner Gellatly will put it in the form of a motion. We would like to handle this separately. The first item to be voted on here would be to amend the 2007-2008 M&O Capital Improvement Program which would allow funding replacement of the Chatham County Aquatic Center mechanical system by using the 2003-2008 SPLOST of the Judicial Courthouse duct replacement project.

Commissioner Gellatly said, I move as stated. Chairman Liakakis said, all right. We have a motion on the floor to separate that from the rest of this particular amendment [sic]. Commissioner Farrell said, second.

Chairman Liakakis said, all right. We have a motion on the floor and a second. Let's go on the board. Commissioner Kicklighter asked, is this to approve as stated. Chairman Liakakis said, this to approve this particular item as stated.

Commissioner Odell asked, is this to approve or to separate? Is the motion to separate or is the motion to approve? Commissioner Kicklighter said, our intent was to approve as —. Commissioner Odell said, I understand it, but you formed it as a motion to separate and that's what the minutes will reflect. County Attorney Hart said, currently you've broken it down into two questions. Commissioner Odell said, right. Commissioner Kicklighter said, okay, so —. County Attorney Hart you vote on this to separate it into two questions and then you need to vote on the two questions. Commissioner Kicklighter said, okay, the vote —, okay. So that's to separate.

The motion carried unanimously. Chairman Liakakis said, the motion passes.

Commissioner Kicklighter said, now I will reread the first part: To amend the 2007-2008 M&O Capital Improvement Program which would allow funding replacement of the Chatham County Aquatic Center mechanical system by using the 2003-2008 SPLOST of the Judicial Courthouse duct replacement project.

Commissioner Gellatly said, as stated. Commissioner Kicklighter said, move to approve — same moved. Commissioner Gellatly said, I move to approve as stated. Commissioner Farrell said, second.

Chairman Liakakis said, we have a motion on the floor and a second. Let's go on the board. Chairman Liakakis and Commissioners Stone, Holmes, Shay, Farrell, Odell, Gellatly and Thomas voted in favor of the motion. Commissioner Kicklighter voted in opposition. The motion carried by a vote of eight to one. Chairman Liakakis said, the motion passes.

Commissioner Kicklighter said, now at this point I will make the motion to amend the 2007-2008 M&O Capital Improvement Program which would allow approving a funding plan for the Animal Control Shelter. Commissioner Stone said, second.

Chairman Liakakis said, we have a motion on the floor and a second.

Commissioner Shay said, Mr. Chairman. Chairman Liakakis said, yes. Commissioner Shay said, given that a lot of people that are watching this might not understand what the issue is, could we get a staff report before we move on to the next agenda item. I think people need to understand what's being done. County Manager Abolt asked, both previous and this? Commissioner Stone said, both projects.

Chairman Liakakis recognized County Manager Abolt.

County Manager Abolt said, I'll start out and then I'll refer to Mr. Monahan. We have been looking at two high priority projects which you've made possible shortly after you came into office by doing some bond refinancing. The number one priority had been recovering the pool. As we all know, that's underway. We had hoped that in the bids we'd have enough money that would also include doing the major replacement of the heating, ventilating and air conditioning system. We did not get bids in that cheaply. Mr. Monahan has come up with a way in which to do that in looking at our adopted CIP where we do have money set aside for part of the Courthouse Renovation Project that is non-SPLOST in source. Because the SPLOST money is there actually to get the same job done, we have the option of shifting that money and allowing you to have an Aquatic Center once complete that will address all the ills suffered by the participants, like Commissioner Gellatly and [inaudible]. With the timely shift of funds like this, the Aquatic Center will open up again in October and be fully serviceable. The second part of it deals with the recognition and initial estimates on the Animal Control Shelter. We had anticipated costs comparable to Glynn County, City of Brunswick, only to find out later that the number of animals they cover in a year's period of time is considerably less than we anticipate covering here. We will come back with a plan in the Fall of the year, because there's enough time still on that, to adjust the budget numbers so that the facility once opened will not just be adequate, but will have the ability to treat additional capacity of animals. The sum and total of this motion is this Board is again underscoring the priority of this project and coming up with a very prudent, a reasonable and very sound way of financing.

Chairman Liakakis said, and this is very good, this proposal that has been made by our staff because we know that we need that Aquatic Center, you know, to be completed in the very near future and, of course, we want our staff and those designers to bring the Animal Shelter to fruition in the very near future because that's important for the animals that are picked up by Animal Control and for the service that it has for the community.

Commissioner Stone said, I know there's been a motion and a second, but I would like to thank the staff, especially Pat Monahan has taken a real interest in helping us build an Animal Shelter that will be efficient and user-friendly for this community, as well as to keep the animals comfortable year round, and he's had a committee that includes representatives from different agencies, and I really think this is something that will be a big plus for this community not to mention the comfort and welfare of animals that will hopefully get adopted in the future, and I would just like to thank him for all the energy and effort and field trips and what have you to make this happen.

Chairman Liakakis said, okay, we have a motion on the floor for the approving of this funding plan for the Animal Control. Let's go on the board. The motion carried unanimously. Chairman Liakakis said, the motion passes.

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

- a. Commissioner Gellatly moved to vote on this item in two separate motions. Commissioner Farrell seconded the motion and it carried unanimously.

- b. Commissioner Gellatly moved to amend the 2007-2008 M&O Capital Improvement Program (CIP) which would allow funding replacement of the Chatham County Aquatic Center mechanical system by using 2003-2008 SPLOST of the Judicial Courthouse duct replacement project as outlined in Alternative 1 of the staff report. Commissioner Farrell seconded the motion. Chairman Liakakis and Commissioners Stone, Holmes, Shay, Farrell, Odell, Gellatly and Thomas voted in favor of the motion. Commissioner Kicklighter voted in opposition. The motion carried by a vote of eight to one.
- c. Commissioner Kicklighter moved to amend the 2007-2008 Capital Improvement Program (CIP) which would approve a funding plan for the Animal Control Shelter as outlined in Alternative 1 of the staff report. Commissioner Stone seconded the motion and it carried unanimously.

**AGENDA ITEM: IX-3****AGENDA DATE: July 20, 2007****TO:** Board of Commissioners**THRU:** R.E. Abolt, County Manager**FROM:** Patrick Monahan, Asst. County Manager**ISSUE:**

To amend the 2007-08 M&O Capital Improvement Program (CIP) which would allow funding replacement of the Chatham County Aquatic Center mechanical system by using 2003-2008 SPLOST for the Judicial Courthouse duct replacement project and approving a funding plan for the Animal Control Shelter.

**BACKGROUND:**

As part of the FY 2007-08 budget, the Board approved the CIP Fund (M&O) with projects totaling \$4,631,110 (see Attachment 1). The list of CIP projects designated \$1,106,000 for the *Judicial Courthouse Air Quality Enhancement*, as the top-rated project. The project, which would replace almost 30-year old duct work, could be funded by the 2003-2008 SPLOST/Courthouse project as part of the planned Courthouse renovation rather than the CIP Fund. This would allow the CIP funds to be used for other pressing capital needs.

**FACTS & FINDINGS:**

1. The Board authorized issuance of bonds (DSA 2005 Series) to fund \$3.5 million for replacement of the Aquatic Center roof and \$950,000 for a new Animal Control Shelter. Construction on the Aquatic Center roof is under way, while the Animal Control Shelter remains in final design phase (about 30 more days before release of construction drawings for bid).
2. **Aquatic Center:** Despite earlier optimism that the \$3.5 million for the Aquatic Center project could fund the replacement roof *and* new mechanical system, current funding will only replace the roof—the original scope of the project as advertised in the RFP.
  - 2a. Based on available funding, the Aquatic Center can be completed in accordance with the original project, and the project schedule remains on track. The removal of the inflatable dome resolves some problems related to the mechanical system since air pressurization will not be necessary; however, the complaints related to the pool's environment will likely continue.
  - 2b. Upon completion of the new roof, the Aquatic Center will re-open in October, but the mechanical system, which provides the cooling, heating, humidity control and ventilation, will continue to limp along until capital funds become available. The estimated cost of a replacement mechanical system totals \$800,000. It would be highly desirable for the project now also to include the replacement of the mechanical system when the Aquatic Center re-opens. This would mean a total renovation of major systems as the Aquatic Center nears celebration of its 10<sup>th</sup> anniversary.
  - 2c. It was hopeful that the TIC-Thomas & Hutton plan of using wood truss and structural components (as approved by the Board on May 18) would be able to generate additional savings by avoiding the high cost of steel. While the concept will provide some savings, the project budget still remains tight because of the costs during the past year to keep the pool open with a 200-ton portable air conditioning unit. It will be necessary to transfer interest earnings from the 2005 DSA Bond Series to assume this expense.
3. **Animal Control Shelter:** Unlike the Aquatic Center with firm pricing based on contract cost, the Animal Control Shelter remains in the final stages of design and can only be based on estimates. With construction drawings not scheduled for completion for another 30-45 days, construction costs will not be known until after

bidding and contract award, or another 30-45 days. The architect estimates \$1 million more than the project budget based on detailed cost take-offs (by unit cost).

- 3a. The difference between funding can be attributed to the basis of the original project budget of \$950,000. The Police Department developed a project estimate based on the Glynn County animal control shelter, often used as a model project, which cost \$750,000. Staff added \$200,000 to the estimate since Glynn County completed its facility. However, the project estimate did not take into account that Chatham County's workload (i.e. sheltering of dogs and cats) remains at least 50% more than Glynn County's.
- 3b. The architect designed a facility based on the Chatham County Animal Control Unit's requirements. At this point, the project's design cannot be built based on the estimate. The design, which a citizens group helped to develop, remains simple with two basic elements—administrative area and shelter area. Given the magnitude, the only choice would be to eliminate either the entire administrative area or the entire kennel area. This severe reduction would leave a project far less than envisioned.
- 3c. The need for additional funding for the Animal Control Shelter can be delayed about 90 days to allow for completion of construction drawings and bidding, which would determine a firm cost. This timeframe allows consideration of funding when the fund balance report becomes confirmed by the auditors. As occurred in FY 2005 and FY 2006, the fund balance in excess of the Board's Fund Balance Policy could be designated to fund CIP needs.

**FUNDING:**

To fund the Aquatic Center project, the Board would need to amend the approved 2007-2008 FY CIP Budget (M&O) by deleting the \$1,106,000 for the Judicial Courthouse Air Quality Enhancement and fund the project through the 2003-2008 SPLOST and adding the Aquatic Center mechanical system at \$800,000. The balance, or \$306,000, would be placed in CIP Contingency.

**ALTERNATIVES:**

That the Board adopt the following plan of action which would allow added funding for the Aquatic Center and Animal Control Shelter projects.

- 1a. Amend the FY 2007-2008 CIP Budget (M&O) to delete the Judicial Courthouse Air Quality Enhancement project and add the Aquatic Center mechanical system at \$800,000. In addition, \$400,000 in interest earnings from the 2005 DSA Series Bond would be added to the Aquatic Center project (funds must be restricted to 2005 DSA Series projects).
  - 1b. Approve funding of \$1,106,000 the Judicial Courthouse Air Quality Enhancement project through the 2003-2008 SPLOST (while the 2008-2014 SPLOST would have funded the project anyway, the duct replacement can be moved up in priority).
  - 1c. Transfer the balance (difference between Courthouse project and Aquatic Center mechanical system) of \$306,000 into the FY 2007-2008 CIP Budget (M&O) Contingency.
  - 1d. Designate the Animal Control Shelter as the top-rated CIP priority for funding at \$1 million as an appropriation, when available, from fund balance to the CIP. This would be dependent upon 1) confirmation of available funds by the annual audit; 2) availability of funds consistent with the Board's *Fund Balance Policy*; 3) Board authorization.
2. Or, that the Board authorize deleting the 2007-2008 CIP funding of \$1,106,000 for the Judicial Courthouse Air Quality Enhancement project and use 2003-2008 SPLOST funds to fund it. The \$1,106,000 would become part of 2007-2008 CIP Contingency for other Board-approved projects from the 5-Year CIP.
  3. Or, that the Board take other action as it deems appropriate.

**POLICY ANALYSIS:**

The Board retains exclusive authority to approve and amend operating and capital budgets in conformance with Georgia law. The recommended action provides a strategy to enable the County to fund already-approved capital projects to accomplish the Board's goals and meet the expectations of citizens in the level of quality.

**RECOMMENDATION:**

That the Board adopt Alternative 1.

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**4. REQUEST BOARD APPROVAL OF AN AMENDMENT TO THE 2007-2008 INDIGENT DEFENSE SERVICES AGREEMENT.**

Chairman Liakakis recognized County Manager Abolt.

County Manager Abolt said, this just recognizes a prior decision by this Board when you heard the budget request from the Indigent Defense Council, Mr. Edwards. It recognizes as planned over the years that we would continually reduce the amount of dollars going for the panel of attorneys to augment the Public Defender's Office by a like amount. It requires an amendment to the contract with the State and that's what this is.

Commissioner Odell said, move for approval. Commissioner Kicklighter said, second.

Chairman Liakakis said, all right. We have a motion on the floor and a second. Let's go on the board. The motion carried unanimously. Chairman Liakakis said, the motion passes.

Commissioner Stone said, Mr. Chairman, can I add something on that. I would like for us to follow up with our discussions in the premeeting and I will talk with the County Attorney and go forward with some of the concerns on a statewide basis about this issue. Chairman Liakakis said, okay.

**ACTION OF THE BOARD:**

Commissioner Odell moved to adopt an amendment to the 2007-2008 Indigent Defense Services Agreement. Commissioner Kicklighter seconded the motion and it carried unanimously.

**AGENDA ITEM: IX-4**  
**AGENDA DATE: July 20, 2007**

**TO:** Board of Commissioners  
**THRU:** R.E. Abolt, County Manager  
**FROM:** Linda B. Cramer, Finance Director  
Michael Edwards, Public Defender

**ISSUE:** To request Board approval of an amendment to the 2007-2008 Indigent Defense Services Agreement.

**BACKGROUND:**  
Board approval is required for renewal and amendments to the agreement.

- FACTS AND FINDINGS:**
- 1) The Public Defender has submitted an amendment to the 2007-2008 Indigent Defense Services Agreement for approval.
  - 2) The County Attorney has reviewed the amendment to the agreement, and a copy is attached.
  - 3) The FY2008 adopted budget included additions to the Public Defender's budget for a contract amendment that facilitates an additional six (6) state employees to increase case coverage to approximately 75% of felonies. A corresponding decrease was made in the panel attorney's budget.

**FUNDING:**  
Funds are available in the General Fund M&O Public Defender's Budget.

- ALTERNATIVES:**
- 1) That the Board approve the amendment to the 2007-2008 Indigent Defense Services Agreement.
  - 2) That the Board provide other direction.

**POLICY ANALYSIS:**  
Board approval is required for renewal and amendments to contracts.

**RECOMMENDATION:**  
Alternative 1.

Prepared by: Estelle Brown

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## **ORDER OF BUSINESS**

Chairman Liakakis said, I'd like a motion on the floor now to add to the agenda Van Johnson, who is the Director for the Youth Commission, on a report for us and the candidates for the 2007-2008 Chatham County Youth Commission.

Commissioner Kicklighter moved to amend the agenda to allow Van Johnson to report on the Chatham County Youth Commission. Commissioner Farrell seconded the motion and it carried unanimously.

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## **2007-2008 CHATHAM COUNTY YOUTH COMMISSION**

Chairman Liakakis recognized Mr. Van Johnson.

Mr. Johnson said, thank you and good morning, Mr. Chairman, Ladies and Gentlemen. Who you have before you are individuals who are aspiring to be members of the Chatham County Youth Commission, and we have put them through a canvassing process that is extremely rigorous in nature because they have to give up a lot of their Summer and they are going around watching government in action to determine if this is the type of program they would like to be in. They went to the City Council Meeting yesterday, they're here today, in the future they will be at the School Board Meeting just watching what you do, watching how you do it, and certainly we will give them the opportunity to ask questions and have their questions answered. So that's why you see them. A lot of them are writing and taking notes because we expect reports from them.

On another note, we were really fortunate and blessed to have the opportunity to be invited to the National Association of Counties Annual Conference. This is something that Dr. Thomas and I have been working on for years, almost since the very, very beginning of the Youth Commission, to be recognized nationally by the organization that you all are a part of as having a program that is considered a best practice. And so after a lot of work and certainly the hard work of Jackie Byers, who is the Director of Research at NACo, we were invited to participate and jointly present with the Hampton City Youth Commission in Richmond, Virginia, on this past Sunday. So doing the things the way we do, we loaded up the bus of about twelve Youth Commissioners and staff and we made the quick round-trip up there to give this presentation. I can just tell you that from the brief time that we were there, the response that we have gotten has been phenomenal from individuals that are your colleagues across the county and again saluting you and recognizing you for the work that you're doing in this particular community with this organization and all that you all are doing. You are leaders and you're being looked at and you're being considered that — Commissioner Holmes appeared and he sat in our session as well. He certainly can attest to the type of accolades that we were getting and all the places from New Mexico all the way to near Canada where individuals are asking send us information, we need to know about this, we want to start one. We also were fortunate to have in our session the district non-representative of Prince Georges County. Her name is — and it just escaped me. Just that quickly. But she was the individual who championed the Prince Georges County Youth Commission in Prince Georges County, Maryland. So she was there to offer not only her testament to the wonderful things that they have been able to do in their community, but also to the fact that she got her example from Chatham County. She got her example from you.

So just on behalf of our young people who are on their Summer breaks all across this City and County from these young people who are wanting to be a part of this program, to our County Manager, to my Director and my staff, who gives up of their time and their efforts and their energy, we just want to give a thank you and just to affirm again and again that what you're doing is making a difference and what you're doing is being noticed all across the country. Thank you.

Chairman Liakakis said, okay. Thank you very much and we appreciate the candidates for the Youth Commission for coming today and participating and watching how the Chatham County government is operated to a degree. You see a lot going on today, and of course we appreciate Van [Johnson] and what happened in Philadelphia and Washington and New York that the members of the Youth Commission made a great impression, not only just going to meetings, but on national news also. They had the Commissioners that were seen nationally, which we thought was really good.

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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. Do we have a motion on the floor for Items 1 through 5 and under 5 Items A through L.

Commissioner Odell asked, could we pull Item 5-B?

Chairman Liakakis said, okay, do you want to make a —. Any other items?

Commissioner Stone said, Mr. Chairman, I would just like some information under 5-K.

Commissioner Kicklighter said, let's pull it and approve the rest. Commissioner Thomas said, second.

Chairman Liakakis said, we have a motion on the floor and a second. Let's go on the board. The motion carried unanimously. Chairman Liakakis said, the motion passes.

**ACTION OF THE BOARD:**

Commissioner Kicklighter moved to approve Items 1 through 5-L, except Items 5-B and 5-K. Commissioner Thomas seconded the motion and it carried unanimously.

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

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**1. APPROVAL OF THE MINUTES FOR THE REGULAR MEETING OF JULY 6, 2007, AS MAILED.**

**ACTION OF THE BOARD:**

Commission Kicklighter moved to approve the minutes of the regular meeting of July 6, 2007. Commissioner Thomas seconded the motion and it carried unanimously.

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**2. CLAIMS VS. CHATHAM COUNTY FOR THE PERIOD JUNE 28 THROUGH JULY 11, 2007.**

**ACTION OF THE BOARD:**

Commissioner Kicklighter moved to authorize the Finance Director to pay the claims against the County for the period June 28, 2007, through July 11, 2007, in the amount of \$8,415,292. Commissioner Thomas seconded the motion and it carried unanimously.

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**3. REQUEST FOR NEW LIQUOR POURING LICENSE AND SUNDAY SALES (LIQUOR) FOR 2007. PETITIONER: MICHAEL F. MCMAHON, D/B/A FLYING FISH BAR AND GRILL, LOCATED AT 7906 HWY 80 EAST, SUITE 1. [DISTRICT 4.]**

**ACTION OF THE BOARD:**

Commissioner Kicklighter moved to approve the petition of Michael F. McMahon, d/b/a Flying Fish Bar and Grill, located at 7906 Highway 80 East, Suite 1, for a new liquor pouring license and Sunday Sales license for 2007. Commissioner Thomas seconded the motion and it carried unanimously.

AGENDA ITEM: **X-3**

AGENDA DATE: July 20, 2007

TO: BOARD OF COMMISSIONERS

THROUGH: R.E. ABOLT, COUNTY MANAGER

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

ISSUE:

Request approval for new liquor pouring license and Sunday Sales (liquor) for 2007, Michael F. McMahon, Flying Fish Bar and Grill, located at 7906 Hwy 80 East, STE 1, Savannah, Ga 31410.

BACKGROUND:

Mr. McMahon requests approval for new liquor pouring license in connection with an existing restaurant. Mr. McMahon already has a current beer and wine pouring and Sunday Sales license.

FACTS AND FINDINGS:

1. The application was reviewed by the Police Department for compliance of the applicant and separation requirements and approved.
2. The returned application was reviewed by Regulatory Services. The County Fire Marshall inspected the site for compliance with the commercial kitchen requirements and approved the facility.
3. The applicant and business meets the requirements of the Chatham County Alcoholic Beverage and Sunday Sales Ordinance.
4. The applicant has been notified in writing of the date and time of the hearing.

RECOMMENDATION:

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

District 4

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**4. REQUEST FOR NEW BEER AND WINE RETAIL LICENSE FOR 2007. PETITIONER: LOKESH PATEL, D/B/A SHOP N GO #3, LOCATED AT 2008 GROVE POINT ROAD. [DISTRICT 6.]**

**ACTION OF THE BOARD:**

Commissioner Kicklighter moved to approve the petition of Lokesh Patel, d/b/a Shop-N-Go #3, located at 2008 Grove Point Road, for a new Beer and Wine Retail License for 2007. Commissioner Thomas seconded the motion and it carried unanimously.

*Revised 7/18/2007*

**AGENDA ITEM: X-3**  
**AGENDA DATE: July 20, 2007**

TO: BOARD OF COMMISSIONERS

THROUGH: R.E. ABOLT, COUNTY MANAGER

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

ISSUE

Request for new beer and wine retail license for 2007, Lokesh Patel, d/b/a Shop N Go #3 located at 2008 Grove Point Road.

BACKGROUND

Mr. Patel requests approval for new beer & wine retail license in connection with a new convenience store. The current business is Shop N Go #3, Chatham County License # 15661. The business at this location meets the requirements of the Chatham County Alcoholic Beverage Ordinance.

FACTS AND FINDINGS

1. The application was reviewed by the Police Department for compliance of the applicant and site distance requirements and approved.
2. The returned application was reviewed by Regulatory Services. The County Fire Marshall inspected the site and approved the facility.

3. This application is in compliance with all requirements.
4. The applicant has been notified in writing of the date and time of the hearing.

**RECOMMENDATION**

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

District 6

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

<u>ITEM</u>	<u>DEPT.</u>	<u>SOURCE</u>	<u>AMOUNT</u>	<u>FUNDING</u>
A. One (1) year pilot contract for janitorial services	•Tax Commissioner •Parks and Recreation	R.I.T. Janitorial Services	\$14,400	•General Fund/M&O - Tax Commissioner •General Fund/M&O - Parks and Recreation
B. 19 replacement juror chairs	SPLOST	Office Services	\$24,834	SPLOST (2003-2008) - Courthouse
C. Extend five (5) year service plan for presentation system	Land Bank Authority	Stage Front Presentation Systems	\$15,640	Land Bank Authority
D. Change Order No. 2 to the annual contract for janitorial services to add four (4) park location to scope of service.	Parks and Recreation	CKC Janitorial Services	\$31,315	General Fund/M&O - Parks and Recreation
E. Amend annual contract for paper and chemical supplies	Various	Coastal/Sail Paper Company	N/A	•General Fund/M&O - Various •SSD - Various
F. Renew Workers' Compensation Specific Excess Insurance	Finance	Midwest Employers Casualty Company	\$53,618	Risk Management Internal Service Fund
G. Renew liability and hull insurance for four (4) Mosquito Control aircrafts	Finance	Phoenix Aviation	\$70,250	Risk Management Internal Service Fund
H. Change Order No. 1 to the contract for construction of the Restrooms and concession Facility at Runaway Point Park for additional modifications	SPLOST	Vision Management	\$9,812	SPLOST (2003-2008) - Runaway Point Park
I. Change Order No. 3 to the contract for civil and site work, utilities changes and credit for removal of connectors from project at Union Mission Substance Abuse Clinic	2005 DSA Bond Series - SABHC	Dabbs-Williams	\$80,897	2005 DSA Bond Series - SABHC
J. Purchase Order for mosquito testing for the presence of human pathogenic viruses	Mosquito Control	Southeastern Cooperative Wildlife Disease Study	\$25,000	General Fund/M&O - Mosquito Control
K. Combat discriminatory housing practices	Special Appropriations	Fair Housing Council	\$15,000	Special Appropriations (Pending approval of transfer)
L. Change Order No. 1 to the contract for programming services	ICS	ACS Corporation	\$24,000	General Fund/M&O - ICS

**As to Items 5-A through 5-L, except Items 5-B and 5-L:**

Commissioner Kicklighter moved to approve Items 5-A through 5-L, except Items 5-B and 5-K. Commissioner Thomas seconded the motion and it carried unanimously.

**As to Item 5-B:****19 replacement juror chairs; SPLOST; Office Services; \$24,834; SPLOST (2003-2008) - Courthouse**

Chairman Liakakis recognized County Manager Abolt.

County Manager Abolt said, this is a long-standing need in the courtroom. I believe Commissioner Odell probably sees it on a very frequent basis. The juror chairs have been dilapidated to the point of breaking. This is a major investment, certainly by the unit cost of it, but it has a life of many, many years. It also creates a situation that these chairs will accommodate all jurors in the pool and provide a reasonable amount of comfort to them when they deliberate on serious, serious issues.

Commissioner Odell said, my only question, not whether or not we need to replace the chairs, I think we do, but 19 chairs at \$24,000, you know —. County Manager Abolt said, they're very expensive. They have a long life and they have — demands placed on them requires this type of chair. Mr. Monahan is my expert and I don't know where he went. Commissioner Odell said, here he is.

Commissioner Kicklighter said, get them 19 king-sized beds.

Mr. Pat Monahan said, I will agree. When I first saw this purchasing item it drew my attention, too, and the State Court Administrator and I, Brian Park, have conversed quite frequently about it, but he assured me the State Court staff looked at two different sets of chairs. They sat in them. The current chairs lasted almost 30 years and he was looking for something of similar. I remember these are the fixed based — well, you would know more than — they're fixed base, they have the little pin things that flip, they've got to support at least 400 pounds and be comfortable for about 12 hours at a time. And the others, even though they are leather, they're a very durable leather because in addition to the jurors the bailiffs sit in them and they carry guns and he said that they needed to make sure they had a fabric that would not — that the guns would not puncture the fabric. So there's a lot more issues to this than I thought as well.

Chairman Liakakis said, you just made a statement about it has to support 400 pounds. Mr. Monahan said, up to, up to. Chairman Liakakis said, oh, up to. I'm glad you clarified that because we wouldn't want everybody to think that all of our jurors are 400 pounds. Mr. Monahan said, no, we do have some 90 pound jurors, too. Chairman Liakakis said, oh, okay. Very good. County Manager Abolt said, and we prefer not to go there.

Chairman Liakakis said, okay. We have — do we have a motion on the floor to approve that item?

Commissioner Odell said, it still just seems excessive, but if this is the only source. I mean, you can buy a love seat —. Mr. Monahan said, yes sir, I agree. Just to give you some bit of comfort, the other chairs cost \$1,900 each. Commissioner Odell said, that really doesn't give me any comfort. Basically, what it says potentially is if we made a mistake in the past let's repeat it and make that same mistake. I'm not saying that's the case, but prior decisions are not binding to me. Mr. Monahan said, I'm saying we had competitive. One was priced at \$1,400 each, the other was \$1,900 each, and the worst part about it, that's with the 50% discount. Commissioner Odell said, wait a minute. This was a 50% discount? Mr. Monahan said, yes. Those chairs cost actually retail twice as much. Commissioner Odell asked, are they made of gold? Mr. Monahan said, that's all I can say. They're very durable, they're fixed base, they're not on wheels, and that adds to the expense. They've got the little flipper for taking notes.

Commissioner Stone asked, are they leather? Mr. Monahan said, yes.

Chairman Liakakis asked, and how was it advertised? How many places did they go out to to try to get that? Mr. Monahan said, they actually visited at least three that I'm aware of and only two presented pricing. And a group of the State Court staff actually went and sat in them and tested them, looked at the durability. This particular chair is also used in the Cleveland, Ohio, courthouse. I agree —.

Commissioner Odell said, that's a reason not to use them then, Cleveland.

Chairman Liakakis said, well, let's do this, Mr. Manager. In the future, let's make sure that what we do is we go beyond, when we have something like that that's this expensive, that we go beyond three, you know, bidders on there because I'm sure if we can find out from the associations that we belong to who handles these particular products and also advertise this out of our area so we are not confined to three bids on a local basis for something that costs \$1,300 for each one of them that Commissioner Odell is talking about.

Commissioner Odell said, my concern, not — I think the cost per chair is exorbitant — but beyond that, it gets to my time management that for the last six years tried to get the County to move toward. The simple fact that we've done things the same way in and of itself to me does not justify continuing to do that the same way if there is a more efficient way of doing it, a more cost-beneficial way of doing it, and I know that these are replacements. You know, Pat [Monahan] I know that probably the most conservative hard-working person in our — on our staff is you and that you fight very diligently to get us the best price. I understand that. That's not my issue. I just would like to see some

creative way of solving that problem. Maybe not doing it the way we've done it before with the little flip-up. I've tried over 250 cases, jury trials, and — I don't know. The chairs just — I buy furniture for — it just seems excessive and I don't want to hold up over a small item and if someone wants to make a motion for it, that's fine with me.

Chairman Liakakis recognized Commissioner Kicklighter.

Commissioner Kicklighter asked, what's wrong with the old chairs? How much were they each? \$1,900? Mr. Monahan said, no, no. Those chairs were originally purchased in 1978, and I was still in college so I don't know what we paid for them. Commissioner Kicklighter asked, what's wrong with them, do you know? Mr. Monahan said, yes. They're starting to wobble at the base, of course the material is extremely worn. I mean, I actually went over — when I saw this, normally I don't go through this much detail, but I called Mr. Hart and I actually went over to the courtroom to take a look at them because I was just a little bit stunned by the price myself. And, I agree, it's just extremely high, but I went over and looked at how durable they are, they have lasted 30 years. They're coming off at the base. In fact, it's somewhat of an embarrassment because it's off the base and kind of sitting over in the corner, meanwhile you've got —. Commissioner Kicklighter asked, how much have they actually priced bringing in a really good welder and a person that could actually re-leather — redo the seats with leather. It would have to come up so much less per chair than that. Mr. Monahan said, if the Commission wants to delay, I will take a look at that over the next — the course of the next two weeks. Commissioner Kicklighter said, I make —

Commissioner Odell said, I'd like to look at options. You know, it is our money and how we spend it is important, and to me twelve hundred and some-odd dollars for a chair and a little bit more seems to be a little bit excessive. Especially —, you can go to La-Z-Boy and get one with a vibrator and remote control and everything, and I'm not making light of it, but I am saying that if we do not watch the little expenses, then before you know it we'll have substantial cost overrides, and this is something that just kind of leaps out that says look at other options, and I like Dean's [Kicklighter] idea about having them refurbished. I know State Court won't like this because they had their minds and hearts set on new chairs, but that's the world we live in. Mr. Monahan said, I will certainly follow up on that.

Chairman Liakakis recognized Commissioner Thomas.

Commissioner Thomas said, I refrain from —.

Commissioner Stone said, Mr. Chairman, I was just going to say, Mr. Monahan, I don't know that again through the State Association if there's anyway of buying or going through them if there's any outlet for a lower price and, also, you're talking about leather chairs. I know a lot about leather products and I wonder if they're ever oiled or taken care of properly. No, you laugh, but that's what you have to do to leather. Commissioner Odell said, no, he's laughing. Commissioner Stone said, no, you're laughing. Commissioner Odell said, you're right, I did. Commissioner Stone said, I saw you. Commissioner Odell said, [inaudible] funny. Commissioner Stone said, I saw you. You have to take care of leather and so if we have to go this route to buy these expensive chairs, I do want to make sure that they are properly maintained so they don't crack and they don't fall apart. That's all I wanted to say, but maybe check through ACCG, but if we're going to retrofit, certainly buy some oil or leather preserver on these chairs will make them last longer.

Chairman Liakakis said, it has been suggested — let's have a motion on the floor to table this item for two weeks.

Commissioner Odell said, I make the motion to table for two weeks to look at other alternatives. Commissioner Farrell said, second. Commissioner Stone said, second.

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

**As to Item 5-K:**

**Combat discriminatory housing practices; Special Appropriations; Fair Housing Council; \$15,000; Special Appropriations (pending approval of transfer).**

Chairman Liakakis recognized County Manager Abolt.

County Manager Abolt said, yes, Mr. Chairman, Ladies and Gentlemen. This is the second year really in a special arrangement. You have with the Savannah-Chatham Fair Housing Council to deal with housing discrimination, both in its implications and from the standpoint of individual enforcement. Mr. Wayne Dawson as the head of this has come to this Board asking for this type of contractual arrangement, which also for the benefit of the entire Fair Housing Council garners in several more thousand dollars in grant money. It's a very important project and this Board has been committed to it now two years.

Chairman Liakakis said, yeah, from what we were told that they get additional grant money if this is done. I think double the amount or triple the amount. County Manager Abolt said, at least.

Commissioner Stone asked, so what is this? I mean, is it a survey, is it a —. County Manager Abolt said, no, no. What it is, if there are citizens of the community that feel they've been the victim of discrimination in housing, this is the referral agency, and it really is the only vested of a legitimate way of giving alternatives to people in that situation, and they prove very effective. Commissioner Stone said, okay. I just didn't understand exactly what we were paying for here, and I just wanted to —. County Manager Abolt said, it's a service received.

Chairman Liakakis said, well, another thing about this service, too, you might have read in the newspaper here a few days ago that what it was in three individual cases that minorities were charged more for rent than it was in other people in the community, so that's one service. It's causing the people that have property to make sure that they're not discriminating, that they're not, you know, overpricing to whatever degree. That could be in there, but also that people that are treated fairly when they go to rent something or purchase something.

Commissioner Kicklighter said, motion to approve. Commissioner Stone said, second.

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

**ACTION OF THE BOARD:**

- a. Commissioner Kicklighter moved to approve Items 5-A through 5-L, except Items 5-B and 5-K. Commissioner Thomas seconded the motion and it carried unanimously.
- b. Commissioner Odell moved to table Item 5-B until the next meeting. Commissioners Stone and Farrell seconded the motion and it carried unanimously.
- c. Commissioner Kicklighter moved to approve Item 5-K. Commissioner Stone seconded the motion and it carried unanimously.

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**XI. FIRST READINGS**

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

- 1. **THE PETITIONER, JIM WOODS, AGENT (FOR MACKEY SMITH FAMILY, ET AL, MARTINS RED GATE AND LUJE DEVELOPMENT) IS REQUESTING THE REZONING OF 400 BURKHALTER ROAD FROM R-A (RESIDENTIAL AGRICULTURE) TO A PUD-M-6 (PLANNED UNIT DEVELOPMENT-MULTI FAMILY RESIDENTIAL - 6 UNITS PER NET ACRE). THE MPC RECOMMENDED APPROVAL.  
 MPC FILE NO. Z-070302-28867-1  
 [DISTRICT 8.]**

**ACTION OF THE BOARD:**

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



C H A T H A M C O U N T Y - S A V A N N A H  
**METROPOLITAN PLANNING COMMISSION**  
*"Planning the Future - Respecting the Past"*  
 M E M O R A N D U M

**AGENDA ITEM: XI-1**  
**AGENDA DATE: July 20, 2007**

**TO: BOARD OF COMMISSIONERS**  
**THRU: R. E. ABOLT, COUNTY MANAGER**  
**FROM: THOMAS L. THOMSON, EXECUTIVE DIRECTOR**

**LEGAL NOTICE/AGENDA HEADING:**

The petitioner, Jim Woods, Agent (for Mackey Smith Family, et al, Martins Red Gate and Luje Development) is requesting the rezoning of 400 Buckhalter Road from R-A (Residential Agriculture) to a PUD-M-6 (Planned Unit Development-Multi Family Residential - 6 units per net acre). The MPC recommended approval.  
 MPC File No. Z-070302-28867-1

**ISSUE:**

Rezoning from an R-A (Residential Agriculture) zoning classification to a PUD-M-6 (Planned Unit Development-Residential – 6 units per net acre) classification.

**FACTS AND FINDINGS:**

1. **Public Notice:** All property owners located within 200 feet of the petitioned site(s) were notified of the rezoning petition. Also, the petitioner held a public meeting with the affected residents on March 27, 2007. The petitioner advised staff that 79 invitations were mailed and the meeting was well attended. The petitioner noted that the majority of those in attendance were supportive of the proposed development.
2. **Site:** The subject property is 200 acres in size and is located on both sides of the Southwest By-Pass between Chatham Parkway and Burkhalter Road approximately 1,150 feet west of Garrard Avenue. The site is vacant and undeveloped, with the exception of two large ponds.
3. The petitioner requests that the site be rezoned to a PUD-M-6 zoning classification in order to develop a church/school campus to include the housing needs for church members and/or the general public by providing a diversity of residential units including single family detached, single family attached, multi-family, and assisted living.

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

<u>Location</u>	<u>Land Use</u>	<u>Zoning</u>
North	Chatham Parkway	R-A
	Vacant Land	R-A
	Single Family	R-A
	Red Gate Farms	PDR-SM [1]
South	Burkhalter Road	R-A
	Single Family	R-A
	Mobile Homes	R-A
East	Single Family	R-A
	Vacant Land	R-A
West	Red Gate Farms	R-A
	Vacant Land	R-A

[1] Planned Development Reclamation - Surface Mining

3. **Zoning History/Existing Development Pattern:** The subject site and properties in close proximity have not been rezoned within the last 15 years with the following exceptions:

1) A site located on the west side of Garrard Avenue north of the Southwest By-Pass was rezoned from an R-1 classification to its present R-A classification on August 23, 2000 (MPC File Number Z -000620-66393-1); 2) a site located on the west side of the Southwest By-Pass between Chatham Parkway and Burkhalter Road was rezoned from an R-A classification to its present PDR-SM classification on June 24, 2005 (MPC File Number Z-050323-36479-1); 3) a site located on the west side of Garrard Avenue south of the Southwest By-Pass was rezoned from an R-1 and R-A classification to its present P-R-3-6 classification on September 23, 2005 (MPC File Number Z-050615-52793-1); and, 4) a site located on the west side of Garrard Avenue 100 feet south of the Westside By-Pass was rezoned from an R-1 classification to its present P-R-3-6 classification on June 23, 2006 (MPC File Number Z-060330-42309-1).

Until recently, the majority of the development along Burkhalter Road and Garrard Avenue was semi-rural and remained unchanged during the last 40 years with the exception of the development of Brandlewood, a single family subdivision that began in the mid 1980's. However, there have been several developments within the last five years including Mill Run, a single family subdivision, The Oaks at Brandlewood, a residential apartment complex, and The Villas at Garrard, a residential townhome development.

4. **Existing R-A Zoning Districts:**
  - a. **Intent of the R-A District:** According to the Zoning Ordinance, the purpose of the R-A district is to "protect those rural areas within the urban expansion areas of the county for future urban development, and to protect certain rural highway roadside areas against strip development which can lead to traffic congestion, traffic hazards, and roadside blight."
  - b. **Allowed Uses:** The uses allowed within the R-A district appear in the attached chart.
  - c. **Development Standards:** The development standards for the R-A district appear in the attached table (Table 1).
5. **Proposed PUD-M-6 Zoning District:**

- a. **Intent of the PUD-M-6 District:** The Zoning Ordinance does not provide an intent for this district. However, the definition states that under this district, various types of residential uses shall be permitted with an overall net density not to exceed 6 units per net acre.
  - b. **Allowed Uses:** Multi-family dwellings, including townhomes, apartments, condominiums, two-family dwellings, single family semi-detached dwellings, single family detached dwellings, and some institutional and business uses under certain conditions.
  - c. **Development Standards:** The development standards for the PUD-M-6 district vary depending upon the type of development. For instance, single family detached residential must be developed in accordance with the R-1 (Single Family Residential) district standards. Duplexes must be developed in accordance with R-2-A (Two Family Residential) district standards.
6. **Land Use Element:** The Tricentennial Plan Future Land Use Map designates the subject property as Amenity Community and Residential-Suburban Single Family. Approval of the zoning map amendment would be consistent with the Future Land Use Map.
  7. **Transportation Network:** The property is accessed from Chatham Parkway and Burkhalter Road. Chatham Parkway is a four lane road with a median. Burkhalter Road is a two lane public road. According to the Street Classification Map Number 1 of the Chatham County Zoning Ordinance, Section 4-6, Chatham Parkway is classified as a secondary arterial roadway and Burkhalter Road is classified as a collector roadway. The 2004 average daily traffic count for Burkhalter Road from Garrard Avenue to Highway 17 South (Ogeechee Road) was 300 vehicles. No traffic counts are available for Chatham Parkway between Garrard Avenue and Highway 17 South.
  8. **Public Services and Facilities:** The property is served by Metropolitan police, City fire protection and by City water and sewer. The subject site is not directly served by the Chatham Transit Authority. The nearest bus stop is located at the intersection of Highway 17 South and Chatham Parkway which is approximately 4,000 feet (three quarters of a mile) from the site.

**SUMMARY OF FINDINGS**

1. Will the proposed zoning district permit uses that would create traffic volumes, noise level, odor, airborne particulate matter, visual blight, reduce light or increased density of development that would adversely impact the livability or quality of life in the surrounding neighborhood?  
 Yes \_\_\_ No X  
 The petitioner desires to construct a church, school, and multi-need housing development on the site. It has not been determined what improvements to the existing road system will be needed, if any, to adequately accommodate vehicular traffic generated by this development.
2. Will the proposed zoning district permit uses that would adversely impact adjacent and nearby properties by rendering such properties less desirable and therefore less marketable for the type of development permitted under the current zoning?  
 Yes \_\_\_ No X
3. Will the proposed zoning district permit uses that would generate a type or mix of vehicular traffic on a street or highway that is incompatible with the type of land use development along such street or highway?  
 Yes \_\_\_ No X
4. Will the proposed zoning district permit uses that would generate greater traffic volumes at vehicular access points and cross streets than is generated by uses permitted under the current zoning district to the detriment of maintaining acceptable or current volume capacity (V/C) ratio for the streets that provide vehicular access to the proposed zoning district and adjacent and nearby properties?  
 Yes \_\_\_ No X  
 The current R-A zoning classification allows churches, schools, and residential development at a higher density than the requested PUD-M-6 zoning district.
5. Will the proposed zoning district permit uses or scale of development that would require a greater level of public services such as drainage facilities, utilities, or safety services above that required for uses permitted under the current zoning district such that the provision of these services will create financial burden to the public?  
 Yes \_\_\_ No X
6. Will the proposed zoning district permit uses or scale of development that would adversely impact the improvement or development of adjacent and nearby properties in accordance with existing zoning regulations and development controls deemed necessary to maintain the stability and livability of the surrounding neighborhood?  
 Yes \_\_\_ No X

7. Will the proposed zoning district permit development that is inconsistent with the comprehensive land use plan?  
 Yes \_\_\_ No X

**ALTERNATIVES:**

1. Approve the petitioner's request to rezone the property from an R-A classification to a PUD-M-6 classification.
2. Deny the petitioner's request.

**POLICY ANALYSIS:** The proposed rezoning is consistent with Chatham County's Future Land Use Plan. The proposed PUD-M-6 classification would allow the development of a church/school campus to include the housing needs for church members and/or the general public by providing a diversity of residential units including single family detached, single family attached, multi-family, and assisted living. The church village concept would be compatible with the zoning pattern in the general area and would not adversely impact properties within the general area.

**RECOMMENDATION:** The MPC and Director of Building Safety and Regulatory Services recommend Approval to rezone the property from an R-A (Residential Agriculture) classification to a PUD-M-6 (Planned Unit Development Multi Family - 6 units per net acre) classification.

PREPARED BY: Jim Hansen, AICP, Director  
 Development Services

June 20, 2007

Gregori Anderson, Director  
 BUILDING SAFETY AND REGULATORY SERVICES

Table 1: Comparison of Development Standards for the Existing R-A and Proposed PUD-M-6 Zoning District		
	R-A District	PUD-M-6 District
<b>Minimum Lot Area</b>	<b>(Per Dwelling Unit)</b> One-family detached: 6,000 S.F. Two-family detached: 3,600 S.F.	<b>(Per Dwelling Unit)</b> One-family detached: 6,000 S.F. Two-family detached: 3,000 S.F. One-family detached and semi-attached: 1,200 S.F. Multi-family: 1,800 S.F.
<b>Minimum Lot Width</b>	60 Feet	One-family and Two-family detached: 60 Feet One-family detached and semi-attached: 18 Feet Multi-family: 100 Feet
<b>Front Yard Setback</b>	25 Feet	25 Feet
<b>Minimum Side Yard Setback</b>	One-family and Two-family detached: 5 Feet	One-family and Two-family detached: 5 Feet One-family detached and semi-attached: 10 Feet Multi-family: 10 Feet
<b>Minimum Rear Yard Setback</b>	25 Feet	25 Feet
<b>Maximum Height</b>	36 Feet	36 Feet
<b>Maximum Building Coverage</b>	40 Percent	40 Percent
<b>Maximum Density</b>	None	6 Units Per Net Acre



C H A T H A M C O U N T Y - S A V A N N A H

**METROPOLITAN PLANNING COMMISSION**

*"Planning the Future - Respecting the Past"*

M E M O R A N D U M

**DATE:** JUNE 20, 2007  
**TO:** CHATHAM COUNTY COMMISSION  
**FROM:** METROPOLITAN PLANNING COMMISSION  
**SUBJECT:** MPC ZONING RECOMMENDATION

**PETITION REFERENCED:**  
Daniel Falligant, Petitioner  
Jim Woods, Agent  
400 Buckhalter Road  
MPC File No. Z-070302-28867-1

**MPC ACTION:** Approval to rezone the subject property from an R-A (Residential Agriculture) classification to a PUD-M-6 (Planned Unit Development Multi Family – 6 units per net acre) classification

**MPC STAFF RECOMMENDATION:** Approval to rezone the subject property from an R-A (Residential Agriculture) classification to a PUD-M-6 (Planned Unit Development Multi Family 6 units per net acre) classification

**MEMBERS PRESENT:** 9 + Chairman

- |                                |                           |
|--------------------------------|---------------------------|
| Stephen R. Lufburrow, Chairman | Robert Ray, Vice-Chairman |
| Jon Todd, Secretary            | Susan Myers, Treasurer    |
| Michael Brown                  | Douglas Bean              |
| Adam Ragsdale                  | Lacy Manigault            |
| David Hoover                   | Ben Farmer                |

**VOTING FOR MOTION**  
Stephen Lufburrow  
Robert Ray  
Susan Myers  
Jon Todd  
David Hoover  
Lacy Manigault  
Adam Ragsdale  
Michael Brown  
Douglas Bean  
Ben Farmer

**VOTING AGAINST MOTION**

**\*ABSENT OR \*\*FAILING TO VOTE**  
\*Russ Abolt  
\*Freddie Gilyard  
\*Shedrick Coleman  
\*Timothy Mackey

**FOR APPROVAL:** 10      **FOR DENIAL:** 0      **ABSTAINING:** 0

Respectfully submitted,

/s/

Thomas L. Thomson  
Executive Director

/cbm

Enclosure

Daniel Falligant, Petitioner  
Jim Wood, Agent  
40 Buckhalter Road  
MPC File No. Z-070302-28867-1

MPC recommends that the following described property be rezoned from its present R-A (Residential Agriculture) to a PUD-M-6 (Planned Unit Development –Multi Family Residential – 6 units per net acre)

**LEGAL DESCRIPTION**

Beginning on a point located at the intersection of the centerline of Chatham Parkway and Veteran’s Parkway, thence proceeding easterly along the centerline of Chatham Parkway a distance of approximately 990 feet to a point, thence in a southerly direction along a line parallel to the centerline of Garrard Avenue to its intersection with the centerline of Burkhalter Road, thence westerly along the centerline of Burkhalter Road a distance of approximately 3154 feet to a point, thence northerly along a line North 18 degrees 03 minutes East a distance of approximately 3210 feet to a point, thence easterly along a line South 69 degrees 00 minutes East a distance of approximately 2209 feet to a point on the centerline of Veteran’s Parkway, thence northerly along the centerline of Veteran’s Parkway back to the point of beginning

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

P.I.N.: 1-0838 -01-001, 1-0839 -01-001, 1-0870 -01-001

=====

- 2. AMEND SECTION 4-5.1 (PROVISIONS REGARDING USE IN C DISTRICTS AND R-DISTRICTS) OF THE CHATHAM COUNTY ZONING ORDINANCE TO ALLOW A WEDDING CHAPEL AS A PERMITTED USE IN THE R-1 ZONING CLASSIFICATION SUBJECT TO CONDITION OF APPROVAL. THE MPC RECOMMENDS DENIAL. MPC FILE NO. Z-070517-62058-1**

**ACTION OF THE BOARD:**

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



C H A T H A M C O U N T Y - S A V A N N A H  
**METROPOLITAN PLANNING COMMISSION**  
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M E M O R A N D U M

**AGENDA ITEM: XI-2**  
**AGENDA DATE: July 20, 2007**

**TO: BOARD OF COMMISSIONERS**  
**THRU: R. E. ABOLT, COUNTY MANAGER**  
**FROM: THOMAS L. THOMSON, EXECUTIVE DIRECTOR**

**LEGAL NOTICE/AGENDA HEADING:**

**Amend Section 4-5.1 (Provisions Regarding Use in C Districts and R-Districts) of the Chatham County Zoning Ordinance to allow a Wedding Chapel as a Permitted Use in the R-1 zoning classification subject to condition of approval. The MPC recommends Denial. MPC File No. Z-070517-62058-1**

**ISSUE:**

It is proposed that a text amendment to the use section of the Ordinance be made to permit a wedding chapel as an allowed use within the R-1 (One-Family Residential) zoning district. The petitioner has suggested several factors to be considered as conditions of approval.

**BACKGROUND:**

Wedding chapels are not specifically listed as a permitted use in the current Zoning Ordinance. Although somewhat akin to a church or other religious facility, the Zoning Administrator none-the-less advised the petitioners to request a text amendment to remove any uncertainty or ambiguity as to where such a use might be permitted. The petitioners have requested that a wedding chapel be allowed in the R-1 district subject to certain restrictions and development standards.

**FINDINGS:**

1. Typically, the use section of the Ordinance provides guidance as to where certain uses or types of uses can be located. No list can be all inclusive. It is, therefore, left to the Zoning Administrator to interpret when and if a proposed use is similar in character and activity to another use to be considered allowable. Wedding chapels are one such use that is unlisted.
2. It can be and has been argued that a wedding chapel functions similar to a church or other religious facility. With the exception of mobile home parks, a church is an allowed use in all other residential districts. However, within the R-1 zone, a church must receive use approval from the Zoning Board of Appeals. Accordingly, approval of a wedding chapel in an R-1 zone should also require Board of Appeals approval, thus assuring that a public review process.
3. The petitioner has suggested that several conditions of approval be made a part of any recommendation for change. These have been crafted in an attempt to eliminate or reduce potential impacts on surrounding properties. The recommended conditions include: a minimum lot size, that all parking be accommodated off-street; that no receptions be held on-site and that no food or alcohol be served; that the number of guests be limited to a maximum of 20; and that the chapel or other facility used for the ceremony be located no less than 150 feet from the property line.

**ALTERNATIVES:**

1. Approve the petitioner's request to permit a wedding chapel as an allowed use within the R-1 (One-Family Residential) zoning district.
2. Approve the petitioner's request to permit a wedding chapel as an allowed use within the R-1 (One-Family Residential) zoning district with modifications.
3. Deny the petitioner's request.

**POLICY ANALYSIS:**

The current Ordinance is silent as to the location of where or if a wedding chapel may be permitted. Similar in nature to a church, a wedding chapel, properly sited with appropriate development standards, would not be expected to pose an imposition on neighboring properties. The proposed amendment includes such restrictions so as to limit or eliminate possible detrimental impacts.

**RECOMMENDATION: The MPC and Director of Building Safety and Regulatory Services recommend Denial of an Amendment to Section 4-5.1 (Provisions Regarding Use in C-Districts and R-Districts) to Allow a Wedding Chapel as a Permitted Use in the R-1 Zoning Classification Subject to Conditions of Approval.**

**ENACT****R-1****17a. Wedding Chapel****B**

**Any building or structure established in connection with such use shall be set back not less than 150 feet from any property line, except where a property line is the right-of-way of a street, in which case the setback established for the particular class of street in the zoning district the building or structure is located shall apply. The Board of Appeals shall be authorized to reduce the setback requirements of this section if on the basis of evidence presented it finds that a reduction in the setback would be in keeping with the purposes of this Ordinance, and would not create conditions which would be detrimental to the adjoining properties or the neighborhood.**

Such use shall only be permitted on a lot or plot of ground which abuts a collector or higher classified street. The Board of Appeals shall be authorized to waive this requirement, if on the basis of evidence presented, it finds that the traffic to be generated by said use can be accommodated on other streets without creating traffic congestion and traffic hazards on such streets which would be detrimental to the neighborhood served by such other streets.

Such use shall only be permitted on a lot or plot of ground that contains a minimum of 43,560 square feet (one acre).

No on-street parking shall be permitted. A minimum of eight (8) on-site parking spaces must be provided.

The maximum allowable number of guests at any one ceremony shall not exceed 20.

Receptions shall not be allowed to be held on-site; nor shall there be any service of food or alcoholic drink.

PREPARED BY: Jim Hansen, AICP, Director  
Development Services

JUNE 5, 2007

Gregori Anderson, Director  
BUILDING SAFETY AND REGULATORY SERVICES



C H A T H A M C O U N T Y - S A V A N N A H  
**METROPOLITAN PLANNING COMMISSION**  
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M E M O R A N D U M

**DATE:** JUNE 5, 2007  
**TO:** CHATHAM COUNTY COMMISSION  
**FROM:** METROPOLITAN PLANNING COMMISSION  
**SUBJECT:** MPC ZONING RECOMMENDATION

**PETITION REFERENCED:**

Text Amendment to the Chatham County Zoning Ordinance  
Re: Amendment to Section 4-5 C&R Use Schedule (weddings)  
MPC File No. Z-070517-62058-1

**MPC ACTION:**

**Denial of an Amendment to Section 4-5.1 (Provisions Regarding Use in C Districts and R-Districts) to allow a wedding Chapel as a permitted use in the R-1 zoning classification subject to conditions of approval.**

**MPC STAFF RECOMMENDATION:**

**Approval of an Amendment to Section 4-5.1 (Provisions Regarding Use in C Districts and R-Districts) to allow a wedding Chapel as a permitted use in the R-1 zoning classification subject to conditions of approval.**

**MEMBERS PRESENT:** 12 + Chairman

Stephen R. Lufburrow, Chairman  
Jon Todd, Secretary  
Russ Abolt  
Shedrick Coleman  
Douglas Bean  
Adam Ragsdale  
David Hoover

Robert Ray, Vice-Chairman  
Susan Myers, Treasurer  
Michael Brown  
Timothy Mackey  
Lacy Manigault  
Ben Farmer

**VOTING FOR MOTION**

Russ Abolt  
Stephen Lufburrow  
Jon Todd  
Robert Ray

**VOTING AGAINST MOTION**

Michael Brown  
Lacy Manigault  
Douglas Bean  
Adam Ragsdale  
Ben Farmer  
Shedrick Coleman  
David Hoover  
Susan Myers  
Ben Farmer

**\*ABSENT OR \*\*FAILING TO VOTE**

\*Freddie Gilyard

**FOR APPROVAL: 4**

**FOR DENIAL: 9**

**ABSTAINING: 0**

Respectfully submitted,

/s/

Thomas L. Thomson  
Executive Director

/cbm

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- 3. **AMENDMENT TO THE CHATHAM COUNTY CODE OF ORDINANCES TO CREATE EMERGENCY ACCESS REQUIREMENTS FOR GATED COMMUNITIES. THE MPC RECOMMENDS APPROVAL. MPC FILE NO. Z-070523-61409-1**

**ACTION OF THE BOARD:**

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

**AGENDA ITEM: XI-3**  
**AGENDA DATE: July 20, 2007**



C H A T H A M C O U N T Y - S A V A N N A H

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**METROPOLITAN PLANNING COMMISSION**

*"Planning the Future - Respecting the Past"*

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M E M O R A N D U M

**TO: BOARD OF COMMISSIONERS**

**THRU: R. E. ABOLT, COUNTY MANAGER**

**FROM: THOMAS L. THOMSON, EXECUTIVE DIRECTOR**

**LEGAL NOTICE/AGENDA HEADING:**

**Amendment to the Chatham County Code of Ordinances to Create Emergency Access Requirements for Gated Communities. The MPC recommends approval. MPC File No. Z-070523-61409-1**

**ISSUE:**

At issue is a proposed amendment to the County Code of Ordinances to incorporate emergency access requirements for gated communities and to establish unified standards for access to gated communities during emergencies by emergency personnel and vehicles.

**BACKGROUND:**

1. Currently neither Chatham County nor the City of Savannah has unified standards for installation of equipment to access gated communities in an emergency. The Police Department and Fire Department either have no standard equipment or varied equipments to access gated communities in emergency. Response to an emergency can be hampered without immediate access to a property or a building.
2. MPC staff met with representatives from Savannah-Chatham Metropolitan Police Department, City of Savannah Fire Department, Southside Fire and EMS Department, City and County Public Works Department, Chatham Emergency Management Agency and City and County Engineering Departments to discuss possible solution to the issue of regarding access to gated communities in an emergency. Representatives of gated communities and hospitals with ambulances were also invited to participate in the process.
3. Many communities across the country such as the City of Oxnard, COUNTY ATTORNEY, the City of Irvine, COUNTY ATTORNEY, the City of Atlanta, GA, the City of Pasadena, TX, and Sacramento County, COUNTY ATTORNEY have rules in place to regulate installation of devices to access gated communities by emergency vehicles during an emergency.

**Findings:**

1. There are a number of residential subdivisions with gated/controlled access in unincorporated Chatham County.
2. Emergency vehicles and personnel have difficulty promptly entering the areas closed with such gates or barriers when confronted with threats to public health, safety, and welfare.
3. There are currently no unified standards for installation of equipment to access gated communities by emergency vehicles during an emergency.
4. A delay of seconds in accessing the point of emergency in situations like medical emergency (e.g. heart attack) or fire can prove to be fatal.

**Alternatives:**

1. Approve the proposed text amendment
2. Do not approve the text amendment
3. Approve an alternate text amendment

**Policy Analysis:**

The proposed text amendment to the County Code of Ordinances addresses safety and health concerns of the citizens residing in gated communities in the unincorporated Chatham County. The proposed emergency access requirements to gated communities will provide unified standards to access gated communities to avoid delays during emergency.

**Recommendation:**

**The MPC and Director of Building Safety and Regulatory Services recommend APPROVAL of an amendment to the County Code of Ordinances to incorporate Emergency Access Requirements for Gated Communities.**

PREPARED BY: Jim Hansen, AICP, Director  
Development Services

June 5, 2007

Gregori Anderson, Director  
BUILDING SAFETY AND REGULATORY SERVICE



C H A T H A M C O U N T Y - S A V A N N A H

**METROPOLITAN PLANNING COMMISSION**

*"Planning the Future - Respecting the Past"*

MEMORANDUM

DATE: JUNE 6, 2007

TO: CHATHAM COUNTY COMMISSION

**FROM: METROPOLITAN PLANNING COMMISSION**  
**SUBJECT: MPC ZONING RECOMMENDATION**

**PETITION REFERENCED:**

Text Amendment to the Chatham County Code of Ordinances  
Re: Amendment to County Code to Create Emergency Access Requirements for Gated Communities.  
The MPC recommends approval. MPC File No. Z-070523-61409-1

**MPC ACTION:** **Approval of an amendment to the County Code of Ordinances to incorporate Emergency Access Requirements for Gated Communities**

**MPC STAFF RECOMMENDATION:** **Approval of an amendment to the County Code of Ordinances to incorporate Emergency Access Requirements for Gated Communities**

**MEMBERS PRESENT:** 11 + Chairman

- |                                |                           |
|--------------------------------|---------------------------|
| Stephen R. Lufburrow, Chairman | Robert Ray, Vice-Chairman |
| Jon Todd, Secretary            | Susan Myers, Treasurer    |
| Russ Abolt                     | Douglas Bean              |
| Adam Ragsdale                  | Shedrick Coleman          |
| David Hoover                   | Timothy Mackey            |
| Ben Farmer                     | Lacy Manigault            |

**VOTING FOR MOTION**

- Stephen Lufburrow
- Robert Ray
- Jon Todd
- Russ Abolt
- Susan Myers
- Shedrick Colman
- Douglas Bean
- Ben Farmer
- Lacy Manigault
- Timothy Mackey
- David Hoover
- Adam Ragsdale

**VOTING AGAINST MOTION**

None

**\*ABSENT OR \*\*FAILING TO VOTE**

- \*Freddie Gilyard
- \*Michael Brown

**FOR APPROVAL: 12      FOR DENIAL: 0      ABSTAINING: 0**

Respectfully submitted,

/s/

Thomas L. Thomson  
Executive Director

/cbm

=====

**4. ADOPT UPDATED CHATHAM COUNTY REVENUE ORDINANCE.**

**ACTION OF THE BOARD:**

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

**AGENDA ITEM: XI-4**  
**AGENDA DATE: July 20, 2007**

**TO:** Board of Commissioners  
**THRU:** R. E. Abolt, County Manager  
**FROM:** Linda B. Cramer, Finance Department

**ISSUE:**

Present an updated Chatham County Revenue Ordinance for adoption by the Board of Commissioners.

**BACKGROUND:**

The County's fiscal 2008 budget was adopted on June 22, 2007. The Chatham County Revenue Ordinance has been updated to reflect changes in rates and fees resulting from the budget process and recent ordinance changes.

**FACTS AND FINDINGS:**

1. The Revenue Ordinance has been updated to reflect changes in rates and fees that were incorporated in the County's Fiscal 2008 adopted budget. These changes were approved through the public hearing process at their respective second readings on June 11 and 22, 2007.
2. A complete list of changes to the ordinance is attached. The Revenue Ordinance has also been forwarded to the County Attorney for review.

**FUNDING:**

N/A

**POLICY ANALYSIS:**

In accordance with adopted financial policies, the Finance Department will submit an updated Revenue Ordinance for approval each year within 45 days of annual budget adoption.

**ALTERNATIVES:**

1. Present the Revenue Ordinance for a first reading July 20, 2007 and a second reading on August 10, 2007.
2. Provide the Finance Department with other guidance.

**RECOMMENDATION:**

That the Board follows Alternative 1.

Prepared by: Cheryl N. Deariso, Assistant Finance Director

**Revenue Ordinance Changes for 2007****Article B - Section 3**

The County-wide tax rate was changed from 10.837 mills to 10.537 and the year from 2006 to 2007.

**Article F - Section 1**

The O.C.G.A. reference was corrected from 48-13-51(a) 3.3 to 48-13-51(a) 3.2.

**Article J - Section 5**

Paragraph referencing payments to the state removed.

**Article O - Section 8**

Entire section added on Wireless Telecommunication Facilities Filing Fees per Commission action of June 22, 2007.

**Article R - Sections 1 and 2**

Adjustments to the Land Disturbing Activity Fees and Other Engineering Fees were made per Commission action of June 11, 2007.

**Article T - Section 1**

Adjustments to the Building Inspection Fees were made per Commission action of June 11, 2007.

**Article U - Sections 1 through 6**

Adjustments to the Metropolitan Planning Commission Fees were made per Commission action of June 11, 2007.

**Article W – Sections 2, 3 and 4**

Adjustments to the Water and Sewer Fees were made per Commission action of June 11, 2007.

**Article Z - Section 1**

Changed the Savannah Electric and Power Company to Georgia Power Company.

**Article DD - Section 5**

The effective date of ordinance was changed from "August 25, 2006" to "August 10, 2007".

Grammatical, spelling, punctuation and formatting changes were made throughout the ordinance as needed.

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**XII. SECOND READINGS**

- 1. **THE PETITIONER, GREGORY DEAN ELMGREN, IS REQUESTING TO REZONE 124 QUACCO ROAD FROM AN R-1 (SINGLE FAMILY RESIDENTIAL - 5 UNITS PER NET ACRE) TO A P-B-1 (PLANNED BUSINESS LIMITED). THE MPC RECOMMENDED DENIAL. MPC FILE NO. Z-070430-40223-1 [DISTRICT 7.]**

*Note: This map amendment was heard at the July 6, 2007, meeting and was acted on as a second reading. The petitioner's attorney had requested through the Building Safety and Regulatory Services office that it be scheduled for first reading on July 6, 2007. BUILDING SAFETY AND REGULATORY SERVICES will run an additional advertisement for second reading on July 20, 2007.*

[NOTE: This item was taken out of order and was heard following Item V-3.]

Commissioner Kicklighter said, at this point, Mr. Chairman, I would like to make a motion to table this item on Second Reading —, table it on the Second Reading and refer it to the MPC for review concerning rezoning with conditions, limitations and also requesting that they work with the County Attorney's Office on this.

Chairman Liakakis said, okay. We have a motion on the floor. Do we have a second? Commissioner Stone said, second. Chairman Liakakis said, good. Now let me say what this motion — what this reading is. The petitioner, Gregory Dean Elmgren, is requesting to rezone 124 Quacco Road from an R-1 (Single Family Residential - 5 Units Per Net Acre) to a P-B-1 (Planned Business Limited), and they are asking for that rezoning, and the MPC has recommended a denial. But there is no conversation, nothing on it today. It's being requested to send back to the MPC along with our County Attorney and to come back to us on this matter. Let's go on the board. The motion carried unanimously. Chairman Liakakis said, okay. Thank y'all for coming.

**ACTION OF THE BOARD:**

Commissioner Kicklighter moved to table this item on Second Reading and refer it back to the MPC for review concerning rezoning with conditions and limitations and request that the MPC work with the County Attorney's Office. Commissioner Stone seconded the motion and it carried unanimously.

**AGENDA ITEM: ~~XI-1~~  
AGENDA DATE: July 20, 2007**

~~AGENDA ITEM: XI-1  
AGENDA DATE: June 22, 2007  
AGENDA ITEM: XII-1  
AGENDA DATE: July 6, 2007~~

**TO: BOARD OF COMMISSIONERS  
THRU: R. E. ABOLT, COUNTY MANAGER  
FROM: THOMAS L. THOMSON, EXECUTIVE DIRECTOR**

**LEGAL NOTICE/AGENDA HEADING:**

**The petitioner, Gregory Dean Elmgren, is requesting to rezone 124 Quacco Road from an R-1 (Single Family Residential - 5 Units Per Net Acre) to a P-B-1 (Planned Business Limited). The MPC recommended denial. MPC File No. Z-070430-40223-1**

**ISSUE:**

Rezoning from an R-1 (Single Family Residential – 5 Units Per Net Acre) classification to a P-B-1 (Planned Business Limited) classification.

**FACTS AND FINDINGS:**

1. **Public Notice:** All property owners located within 200 feet of the petitioned site(s) were notified of the rezoning petition.
2. **Site:** The subject property is 1.12 acres in size and is located on the north side of Quacco Road approximately 1,300 feet west of U.S. Highway 17 South (Ogeechee Road). The site is presently occupied by a single family residential structure and a detached garage.
3. **Request/Site History:** The petitioner requests that the site be rezoned to a P-B-1 zoning classification in order to establish an office as the principal use and an accessory use storage yard.

The site was purchased by the petitioner 13 months ago (April 17, 2006) as an existing single family residence. The Chatham County Zoning Administrator advised staff that the petitioner/owner, soon after purchasing the property, applied for a home occupation permit for the purpose of establishing a landscaping business in accordance with the provisions of the Chatham County Zoning Regulations, Section 2-28 Home Occupation. However, in response to a complaint, an inspection of the subject site by a Chatham County zoning Inspector revealed the following: 1) The single family house was being used as a graphic arts office; 2) the rear portion of the property was being used to store lawncare and landscaping equipment including landscaping materials; and, 3) it appeared that no one actually lived at the site. The owner/petitioner was cited by the Zoning Administrator for non-compliance with the provisions for a home occupation use.

4. **Zoning History/Existing Development Pattern:** The subject site was rezoned from an R-A classification to its present R-1 classification on September 28, 1984 (MPC File Number 84-6659-C). Other properties that have been rezoned within the last 25 years include:

A site located on both sides of Larchmont Drive from Ogeechee Road to Larchmont Estates was rezoned from R-A and R-A-S classifications to its present PUD-B and PUD-R classifications on September 28, 2004 (MPC File Number 84-6659-C); 2) a site located on the south side of Quacco Road approximately 1,425 feet east of Holiday Circle was rezoned from an R-A classification to its present P-D-R classification on January 29, 1986 (MPC File Number 86-7403-C); 3) a site located between Larchmont Drive and Quacco Road approximately 775 feet west of Ogeechee Road was rezoned from PUD-M-12 to its present PUD-B-C classification on July 25, 2003 (MPC File Number Z-030514-30448-1); 4) a site located on the south side of Quacco Road approximately 200 feet west of Laurel Green Court was rezoned from an R-A classification to its present PUD-M-12 classification on September 8, 2006 (MPC File Number Z-060516-56325-1). The adjacent land uses and zoning districts surrounding the subject property include:

<u>Location</u>	<u>Land Use</u>	<u>Zoning</u>
North	Vacant Land	PUD-M-12 [1]
South	Quacco Road Mobile Home Park Mobile Homes/Vacant Land	R-M-H-1 [2] R-A
East	Single Family	R-1
West	Single Family	R-1

[1] PUD-M-12 - Planned Unit Development Multi-Family 12 Units Per Net Acre  
 [2] R-M-H-1 - Residential Mobile Home Park

The areas along both sides of Quacco Road in the general area have remained relatively unchanged over the last 20 years with the exception of the development of new single family subdivisions and the development of properties located at the corner of Quacco Road and Ogeechee Road (U.S. Highway 17 South) as a convenience store, including the sale of fuel, and a boat sales lot. The predominate use along both sides of Quacco Road continues to be residential.

5. **Existing R-1 Zoning Districts:**
  - a. **Intent of the R-1 District:** According to the Zoning Ordinance, the purpose of the R-1 district is to create an environment in which one-family dwellings, and certain non residential uses are permitted in order to promote stability

- and character of low-density residential development with adequate open space.
- b. **Allowed Uses:** The uses allowed within the R-1 district appear in the attached chart.
  - c. **Development Standards:** The development standards for the R-1 district appear in the attached table (Table 1).
6. **Proposed P-B-1 Zoning District:**
- a. **Intent of the P-B-1 District:** According to the Zoning Ordinance, the purpose of the P-R-1 district is create and protect areas in which limited business and certain industrial activities like activities, which have limited traffic generation potential, are permitted. This district is intended to be applied in areas, which would not be appropriate for more intensive commercial districts because of the character of the surrounding land uses and other factors.
  - b. **Allowed Uses:** The uses allowed within the P-R-1 district appear in the attached chart.
  - c. **Development Standards:** The development standards for the P-B-1 district appear in the attached table (Table 1).
7. **Land Use Element: Land Use Element:** The Chatham County Comprehensive Plan Future Land Use Map designates the subject property as Suburban Single Family Residential. Approval of the zoning map amendment would not be consistent with the Future Land Use Map.
8. **Transportation Network:** The property is accessed from Quacco Road. Quacco Road is a two lane public road. According to the Street Classification Map Number 1 of the Chatham County Zoning Ordinance, Section 4-6, Quacco Road is classified as a secondary arterial roadway. The 2004 average daily traffic count for Quacco Road between Ogeechee Road and Interstate 95 was 3,900 vehicles per day.
9. **Public Services and Facilities:** The property is served by Metropolitan police, Southside Fire Department fire protection, and by Consolidated Utilities, Incorporated water and sanitary sewer. The subject site is presently served by the Chatham Transit Authority (CAT).

**SUMMARY OF FINDINGS**

- 1. Will the proposed zoning district permit uses that would create traffic volumes, noise level, odor, airborne particulate matter, visual blight, reduce light or increased density of development that would adversely impact the livability or quality of life in the surrounding neighborhood?  
 Yes \_\_\_ No X
- 2. Will the proposed zoning district permit uses that would adversely impact adjacent and nearby properties by rendering such properties less desirable and therefore less marketable for the type of development permitted under the current zoning?  
 Yes X No \_\_\_
- 3. Will the proposed zoning district permit uses that would generate a type or mix of vehicular traffic on a street or highway that is incompatible with the type of land use development along such street or highway?  
 Yes \_\_\_ No X
- 4. Will the proposed zoning district permit uses that would generate greater traffic volumes at vehicular access points and cross streets than is generated by uses permitted under the current zoning district to the detriment of maintaining acceptable or current volume capacity  
 Yes \_\_\_ No X

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

Yes \_\_\_ No X

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

Yes \_\_\_ No X

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

Yes X No \_\_\_

**ALTERNATIVES:**

1. Approve the petitioner’s request to rezone the property from an R-1 classification to a P-B-1 classification.
2. Deny the petitioner’s request.

**POLICY ANALYSIS:**

The proposed rezoning is not consistent with Chatham County’s Comprehensive Future Land Use Plan. The proposed P-B-1 classification would allow non-residential uses within an area that is predominately low density residential and would adversely impact the existing residential properties in the general area.

**RECOMMENDATION:** The MPC and Director of Building Safety and Regulatory Services recommend Denial of the petitioner’s request to rezone the property known as 124 Quacco Road (PIN-1-1006B-05-011) from an R-1 (Single Family Residential - 5 units per net acre) classification to a P-B-1 (Planned Business Limited) classification.

PREPARED BY: Jim Hansen, AICP, Director  
Development Services

May 15, 2007

Gregori Anderson, Director  
BUILDING SAFETY AND REGULATORY SERVICES



C H A T H A M C O U N T Y - S A V A N N A H

**METROPOLITAN PLANNING COMMISSION**

*“Planning the Future - Respecting the Past”*

M E M O R A N D U M

**DATE:** May 15, 2007  
**TO:** CHATHAM COUNTY COMMISSION  
**FROM:** METROPOLITAN PLANNING COMMISSION  
**SUBJECT:** MPC ZONING RECOMMENDATION

**PETITION REFERENCED:**

Gregory Dean Elmgren, Petitioner/Owner  
 124 Quacco Road  
 MPC File No. Z-070430-40223-1

**MPC ACTION:**

Denial of the petitioner’s request to rezone the property known as 124 Quacco Road from an R-1 (Single

Family Residential-5 Units Per Net Acre) classification to a P-B-1 (Planned Business Limited) classification.

**MPC STAFF RECOMMENDATION:**

Denial of the petitioner's request to rezone the property known as 124 Quacco Road from an R-1 (Single Family Residential-5 Units Per Net Acre) classification to a P-B-1 (Planned Business Limited) classification.

**MEMBERS PRESENT:** 9 + Vice-Chairman

Robert Ray, Vice-Chairman  
Michael Brown  
Douglas Bean  
Adam Ragsdale  
David Hoover

Jon Todd, Secretary  
Shedrick Coleman  
Timothy Mackey  
Lacy Manigault  
Ben Farmer

**VOTING FOR MOTION**

Robert Ray  
Jon Todd  
Michael Brown  
Shedrick Coleman  
Douglas Bean  
Timothy Mackey  
Adam Ragsdale  
Lacy Manigault  
David Hoover  
Ben Farmer

**VOTING AGAINST MOTION**

**\*ABSENT OR \*\*FAILING TO VOTE**

\*Susan Myers  
\*Russ Abolt  
\*Freddie Gilyard  
\*Stephen Lufburrow

**FOR APPROVAL:** 10

**FOR DENIAL:** 0

**ABSTAINING:** 0

Respectfully submitted,

*/s/ Thomas L. Thomson*

Thomas L. Thomson  
Executive Director

/cbm

Enclosure

=====

**2. AMENDMENT TO THE CHATHAM COUNTY STORM WATER MANAGEMENT ORDINANCE TO SATISFY THE REQUIREMENTS OF CHATHAM COUNTY'S MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) DISCHARGE PERMIT.**

Chairman Liakakis recognized County Manager Abolt.

County Manager Abolt said, this just reflects or continues to permit them to be able to permit development of keeping this permit current. It is a multi-jurisdiction application. In this case the County Engineer has made the amendments now before you, which are codified in the ordinance. These are the rules to live by when it comes to development in Chatham County.

Commissioner Kicklighter said, motion to approve. Commissioner Thomas said, second.

Chairman Liakakis said, we have a motion —.

Commissioner Stone said, I just have a couple of questions —. Chairman Liakakis said, yes. Commissioner Stone said, — about the text. On page 3 out of 20, where it says Chatham County shall mean unincorporated Chatham County. What about the parts that are not unincorporated? County Manager Abolt said, the MPC has the responsibility for the total plan. But it isn't just a permit for Chatham County. In this case you have jurisdiction over ordinance amendments, but the permit itself must apply to all development in Chatham County so each jurisdiction must respond. Commissioner Stone said, I understand —.



**§24-703 Objectives**

The objectives of this ordinance include the following:

- a. Protect, maintain, and enhance the short-term and long-term public health, safety, and general welfare. This objective will be achieved by providing for regulation and management of municipal/county separate storm sewer system, including public (and private) facilities in Chatham County's service area.
- b. Comply with Georgia Department of Natural Resources (DNR) and Federal Environmental Protection Agency (EPA) storm water regulations developed pursuant to the Clean Water Act. These requirements include:
  - i. Control the contribution of pollutants to the municipal/county separate storm sewer system by storm water discharge associated with commercial and industrial activity and the quality of storm water discharged from sites of commercial and industrial activity;
  - ii. Control the contribution of pollutants to the county separate storm sewer system by storm water discharge associated with development and redevelopment activities;
  - iii. Prohibit illicit connections to municipal/county separate storm sewers;
  - iv. Control discharge to municipal/county separate storm sewers of spills, dumping or disposal of materials other than storm water; and,
  - v. Control, through intergovernmental agreements, contributions of pollutants from one municipal/county system to another.
- c. Establish minimum requirements and procedures to regulate the adverse effects of increased storm water runoff and development in flood hazard areas.

**§24-704 Definitions**

For the purposes of this ordinance, unless specifically defined below, words or phrases shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most effective application. Words in the singular shall include the plural, and words in the plural shall include the singular. Words used in the present tense shall include the future tense. The word "shall" connotes mandatory and not discretionary; the word "may" is permissive.

Unless otherwise specified, or it is apparent from the context, definitions herein will be the same as those in other Chatham County codes.

For purposes of this ordinance, the following terms, phrases and words, and their derivatives, shall have the meaning given herein:

1. Accidental Discharge shall be defined as a discharge prohibited by this ordinance into the municipal/county separate storm sewer system which occurs without planning or consideration prior to occurrence. Accidental discharge shall not include a discharge caused by negligence.
2. Appeal Authority shall mean the Chatham County Board of Commissioners, one of whose purpose is to review appeals to this ordinance and render decisions and variances.
3. Base flood elevation shall mean the minimum expected water surface elevation identified by the Federal Emergency Management Agency or as determined by the Director.
4. Best Management Practices (BMPs) shall mean a wide range of management procedures, activities, and prohibitions or practices which control the quality and/or quantity of storm water runoff and which are compatible with the planned land use.
5. Chatham County Shall mean Unincorporated Chatham County.
6. Clean Water Act shall mean the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.)
7. Conveyance shall mean storm water features designed for the movement of storm water through the drainage system, such as concrete or metal pipes, ditches, depressions, swales, etc.
8. Department shall mean the Chatham County Department of Engineering which is responsible for all storm water management activities and implementation of the provisions of this ordinance.

9. Development Activity shall mean any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, dredging, clearing, grubbing, scraping, grading, filling, paving, excavation or other activities disturbing the soil or vegetation.
10. Director shall mean either the County Engineer or any of that person's duly authorized representatives.
11. Discharge shall mean the release of treated or untreated water from the site.
12. Easement shall mean an acquired legal right for the specific use of land owned by others.
13. Extended Detention shall mean the storage and release of the 1-year, 24-hour storm runoff over a 24-hour period.
14. Flood Hazard Area shall mean those delineated geographical areas of special flood hazard identified by the Federal Emergency Management Agency or other areas as determined by the Director.
15. Hot Spot shall mean a land use or activity on a site that produces higher concentrations of trace metals, hydrocarbons or other priority pollutants than are normally found in urban storm water runoff. Examples include, but are not limited to, gas stations, vehicle service and maintenance areas, salvage yards, material storage sites, garbage transfer facilities, and commercial parking lots with high-intensity use.
16. Illicit Connection shall mean a connection to a municipal/ county separate storm sewer system which results in discharge that is not composed entirely of storm water runoff except discharges pursuant to a National Pollutant Discharge Elimination System (NPDES) permit (other than the NPDES permit for discharges from the municipal/county separate storm sewer system).
17. Maintenance shall mean any action necessary to preserve storm water management facilities in proper working condition, in order to serve the intended purposes set forth in this ordinance or to prevent structural failure of such facilities.
18. Manual shall mean the latest edition of the Georgia Storm Water Management Manual.
19. Municipal/County Separate Storm Sewer System (MS4) shall mean a conveyance or system of conveyances (including roads with drainage systems, highways, rights-of-ways, municipal/county streets, catch basins, curbs, gutters, ditches, man-made channels, storm drains, detention ponds, other storm water facilities) which is:
- a. Owned or operated by Chatham County;
  - b. Designed or used for collecting or conveying storm water;
  - c. Not a combined sewer; and
  - d. Not part of a Publicly Owned Treatment Works (POTW).
20. NPDES shall mean the National Pollutant Discharge Elimination System permit granted by the Georgia Department of Natural Resources.
21. Open tidal waters shall mean natural bodies of water influenced by daily tide fluctuations that have no downstream man-made flow restrictions.
22. Person shall mean any and all persons, natural or artificial and includes any individual, firm, corporation, government agency, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal entity.
23. Pollution shall mean the contamination or other alteration of any water's physical, chemical or biological properties, including change in temperature, taste, color, turbidity, or odor of such waters of discharge or any liquid, gaseous, solid, radioactive, or other substance into any such waters as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety or welfare or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.
24. Post-developed conditions shall mean the conditions following the completion of the land development activity in terms of topography, vegetation, land use, and quality, rate, volume, and direction of storm water runoff.

25. Pre-developed conditions shall mean those land use conditions that exist prior to the initiation of the proposed land development activity in terms of topography, vegetation, land use, and quality, rate, volume, and direction of storm water runoff.
26. Private shall mean property or facility owned by individuals, corporations, and other organizations and not by city, county, state, or federal government.
27. Procedure shall mean a procedure adopted by the Department, by and through the Director, to implement a regulation adopted under this ordinance, or to carry out other responsibilities as may be required by other codes, ordinances or resolutions of Chatham County or other agencies.
28. Record Drawings shall mean a set of engineering site drawings that delineate the permitted storm water management facility as actually constructed and are prepared in accordance with the standards specified in the Chatham County Engineering Policy.
29. Regulation shall mean any regulation, rule or requirement adopted by Chatham County pursuant to the requirements of this ordinance.
30. Sanitary Sewer System shall mean the complete sanitary sewer system of Unincorporated Chatham County which discharges sewage directly or indirectly into the sewage treatment plant, including sanitary sewer pipelines, manholes, and flushing inlets and appurtenances to the foregoing, but shall exclude any portion or facilities of the sewage treatment plant.
31. Site shall mean any lot, plot, parcel or tract of land.
32. Storm Water shall mean storm water runoff, snow melt runoff, and surface runoff.
33. Storm Water Management shall mean the prevention and mitigation of storm water quantity and quality impacts.
34. Storm Water Management Facilities shall mean constructed or natural components of a storm water drainage system, designed to perform a particular function, or multiple functions, including, but not limited to, pipes, swales, ditches, canals, wetlands, culverts, street gutters, storm water ponds, flood hazard areas, constructed wetlands, infiltration devices, catch basins, oil/water separators, sediment basins, natural and modular pavement.
35. Storm Water Runoff shall mean the flow of water that results from precipitation.
36. Variance shall mean the modification of the minimum storm water management requirements of specific circumstances where strict adherence of the requirements would result in unnecessary hardship and not fulfill the intent of this ordinance.
37. Water Quality shall mean those characteristics of storm water runoff that relate to the physical, chemical, biological or radiological integrity of water.
38. Water Quantity shall mean those characteristics of storm water runoff that relate to the rate and volume of the storm water runoff.
39. Watershed shall mean the drainage area contributing storm water runoff to a single point in the storm water system.

#### **§24-705 Scope of Responsibility**

1. The provisions of this ordinance shall apply throughout Chatham County and to drainage systems maintained by intergovernmental agreement between Chatham County and municipal jurisdictions.
2. The Director or designee shall be responsible for the coordination and enforcement of the provisions of this ordinance.
3. The Department shall be responsible for the conservation, management, extension and improvement of the MS4, including activities necessary to control storm water runoff and activities necessary to carry out storm water management programs included in Chatham County's NPDES storm water permit.
4. The application of this ordinance and the provisions expressed herein shall be the minimum storm water management requirements and shall not be deemed a limitation or repeal of any other local requirements authorized by State statute. Other storm water project improvements, as defined under Georgia Law, may be required.

**§24-706 Powers of the Department**

1. The Department shall have the power to administer and enforce all regulations and procedures adopted to implement this ordinance, including the right to maintain an action or procedure in any court of competent jurisdiction to compel compliance with or restrain any violation of this ordinance.

2. The Department can:

- a. Administer, coordinate and oversee acquisition, design, and construction of municipal/county storm water facilities;
- b. Establish or oversee establishment of development standards and guidelines for controlling storm water runoff;
- c. Determine the manner in which storm water facilities should be operated;
- d. Inspect private storm water management facilities;
- e. Advise the Board of Commissioners of Chatham County, other Chatham County Departments and other local governments on issues related to storm water;
- f. Protect facilities and properties controlled by the Department and prescribe how they are used by others;
- g. Require new, increased, or modified storm water contributions to comply with the terms of this ordinance;
- h. Develop programs and procedures to control the discharge of pollutants into the MS4; and,
- i. Adopt and implement the storm water management program for Chatham County.

**§24-707 Storm water Management Plans (SWMP)**

1. All development activity that is required to have a permit for land disturbing under the provisions of the Land Disturbing Activities Ordinance, Flood Damage Prevention Ordinance, and Soil Erosion and Sedimentation Control Ordinance shall have an approved Storm water Management Plan (SWMP). A SWMP shall be valid for one year from date of acceptance. The minimum design requirements for the SWMP shall include the following:

- a. Use of Better Site Design Practices for Storm Water Management Site designs should preserve the natural drainage and treatment systems and reduce the generation of additional storm water runoff and pollutants. All site designs shall implement a combination of approaches collectively known as storm water better site design practices, as described in Volume 2 of the Manual, to the fullest practical extent. Such practices include conservation of natural features, use of lower impact site design techniques, reduction of impervious cover, utilization of natural features for storm water management.
- b. Storm Water Runoff Quality. All storm water runoff generated from a site shall be adequately treated before discharge. Storm water management systems (which can include both structural storm water controls and better site design practices) must be designed to remove 80% of the calculated average annual post-development total suspended solids (TSS) load and be able to meet any other additional watershed- or site-specific water quality requirements. A storm water management system complies with this performance standard if:
  - i. It is sized to capture and treat the prescribed water quality treatment volume, which is defined as the storm water runoff volume resulting from the first 1.2 inches of rainfall from a site;
  - ii. Appropriate structural storm water controls are selected, designed, constructed, and maintained according to the specified criteria in the Manual; and
  - iii. Runoff from hotspot land uses and activities is adequately treated and addressed through the use of appropriate structural storm water controls and pollution prevention practices.

c. Stream Channel Protection

i. Stream channel protection shall be provided to both downstream and on-site channels by using all of the following three approaches:

(1) 24-hour extended detention storage of the 1-year, 24-hour return frequency storm event;

(2) erosion prevention measures such as energy dissipation and velocity control; and

(3) preservation of the applicable stream buffer.

ii. This requirement may be waived by the Director for sites that discharge directly into piped storm water drainage systems, larger streams, rivers, wetlands, or tidal waters where the reduction in flows will not have an impact on channel integrity;

d. Overbank Flood Protection

i. Downstream overbank flood protection shall be provided by controlling the post-development peak discharge rate to the pre-development rate for the 2-year through the 50-year, 24-hour return frequency storm event.

ii. This requirement does not apply provided the following:

(1) The development directly discharges into open tidal waters, or;

(2) Provisions are made to provide a conveyance system with adequate capacity to carry storm water flows to open tidal waters.

e. Extreme Flood Protection. Extreme flood protection shall be provided by controlling and/or safely conveying the 100-year, 24-hour return frequency storm event such that there is no increase in flood elevations, either upstream or downstream.

f. Hydrologic Analysis. A hydrologic analysis, both upstream and downstream, shall be performed to determine the following:

i. Adequate capacity of the receiving system; and

ii. Whether there are any additional impacts in terms of peak flow increase or water elevations while meeting Minimum Standards (a) through (e), above;

iii. This analysis shall be performed at the outlet(s) of the site, and downstream at each tributary junction to the point(s) in the conveyance system where the area of the portion of the site draining into the system is less than or equal to 10% of the total drainage area above that point or to a point identified by the Director.

g. Groundwater Recharge. Annual groundwater recharge rates shall be maintained to the fullest practical extent through the use of nonstructural methods as described in Volume 2, Section 1.4 of the Manual.

i. The annual recharge from the post-development site shall approximate the annual recharge from the pre-development, based on soil types.

ii. Storm water runoff from a hotspot site or land use shall not be infiltrated without effective pretreatment.

h. Storm Water Management System Operation and Maintenance. The storm water management system, including all structural storm water controls and conveyances, shall have an operation and maintenance plan to ensure that it continues to function as designed. The operation and maintenance plan must provide:

i. A clear assignment of storm water system inspection, maintenance, and financial responsibilities;

ii. The routine and non-routine maintenance tasks to be undertaken;

iii. A schedule for inspection and maintenance. All records of inspection and maintenance must be maintained for each control for a period of three (3) years. These records must be available for review by the Department at all times. Failure to maintain the records will be a violation of this Ordinance; and

- iv. Any necessary legally binding maintenance agreements. If the development or redevelopment includes a subdivision, there must be clear and concise note(s) referring to the operation and maintenance plan on the plat. All agreements and plats must clearly specify that all property owners within the subdivision are responsible.
  - v. Estimated annual inspection, maintenance, and operating costs.
  - vi. If at any time the Director determines that the plan is not effective, then the Director may require changes as necessary to guarantee adequate operation of the storm water management system.
2. Drainage structures internal to the proposed land development activity will be designed for no less than the 10 year, 24 hour storm event.
  3. The SWMP shall include a Hydrologic/ Hydraulic Report prepared and certified by a Registered Professional Engineer licensed to practice Engineering in the State of Georgia. The report shall be prepared in accordance with the minimum standards of the Chatham County Engineering Policy using methodology provided in the Manual.
  4. A Land Disturbing Activities Grading or Development Permit cannot be issued until the provisions of this ordinance have been met.
  5. Record Drawings of the Storm Water Management Facilities by a registered professional engineer are required prior to issuance of a certificate for occupancy from the County. Record Drawings shall be prepared in accordance with Chatham County's Engineering Policy.
  6. For development of a project in phases, a storm water master plan is required to indicate how the requirements of this ordinance will be met. This does not preclude the requirement of a SWMP for each phase as it is being developed. The master plan of multi-phased developments shall consolidate storm water management facilities to as much as practical.

#### **§24-708 Prohibition**

1. It shall be unlawful to dump, deposit, or otherwise cause any trash, landscape debris, or other material to be placed in any stream, channel, ditch, or any portion of the storm water management facilities.
2. The Director may exempt the following from the prohibition provision above.
  - a. Water line flushing performed by a government agency, diverted stream flows, rising ground waters, and unpolluted ground water infiltration.
  - b. Unpolluted pumped ground water.
  - c. Discharge from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, flows from riparian habitats and wetlands, and street wash water.
  - d. Discharge or flows for fire fighting.
  - e. Other unpolluted water.
3. In the event of an accidental discharge or an unavoidable loss to the MS4 of any material or substance other than storm water runoff, the person concerned shall inform the Department and all other impacted entities immediately but no longer than two (2) hours of the nature, quantity and time of occurrence of the discharge. The person concerned shall take immediate steps to contain, treat, or take other actions to minimize effects of the discharge on the MS4 and receiving streams. the person shall also take immediate steps to ensure no recurrence of the discharge.
4. It shall be unlawful for any person to maliciously, willfully, or negligently break, damage, destroy, uncover, deface, modify, or tamper with any storm water structure, appurtenance, or equipment.
5. It shall be unlawful, without prior written authorization of the Director, to alter in any way any part of the storm water system including, but not limited to, rerouting, removing, deepening, widening, enlarging, filling or obstructing any part of the storm water system including fencing over or across lands encumbered by drainage easements and rights-of-way which render the system inaccessible to equipment necessary to perform maintenance and repairs.

6. It shall be unlawful to enter Chatham County drainage rights-of-way without first obtaining approval from the Director of Public Works and Park Services in accordance with Chatham County's Right-of-Way Encroachment Ordinance.

**§24-709 Illicit Connections.**

1. It is unlawful for any person, company, corporation, etc., to connect any pipe, open channel, any other conveyance system that discharges anything except storm water or unpolluted water which is approved by the Director, based on the exemptions listed in §24-708.2 above, to the MS4.

2. Improper connections in violation of this code must be disconnected and redirected, if necessary, to the nearest sanitary sewer system upon approval by the Director.

**§24-710 Maintenance and Inspection**

1. Any storm water management facility or BMP which services a single residential lot, commercial development, or industrial development shall be privately owned and maintained by the property owner. In no case can alterations be made to the storm water management facilities that may impact perpetual access for maintenance.

2. The Director may require dedication of privately owned storm water facilities which discharge to the MS4.

3. The Director shall determine inspection schedules necessary to enforce the provisions of this ordinance.

4. The Director or his/her designee, bearing proper credentials and identification, shall be permitted to enter, in accordance with state and federal law, all properties for regular inspections, periodic investigations, observation, measurement, enforcement, sampling and testing, in accordance with provisions of this ordinance. The Director or his/her designee shall duly notify the owner of said property or the representative on site, except in the case of an emergency.

5. The Director or his/her designee, bearing proper credentials and identification, shall be permitted to enter, in accordance with state and federal law, all properties for which the Chatham County holds a negotiated easement for inspection, repairs, maintenance and other purposes related to any portion of the storm water management facilities lying within said easement.

6. Measurements, tests and analyses performed by the Department or required of any discharger to the MS4 shall be in accordance with 40 CFR Part 136, unless another method is approved by the Director.

7. If, after inspection, the condition of a private storm water management facility presents an immediate danger to the public health or because of unsafe conditions or improper maintenance, the Director shall have the right to take action as may be necessary to protect the public and make the storm water management facility safe at the expense of the owner of the storm water management facility.

8. If, after inspection, the condition of the private storm water management facility results in a violation of this ordinance, the owner and of the storm water management facility will be notified of the violation.

**§24-711 Administrative Enforcement; Remediation Plan**

1. Whenever the Director finds that any person has violated or is violating this ordinance, the Director shall serve upon such person a written notice stating the nature of the violation, notice to cease all activities in violation of this ordinance, and the potential penalty involved.

2. Upon receipt of Notice of Violation, the person shall submit a remediation plan and a remediation schedule to the Director within five (5) business days. The remediation plan shall include immediate correction where requested, otherwise, all corrective and preventive measures shall be completed within thirty (30) days of the initial notice of violation.

**§24-712 Appeals**

1. Any person aggrieved by a decision of the Director (including any decision with reference to the granting or denial of a variance from the terms of this ordinance) may appeal same by filing a written notice of appeal with the Director within five (5) days of the issuance of said decision by the Director. A notice of appeal shall state specific reasons.

2. The Director shall prepare and send to the Chatham County Board of Commissioners and appellant a written response to said notice of appeal within ten (10) days of the receipt of the notice of appeal.

3. All appeals shall be heard by the Chatham County Board of Commissioners in accord with its bylaws. The hearing shall be held within thirty (30) days after the receipt of notice of appeal or a date mutually agreed upon in writing by the appellant and the chairperson of the Chatham County Board of Commissioners. The Chatham County Board of Commissioners shall then make its findings within ten (10) days of the appeal hearing.

4. If the appellant is dissatisfied with the Chatham County Board of Commissioners decision, he or she can appeal said decision to the Superior Court.

#### **§24-713 Penalties**

1. Any person who is found by the Director to have willingly and negligently failed to comply with any provision of this ordinance, and the orders, rules, and regulations, issued hereunder, shall be subject to a financial penalty or imprisonment or both. Each day in which a violation occurs shall be deemed a separate and distinct offense. Financial penalty shall be five hundred (\$500) dollars per day.

2. In addition, any person who does willingly and negligently fail to comply with any provisions of this ordinance shall be subject to a civil penalty initiated by the Chairman of the Chatham County Board of Commissioners seeking monetary penalties for damages caused to publicly owned storm water facilities.

3. The civil penalty shall be assessed in the following manner:

a. the Director may issue an assessment against any person or permittee responsible for the violation;

b. any person against whom an assessment has been issued may secure a review of such assessment by filing with the Director written petition setting forth the grounds and reasons for his objections and asking for a hearing in the matter involved;

c. Whenever any assessment has become final because of a person's failure to appeal the Director's assessment, the Chairman of the Commissioners may apply to the appropriate court for a judgment and seek execution of such judgment and the court, in such proceedings, shall treat a failure to appeal such assessment as a confession of judgment in the amount of the assessment;

d. In assessing the civil penalty the Director may consider the following factor:

i. damages to the County, including compensation for the damage or destruction to the MS4, and also including any penalties, costs, and attorney fees incurred by the County as the result of the illegal activity, as well as the cause of the discharge or violation;

ii. the severity of the discharge and its effects upon the MS4 and upon the quality and quantity of the receiving waters;

iii. effectiveness of action taken by the violator to cease the violation;

iv. the technical and economic reasonableness of reducing or eliminating the discharge; and

v. the economic benefit gained by the violator.

#### **§24-714 Variances from Requirements**

1. The Director may grant a variance from requirements of this ordinance if exceptional circumstances applicable to a site exist such that strict adherence to the provisions of the ordinance will result in unnecessary hardship and will not fulfill the intent of the ordinance.

2. The Director may grant a variance from requirements of this ordinance if the proposed development activity:

a. will not increase the rate, volume, or concentration of runoff to the existing downstream storm sewer system;

b. will not impact base flood elevation upstream and/or downstream;

- c. will not have a negative impact on any wetland, watercourse, or water body; and
- d. will not contribute to degradation of water quality.

3. A written request for a variance shall be required and shall state the specific variance sought and the reasons, with supporting data, a variance should be granted. The request shall include all information necessary to evaluate the proposed variance.

4. The Director will conduct a review of the request for a variance within ten (10) working days of receiving the request.

**§24-715 Cooperation With Other Governments**

Chatham County may enter into agreements with other local governments to carry out the purpose of this ordinance. These agreements may include, but are not limited to, cooperative monitoring of water quality and cooperative management and inspection of storm water system and management programs.

**§24-716 Effective Date**

1. The ordinance shall take effect after adoption by the Board of Commissioners of Chatham County and be in force on July 20, 2007.

2. All future phases of development that have had a Master Plan approved by both the Director and the Savannah/Chatham County Metropolitan Planning Commission prior to the adoption date shall be exempt from the provisions of this revised ordinance, unless the Director determines that the result of the exemption will adversely affect public safety and welfare.

3. Furthermore, those developments that submit complete Land Disturbing Activities Ordinance grading and/or development permit application to the Director by July 27, 2007 shall be exempt from the provisions of this revised ordinance, unless the Director determines that the result of the exemption will adversely affect public safety and welfare. Incomplete applications shall mean those that do not include all the required fees and information required by the Land Disturbing Activities Ordinance and Engineering Policy for that type permit. In the event that the permittee has not begun the permitted work within twelve months, the permit shall lapse and a new permit must be obtained before work can begin. Once work is begun under a valid permit, the permittee may continue the permitted work until the work is completed. Any permit will automatically lapse after twelve months of inactivity, unless the developer obtained an extension from the Director. Lapsed permits shall no longer be exempt from the provisions of this ordinance.

**§24-717 Severability**

If any term, requirement or provision of this ordinance or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this ordinance or the application of such terms, requirements and provisions to persons or circumstances other than those to which it is held invalid or unenforceable, shall not be affected thereby and each term, requirement or provision of this ordinance shall be valid and be enforced to the fullest extent permitted by law. (Amended July 20, 2007.)

**APPROVED:** This 20<sup>th</sup> day of July, 2007.

\_\_\_\_\_  
 Pete Liakakis, Chairman  
 Board of Commissioners of  
 Chatham County, Georgia

ATTEST:

\_\_\_\_\_  
 Sybil E. Tillman, County Clerk

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**XIII. INFORMATION ITEMS**

**1. PROGRESS REPORT ON GENERAL FUND CONTINGENCY ACCOUNT - M&O AND THE SPECIAL SERVICE DISTRICT (SEE ATTACHED).**

**ACTION OF THE BOARD:**

A status report was attached for review.

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**2. LIST OF PURCHASING ITEMS BETWEEN \$2,500 AND \$9,999 (SEE ATTACHED).**

**ACTION OF THE BOARD:**

A status report was attached for review.

**AGENDA ITEM: XIII-2  
AGENDA DATE: July 20, 2007**

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

<u>ITEM</u>	<u>DEPT.</u>	<u>SOURCE</u>	<u>AMOUNT</u>	<u>FUNDING</u>
Mosquito Control supplies	Mosquito Control	Southeastern Aircraft Sales & Services	\$3,024	General Fund M&O - Mosquito Control
Southern Folger deadlatch x less cylinder x lefthand (Locking system)	Detention Center	Western Detention Products	\$4,971	General Fund M&O - Detention Center
Items for programmable logical computer	Detention Center	Convertteam, Inc.	\$3,524	General Fund/M&O - Detention Center
Vehicle accident repair to unit 833	Fleet Operations	Scott's Auto Body & Refinish	\$3,713	General Fund/M&O - Fleet Operations
Annual Maintenance Contract renewal	Detention Center	Receptors Int'l Security Group	\$5,585	General Fund/M&O - Detention Center
Savannah Bridge Run	Land Bank Authority	Savannah Sports Council	\$8,500	Land Bank Authority
Miscellaneous items for Islands Precinct	SPLOST	Pioneer Construction, Inc.	\$9,410	SPLOST (2003-2008) - Police Merge

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**EXECUTIVE SESSION**

Upon motion being made by Commissioner Stone and seconded by Commissioner Odell, the board recessed at 10:45 a.m., to go into Executive Session for the purpose of discussing litigation and personnel.

Following adjournment of the Executive Session, the meeting of the Board of Commissioners was reconvened at 12:10 p.m.

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**ITEMS FROM EXECUTIVE SESSION**

- 1. **APPROVE CHANGE ORDER FOR THE ISLANDS PRECINCT IN THE AMOUNT OF \$117,998 TO BE ADDED TO THE CONTRACT PRICE.**

**ACTION OF THE BOARD:**

Commissioner Farrell moved to approve a motion to approve a Change Order for the Islands Precinct in the amount of \$117,998 to be added to the contract price. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioner Kicklighter was not present.]

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- 2. **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 Odell moved to approve a motion to authorize the Chairman to execute an Affidavit that the Executive Session was held in compliance with the Open Meetings Act. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Kicklighter was not present.]

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**ADJOURNMENT**

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

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**APPROVED:** THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2007

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

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