

**MINUTES OF THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF CHATHAM COUNTY, GEORGIA, HELD ON FRIDAY, AUGUST 22, 2008, IN THE COMMISSION MEETING ROOM ON THE SECOND FLOOR OF THE CHATHAM COUNTY COURTHOUSE, LEGISLATIVE AND ADMINISTRATIVE BUILDING, 124 BULL STREET, SAVANNAH, GEORGIA.**

**I. CALL TO ORDER**

Chairman Pete Liakakis called the meeting to order at 9:28 a.m., Friday, August 22, 2008.

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**II. INVOCATION**

Commissioner David Gellatly gave the Invocation.

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**III. PLEDGE OF ALLEGIANCE**

All gave the Pledge of 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:       Patrick Monahan, Assistant County Manager  
                      Jonathan Hart, County Attorney  
                      Sybil E. Tillman, County Clerk

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**V. PROCLAMATIONS AND SPECIAL PRESENTATIONS**

**1. PROCLAMATION FOR LYNN MARSTON ON HER RETIREMENT FROM THE SUPERIOR COURT CLERK’S OFFICE AFTER 15 YEARS OF SERVICE.**

Chairman Liakakis said, I’d like to call on Commissioner Harris Odell for a proclamation for one of our employees that is retiring today and I ask that Lynn Marston and whoever else she might have with her to come to the podium please.

Commissioner Odell said, Mr. Chairman, I think that we change our policy regarding retirement and that is people who are substantially younger than the Commissioners should not be allowed to retire. Proclamation, Chatham County.


  
**The County of Chatham**  
**Georgia**  
**Proclamation**

**WHEREAS**, Chatham County is privileged to have employees of high caliber that take great pride in their duties and responsibilities, and in that regard, we commend Lynn Marston; and

**WHEREAS**, Lynn Marston began her employment with Chatham County on February 1, 1993 as a Deputy Clerk in Chatham County State Court. On May 3, 1999, she was promoted to Deputy Clerk IV in the Office of the Clerk of Superior Court. On January 4, 2003 she was promoted to Deputy Clerk-Criminal Division Manager where she finished her stellar career; and

**WHEREAS**, her duties provided her the opportunity to work closely with the Safe Shelter and their clients in the preparation and transmission of Temporary Protective Orders whereby those abused and terrified by domestic violence within our county could receive the protection and justice they so richly deserved; and

**WHEREAS**, she took great pride in her duties and became a dedicated and valuable member and leader within the Office of the Clerk of Superior Court. She kept a positive attitude and strived to meet the many challenges that were placed upon her, always responding well to the increasing and continuous workload required of her.

**NOW, THEREFORE**, I, Pete Liakakis, Chairman, on behalf of the Chatham County Board of Commissioners, do hereby salute:

**LYNN MARSTON**

upon her retirement and express sincere appreciation for over fifteen years of dedicated service to the citizens of Chatham County and the Courts of Chatham County and extend best wishes for a long, happy, healthy retirement.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of Chatham County, Georgia to be affixed this the 9<sup>th</sup> day of February 2007.

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Pete Liakakis, Chairman  
Chatham County Commission

**ATTEST:**

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Sybil E. Tillman, Clerk

Commissioner Odell said, I say as the Commissioner who probably has the greatest contact with the Court, it is really a sad day for Chatham County that you are retiring. I mean, you do such an excellent job. Most people pay taxes begrudgingly and when they have contact with our employees, it's important that our employees show courtesy, dignity and respect for those citizens that come, and you've always done that, and it's been my personal privilege to work with you over these past 15 years and I will sorely miss you and I know Dan [Massey] will, and I give you this plaque and say happy retirement.

Mr. Dan Massey said, it's always with a sense of sadness that we see a dedicated employee leave the employment of Chatham County, but truly in the case of Lynn [Marston], whom I've known since she worked in State Court, we are not losing her, we are building upon what she has brought before. So the employees that follow her will have a good strong footing on which to stand and build their own careers. So from the Clerk's Office, we also would like to extend our best wishes to Lynn in her retirement and welcome her back at any time.

Ms. Marston said, you know, in life for me has afforded me many challenges. I was a banker at one time and at a later age in my life I had to change my path and go another way and I thought "I just can't do this; I'm getting too old to try

to learn something new," but you can. You can attain anything that you set yourself to do. I in my path have come across some absolutely wonderful people. In my treasure box that I hold in my heart I take those people with me and the things that I've shared with them, and no one can take that away from you. I hope that I leave them with that and I leave them with the proper way to do things from your heart. I think if you do things from your heart, it comes out the best way you can get it to do. But I thank you for this today and I leave with glee, but with sadness too. Anytime you change in your life and you go on to another step, I think there's a little sadness that you leave behind, but then I'm also ready for another challenge and I intend to do that in my life in my life. But thank you so much for this today.

Chairman Liakakis said, Lynn [Marston], thank you on behalf of the Chatham County Commission for the service that you did for the court system and, of course, for the citizens of Chatham County. We really appreciate your dedication as was stated in that proclamation and also by Commissioner Harris Odell because he goes into the courts and he sees the operation. But it's really appreciated and my God continue to bless you in the years to come. Ms. Marston said, thank you, sir.

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

None.

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## **VII. COMMISSIONERS' ITEMS**

### **1. ELBA ISLAND PRESENTATION (COMMISSIONER STONE AND COMMISSIONER GELLATLY).**

Chairman Liakakis said, that item is for Commissioner Stone and Commissioner Gellatly had brought it up, and I'll call on Commissioner Gellatly to start the presentation and to introduce those that are going to speak this morning.

Commissioner Gellatly said, thank you, Mr. Chairman. It's my honor and privilege to introduce Dr. John Northup. He's been my personal physician for over 25 years and I know him to be one of the most prominent medical doctors in the United States. When he's not doing that, he also has for years has a serious and genuine concern about the quality of air and water in our entire area and he has formed a very impressive group of people that have the same thoughts and concerns. Today he's going to come forward and give us about a 10-minute presentation as to concerns that he has with the facility at Elba Island LNG gas. Doctor.

Dr. John Northup said, first I want to thank Commissioner Gellatly and Commissioner Stone for sponsoring me for this presentation. Good morning, ladies and gentlemen. This is the 22<sup>nd</sup> day of August, 2008, and I'm here representing Citizens for Clean Air and Water, Citizens for Environmental Justice, and the Sierra Club. We have members of these groups with us: Patricia Jenkins, Cletus Bergen, Shari Haynes, Terri Balanco [phonetic] and Ellis Cook are representing Citizens for Clean Air and Water. Dr. Mildred McClain and Anees Fardan and Linda Fardan are representing Citizens for Environmental Justice. Judy Jennings is representing the Sierra Club.

Every statement that I'm about to make is researched and referenced. References and documentation are available in writing to anyone who wishes to request them.

Although some may consider the risk of a catastrophic explosion at Elba Island to be low, the potential consequences are so devastating, so enormous, so unthinkable, that no governmental body, no one, no one, no one in any other port city on either the East Coast or the West Coast of the United States is willingly tolerating the expansion of liquid natural gas in their community except you, ladies and gentlemen. I'm here this morning to give you three good reasons why you must pass an ordinance stopping and inhibiting any further expansion of liquid natural gas facilities in Chatham County, Georgia. I will discuss the dangers of liquid natural gas, the role of the Federal Government, and then the action which we urge you to initiate. However, before we get to these three reasons, let us orient this discussion.

This is a political issue and not a legal issue. You cannot blindly trust large corporations in America. Every large corporation in America employs three or even four tiers of attorneys, an in-house counsel, a local counsel in which they operate, a State counsel — such as King & Spalding or Troutman, Saunders — and perhaps even a national Washington based legal firm to advocate their positions. Southern LNG is no exception to this behavior. One cannot beat them legally. They can simply tie you up forever. This is a political matter. That is why we are bringing it before a political body. As Chatham County Commissioners, with the exception of Mr. Odell, you are not attorneys. It's a political body and this is a political problem.

This is an issue of public safety, public security and public health in Chatham County, Georgia. This is also not an issue of economics of the of the energy industry and whether or not the United States needs natural gas or wind power or some other form of energy. This is also not an issue of whether or not a company is a good citizen. I've read in the *Savannah Morning News* that Southern Liquid Natural Gas tried to get out of paying their fire services bill, did not pay their taxes for several years, and employed a team of attorneys to value their property at only 10% of the actual value in order to escape further taxes. It may be true that Southern LNG is not a good citizen, but that is not the issue. We're here to discuss the danger to the public in Chatham County and not matters of citizenship.

As to the reasons why you must pass an ordinance, Reason One: Liquid natural gas is dangerous. Everyone knows it. According to Mr. Chuck Watson of Watson Technical Consulting in Savannah and according to Dr. James Fay of the Massachusetts Institute of Technology, a significant spill of liquid natural gas from Elba Island could have a burn radius of up to five miles. This would reach the Savannah waterfront. According to Mr. Peter Levine [phonetic], Chairman of the Board of Lloyds of London, the world's most well-known insurance company, a terrorist attack on an LNG tanker in our waterway would have the force of a nuclear explosion. The energy stored in the tanks at Elba Island will exceed the energy equivalent of the detonation of 50 Hiroshima nuclear bombs. In the event of a serious cascading explosion, Whitemarsh Island or the northern half of Tybee Island would be vaporized at 4,000 degrees.

I want to take a couple of moments to show you a film made on the West Coast about this problem. Pete [Nichols], will you show the film? [NOTE: At this a film entitled "The Risks and Dangers of LNG" was shown for viewing by the Commissioners and the audience.]

Dr. Northup said, if you were to purchase and watch the complete film made by Tim Riley, you would see that he noted that the Coast Guard Captain of the Port in Savannah, Georgia, has generated a document discussing LNG Emergency Procedures, which reads as follows: Initial actions to take in the event of a worst case discharge of LNG: Order the evacuation of all United States Coast Guard personnel from the affected area. To me, that's abandon ship.

Liquid natural gas does not need to be regassified or stored in a populated area. British Petroleum and other companies in fact have boats that can be anchored 30 miles offshore in order to carry out these functions. Here is a picture postcard of one of these boats. We do not need to have dangerous liquid natural gas in the middle of populated areas.

Now people have been informed by Southern LNG that liquid natural gas is not dangerous and people have been advised to take a tour. We would like to submit a document by three PH.D. experts who have no vested industry interest, no vested interest in the industry, no vested interest in the company, and no vested interest in Chatham County. The unbiased conclusion of these experts is that LNG is very dangerous. The international organization SIGTTO referenced in the manuals which we provided for all of you, has been organized by the industries around the world which deal with liquid natural gas in order to promote a safe and sane approach to the subject. Members of the organization are opposed to locating liquid natural gas storage facilities in populated areas. My reading of their manual convinces me that the international organization would certainly say no permit to Elba Island at the present time. Let me give you a quote from Mr. Robert Godfrey. Mr. Godfrey is an environmental advocate and a member of LNG Terminal Siting Standards Organization. "The Society of International Gas Terminal and Tanker Operators (SIGTTO) includes virtually the entire world's LNG industry and its membership. They research and publish best practices and standards for the industry. Their publication, Site Selection and Design for LNG Ports and Jetties, indicates without question that the siting conditions at Elba Island facility violates several LNG industry safety principles. The Federal Energy Regulatory Corporation ignores the industry standards and instead uses more liberal standards that endanger the industry, the public and U.S. Energy security. It's true that FERC (Federal Energy Regulatory Commission) might permit Elba Island if it were new today, but in doing so it would be violating the wisdom and advise of the industry and would be again creating unnecessary risks to national industry security, the industry's health and civilian safety."

Now as to second reason why you must pass an ordinance. The federal system that controls these measures is very seriously — very seriously flawed. When Mr. Russ Abolt was asked by Commissioner David Gellatly to investigate the safety of liquid natural gas, Mr. Abolt called Southern LNG and asked them to justify themselves. Southern LNG replied and we have the document available for you. They stated that they had a permit from the Federal Energy Regulatory Commission. It should be known that FERC has permitted absolutely every application for liquid natural gas on the East and West and Gulf Coasts. If you read through the document — and I've done it — FERC states that they feel that liquid natural gas will be safe because they feel that the chance of an accident is small. In other words, an accident won't happen because it just won't happen. We've all heard these words from federal officials before, and I intend to elaborate on this in a few minutes. This is also tantamount to saying that terrorists will not strike because they just will not strike.

In addition, FERC controls only the plant. The entrance to the port, the buoy system, waterway and river access to the plant are controlled by the Coast Guard. FERC merely defers to the Coast Guard.

Now the Coast Guard. The Coast Guard was invited to this meeting. They can issue a letter of recommendation, a letter of no recommendation, or a letter of recommendation with conditions. If one reads the preliminary letter of recommendation with conditions in here, there are a lot of conditions and they are very expensive. We suspect that many of these conditions actually have not been met. Actually, the final letter of recommendation with conditions has not been written as of August 2008. The Coast Guard put these conditions in their budget request and hid the budget request under the guise of National Security Sensitive Security Issues. So we do not know. In addition, the details

underlying the waterway access analysis are also in the Sensitive Security Issues document not available to anyone, including the Chatham County Commissioners. However, you should know this, we should know this, the citizens of Chatham County need to know this. The document also mentions the possibility of obtaining some of the money to do this perhaps from the State and/or the Chatham County Commissioners. I am not certain they discussed that with you.

Conversations are underway at the present time in the Congress of the United States indicating that the Coast Guard is significantly undermanned and there is a serious question as to whether in fact they can fully carry out their functions. This is a matter of documented public record.

To give you some examples of how seriously flawed our federal system is one only needs to look at the space shuttle Challenger. Engineers clearly told the managers that they should not launch the tempered less than 53 degrees. They launched it 26 degrees. We all know how that blew up. Then along came Columbia. A suitcase size junk of foam frozen solid at minus 400 degrees next to a liquid oxygen tank slammed into the wing of the space shuttle. The managers decided to bring the shuttle down anyway. We know what happened there. These same federal people also told us that the levees in New Orleans were perfectly safe and an accident in New Orleans was not likely to happen. Remember the not likely to happen? We all know what happened there.

Commissioner Kicklighter said, sir, with all due respect, can you stick to the topic at hand instead of an overall analyzation of the Federal Government. Dr. Northup said, I think one of the problems that we have, Commissioner Kicklighter, is that Southern Liquid Natural Gas states that the reason that they can do what they do is that they have a permit from the Federal Energy Regulatory Corporation and I think this discussion which we're about to give to Chatham County is very important in totally discrediting the Federal Energy Regulatory Corporation. Commissioner Kicklighter said, well, if we can just stay on topic. I mean, it's good points you're putting — to point out, but we could go on and on about flaws in the Federal Government. Dr. Northup said, well, that's very germane to this subject, but let me go into the flaws and failures of the Federal Government and how they extend to Chatham County, Georgia.

Dr. Northup said, Elvis Singleton was gassed to death at Union Camp from a high concentration of paper-mill odor. After that science and safety precautions were put in place. Lester Amory [phonetic] was gassed to death from titanium tetrachloride from releases at Kemira. Kemira had over 100 documented releases prior to his death. Staying afterwards —.

County Attorney Hart said, excuse me. This agenda was put on there to discuss and provide information for Elba Island. It was not put on there to recite a litany of related incidents that have occurred all over everywhere. I think we need to stay on the subject. I think Mr. Kicklighter's point is well taken. I think if we discuss all these other issues and the Commission could choose to hear it, but the issue is Elba Island LNG.

Dr. Northup said, we will pass this out in that case in typewritten fashion and you can read it. Now as to the third reason why you must pass an ordinance. Citizens of Chatham County need to know what's going on. The Chatham County Commissioners are unique. The Chatham County Commissioners are the only Commissioners on the East and West Coasts who have yet to take action opposing the creation or expansion of liquid natural gas facilities. The County Commissioners in other cities and counties, such as Providence, New York, Philadelphia and Fort Lauderdale, as well as Portland, Malibu, Oxnard and Long Beach oppose the creation of liquid natural gas facilities in their areas. There are four existing land size liquid natural gas facilities in the United States. These are in Boston, Massachusetts, Baltimore, Maryland, Savannah, Georgia, and Lake Charles, Louisiana. Lake Charles, Louisiana, really does not count because it's in the middle of an industrial oil field. The Mayor and County Commissioners in Boston have passed resolutions opposing any further expansion of liquid natural gas in their area. The Mayor and County Commissioners of Baltimore have passed resolutions opposing any further expansion of liquid natural gas facilities in their area.

Times have changed since the original liquid natural gas tanks were built 30 years ago. We are now strongly entertaining the possibility of a Jasper port right across the river from Elba Island. Citizens from other places are moving South onto the coast and we are experiencing growth. County Commissioners across the country are taking a larger view of federal matters and advocating for more local control. In fact, other County Commissioners want to redo the entire federal process and environmental impact statements. Trust in the Federal Government is perhaps an all-time low. People are writing books like *Inviting Disaster* and *The Edge of Disaster* about this subject. Bills are pending before the Congress of the United States advocating these concepts.

Ladies and gentlemen, this is your watch. The citizens of Chatham County depend on you. Logic would indicate that it's time for you to pass an ordinance temporarily or permanently opposing the further expansion of liquid natural gas in Chatham County, Georgia. Citizens need to know exactly what is going on. It may indeed be that all the County Commissioners and all these other cities are incorrect in opposing the expansion of liquid natural gas in their communities. However, compelling logic would indicate that the County Commissioners of every other significant port on the East and West Coast are correct in passing these resolutions. We urge you to pass an ordinance opposing the further expansion of liquid natural gas in Chatham County, Georgia. To this extent, we have written a proposed ordinance which we have submitted in the manuals which we have supplied to you for your consideration. The passage of this ordinance is a political issue and you are our political representatives. Once this has been passed, it will be time to obtain the sensitive security information from the Coast Guard so that we know what is really going on here. Once this has been past, it will be time to make a formal requisition to FERC to redo all applicable permitting in view of the danger of LNG, in view of the lack of necessary monetary resources from the Coast Guard, in view of the changing

times, in view of the Jasper port and in view of the new growth of the Coastal Empire. Thank you for your time and for your attention.

Chairman Liakakis recognized Commissioner Gellatly.

Commissioner Gellatly said, when Dr. Northup originally discussed these issues with me, and I've attended a few of the meetings of his group, one of the things I told him that I didn't intend to be his flag bearer, that my niche in life is public safety and he fully accepted that. In that light of public safety, what I'd like to know unemotionally and not taking one side or the other, I'd like to know exactly what the facts are. I would like to — apparently the Coast Guard has an unfinished report out there. I would like that to be finished and when it is finished that we know exactly what it says. I'm sure a lot of the things that we're dealing with here today are sensitive issues that we shouldn't go on into the public medium because we live in a dangerous world today, but after saying that I would like for the Coast Guard if possible to share security concerns, if there are any, with CEMA, with our local law enforcement, with the fire department, and then any concerns that they might have, if they could give that to us in a sanitized report that it wouldn't be put forth in a school of how to commit a serious act of sabotage. I would appreciate that if that could be done.

You know when I used to work for a living I experienced years and years ago a fire at Kemira that a first class fire department couldn't put out. It lasted three days. Nobody had a clue how to put it out. No one had a clue as to what kind of chemicals were belching into the air, and I was concerned, the fire chief was concerned and other officials were concerned just exactly what we were breathing in. We don't know. It may show up 20 years from now in some people. I just don't know, but it scared the heck out of me to think that a large modern police department could not put out a fire and they had to actually go get a special chemical from I don't know where, and after that it was put out rather quickly. I remember — actually, that would have been Powell-Duffryn.

I remember also Kemira years ago, I think about 14, 15 years ago, had a series of chemical leaks, if you'll remember, and then they had one huge chemical leak that put chlorine gasoline — I mean, chlorine gas over a almost a square mile of residential area. I saw that — I saw that cloud, and my position at that time was Chief of Police and the only thing I could do, like the Coast Guard had orders to, is to order all police officers out of that area because there was absolutely nothing that we could do at that point in time.

Fortunately, that gas went up, but it's my understanding that one person did in fact die from that chlorine exposure. So that's where I'm coming from. I'm not going to be your flag bearer, Doctor, but I do want answers to questions that have been raised. I do want to see the finished product — not me personally see it, but the fire, CEMA and police have access to the final report, the parts that are sensitive, and it should be secured, and then I would like a report from these three agencies to this Commission. Thank you.

Chairman Liakakis said, I've made note of that. Dean [Kicklighter].

Commissioner Kicklighter said, one clarification if you will. Did other cities — two separate things. Did other cities pass resolutions or ordinances opposing it? Dr. Northup said, yes. Commissioner Kicklighter asked, which one? Dr. Northup said, ordinances, I believe, however, we have a document — all the reference to independent sources, government and citizens groups fighting LNG ports — in their ports, and cities including the ordinances, bills, legislation, resolutions, and we're happy to make a copy available to each of you.

Commissioner Kicklighter asked, is that a resolution or —. County Attorney Hart said, I don't know. There's a huge difference. Commissioner Kicklighter said, the reason this is important — yeah. The reason that's important is, as the County Attorney said, there is a huge difference in passing an ordinance and passing a resolution. A resolution simply states that we wish for this to happen. If we pass an ordinance, that is a local law in which we can enforce, and unless — because I checked into this a while back when all this first start, and unless laws have somehow changed in the country, a local ordinance cannot override the Federal Government. They're a little bit higher level than us and this process, the expansion of liquid gas at that time was permitted through FERC, which I guess it still is, which is a federal program, a federal operation, and there at that time was nothing that we could do legally, I was told, to stop it because it was federally regulated, and that's an important thing because I believe that all of us here opposes anything that's going to harm or potentially really harm the area, but passing an ordinance is almost grandstanding because we can't override the Federal Government. The resolution is not grandstanding, that's a we wish, we hope, we oppose, so that's an important piece for us to know what you're actually requesting, and —. Yes, ma'am?

Chairman Liakakis said, come up to the microphone please. Wait a minute, speak up here because we're recording this please.

Ms. Judy Jennings said, thank you, Mr. Chairman. Chairman Liakakis said, identify yourself. Ms. Jennings said, this is Judy Jennings and I'm speaking on behalf of the Sierra Club, Citizens for Clean Air and Water and largely the environmental community in general and many other people. Your question is very good. So let's ground ourselves in law — that's what your point was. Commissioner Kicklighter said, right. Ms. Jennings said, the Energy Policy Act of 2005 gave FERC, the Federal Energy Regulatory Commission, just about the right-hand seat of God. I don't mean to be — this is the truth of it in terms of siting or expanding new LNG terminals. This came out of a fight in California. You don't need to know the details. I'll tell you later, but the point is basically FERC gets to say. Now, however, John [Northup] told you that there are about 40 proposals for new LNG on the East and West Coast and they have all been fought at county levels. Often — for instance, you could pass an ordinance saying — okay, now what can you do?

Let's talk about that. Let's do that. Now you could pass an ordinance that says we would like to see an independent risk assessment. One thing you can do, and somebody would have to go to work and do that. It would have to be considered somewhere. You can't walk up to FERC. Nobody has been success —. Now, some of these other facilities where the communities objected, and most of the time it started at the local levels, a lot of times it started also at the Attorney General levels. The Attorney General levels in most of these other states have just been all over it. It's out of control.

Commissioner Kicklighter said, that's my point. It's at a higher level than —. Ms. Jennings said, but you can do some things. You can ask for independent safety analyses, independent risk analyses, you can ask for worst case scenarios, you can ask for — and also —. Commissioner Kicklighter said, let me tell you where I'm coming from on this. At the beginning of the speech you stated that every other community in the world opposes this except us. Ms. Jennings said, well, no —. Commissioner Kicklighter said, it made us sound as if we have been sitting around just waiting on something dangerous to occur, when that is absolutely not true. This has been checked into and at that time the federal FERC were the ones that did the permitting. So it started off on a bit of a sour note as far as looking like our interest in opposing because, like I said, I know that we all oppose anything that would be unsafe for the community, and in listening to all that, yes I'm sure, and I can't vote for everyone, but yes I'm sure after we see all the true research and stats that we would do whatever necessary to protect —. Ms. Jennings said, I appreciate that. Commissioner Kicklighter said, you know, the community. So that's all I needed was the legal explanation of what we legally can do. A resolution makes good sense, but an ordinance —.

Ms. Jennings said, now remember I said that Energy Policy Act of 2005 gave FERC a lot of power. There are a least three bills in front of Congress right now trying to undo that. There was one that actually faced a presidential veto. It was House Bill 2830. Even in the face of a presidential veto, the House passed it with only seven dissenting votes,, and that bill said, Coast Guard, we have got to enable the Coast Guard before another one of these is permitted, a single other one, and there are three bills in front of Congress.

Commissioner Kicklighter said, that was my point, what we could legally do now. Ms. Jennings said, we can help you. I can get you a list. I've got about nine items of things that you can request that agencies do for you to make you feel more comfortable if this is to be expanded. And I apologize if our terminology sounded confrontational. Commissioner Kicklighter said, well, it did because this really should be addressed to our congressmen and people that actually have the authority. Ms. Jennings said, however, but in these other 40 communities, grassroots started most of it. Commissioner Kicklighter said, and we're there for you. I just didn't want the public to be misled in some way, which was unintentional, to think that we did not care and we hadn't checked into it. We've been on it.

Ms. Jennings said, let me make a personal comment. I've been attacked in the same way. I'm well known as a leader in the environmental community and I've had people walk up to me over the last few years and say, "Where have you been? What have you been doing? Where? What?"

County Attorney Hart said, Mr. Chairman, we need to stay on the subject.

Chairman Liakakis said, listen, what the County Attorney — because we don't want to get out and we need to talk about this specific thing because all of us up here, this entire County Commission, if you see the history of them since they have been in office, multitudes of things on the safety of our citizens have been brought out and there are concerns in getting with our, you know, whether it's the police department, whether it's the fire fighters, first responders or whatever it might be, but we need to stay on the subject and we cannot get out of it because we don't want to place ourselves in a compromising position because I have some other Commissioners that want to ask questions, and let's just stay in that area right now because, you know, it can be ruled out of order if somebody comes up with that, and I don't want to negate the Clean Air and Environment nor Citizens for Environmental Justice nor the Sierra Club. So — well, I've got right now. Harris [Odell].

Commissioner Odell said, what I want to do is — I'd rather be safe than sorry. If there's a chance that we could have a catastrophic event that the good doctor and the others have identified, I think we need to do whatever we can do to say no more. I would propose the following procedure and I know Ms. Jennings, but Jon Hart is our County Attorney and I would like to have an opinion from Mr. Hart and in that opinion I'd like to have the proposed ordinance reviewed and what our options are and to do a comparative analysis of the other places who have had similar ordinance and what the constitutional attacks or the legal hurdles that they have had to confront. We bring this back at some date in the future depending on the research required by our County Attorney and it's put on the agenda, we're given the staff report and anything that you all want to provide prior to that meeting; we come in, we vote it up or down that particular ordinance. I think that that would alleviate any uncomfortableness that the Commissioners might have, and I don't want anyone to be of the mistaken procedure — perception that this Commission does not care about the citizens of Chatham County. That is an absolute — it's not true. But what we have to do is caring about the citizens of Chatham County also means that if we're going to get into a legal battle, before that first shot is fired we need to know the potential costs because we will be asked to call upon to foot the bill for that cost and this is what this proposal offers. And beyond that I say good morning to Dr. Mildred McClain — is Mildred in? — who is doing major work to ensure public safety, and I appreciate your being here. And I can say it without fear of contradiction, we will look at it, we will ask curious questions, you will get a good cross-section of this community, and we will make a legitimate vote based upon what our County Attorney and the information that he pulls together says is within our purview. But you're not alone. We care. The doctor mentioned that I'm an attorney. He did not mention that I have a Masters in Public Health, which I think is just as valuable as being an attorney.

Chairman Liakakis recognized Commissioner Shay.

Commissioner Shay said, thank you, Mr. Chairman. Dr. Northup and those of you that have put together the presentation today, this has been informative. Most of the things that you said today I've heard before and heard piecemeal. This is a very nice compendium that brings it together in one place. I would like for you to share with me copies of all the information that you talked about today. I'm a voracious reader. I don't seem to have another life so I read and I look forward to reading all that information. When Mr. Gellatly, and I thank you for bringing this forward to us today, although I'm looking forward to being able to deal with it when we've actually had a staff report and enough information so that it doesn't come at us from an uninformed perspective. That fire at the Powell-Duffryn happened on your watch and it happened on my watch, too. I was a County Commissioner representing the unincorporated area and that area and that was a very stressful time being a mile from the center City of Savannah downtown and nobody being able to decide how to put it out until we were able to suggest that they might want to go down to the Naval Air Station at Jacksonville and get some A-Triple-F and that's why they got it and that's how they put out the fire, interestingly enough.

Also, that Kemira leak — again it happened on your watch and it happened on mine too — the terror that it struck in the hearts of the people across President Street Extension, hearing those sirens and seeing dozens and dozens and dozens of ambulances pulling into that plant was perhaps at least as damaging in some ways as the actual release itself. And we had Bob Scanlon, who was then representing Kemira, come before this Commission and try and explain that away. It was when I learned about something called titanium tetrachloride for the first time in my life.

Commissioner Shay said, Pat Farrell and I have pursued the facilities at the LNG facility and through Phillip Webber and CEMA arranged to get a briefing there that included the United States Coast Guard. I don't think either one of us were particularly satisfied that we got all the answers, but it at least opened that door. This is something that is of great concern to all of us. I think perhaps in some ways Commissioner Farrell and I especially, since there a — for a while we couldn't decide who's district it was in. It's actually — the tanks are in his district and all the access road that gets to the tanks is in my district, but there are constituents that are all around there so we have a deep concern about this and we're interested in getting the full information. And I'm satisfied that it's not likely that old El Paso Gas Company is going to be the fountain of all that information, although they were certainly willing to share some of it with us. So we want to hear it all. We have a difficult decision to make here because at the end of the day some will hold us accountable even though the Federal Energy Regulatory Commission is the one that issues that permit, and what you've done today has made it perfectly clear to us that you intend to hold us accountable regardless of whether it's a federal permit or not. So I hear you, but I'm going to do my homework and before we do anything we're going to do it on the full advice of the full range of advisors before us. I look forward to the information. I'll read every bit of it and I've got questions, I'll certainly call you.

Chairman Liakakis recognized Commissioner Stone. Ms. Jennings said, [inaudible]. Chairman Liakakis said, wait a minute. We have to at this point, I have to recognize the Commissioners. That's the procedure. Helen [Stone].

Commissioner Stone said, thank you, Mr. Chairman. I don't think that anyone is going to dispute that public safety is the number one issue of any elected official, and I think that Commissioner Gellatly along with your report from the Coast Guard and the documents that Commissioner Shay is requesting, that I think that is the right avenue to pursue this so that we can be better informed. I do have a question though, however, and I appreciate deeply your presentation. Have you brought this issue — you talked about city and county ordinances — have you brought this before the City of Savannah and, if you have, what has their response been? Dr. Northup said, well, we've not brought this before the City of Savannah quite yet, but we're very happy to do so. Commissioner Stone said, okay. Thank you.

Chairman Liakakis recognized Commissioner Gellatly.

Commissioner Gellatly said, thank you, Mr. Chairman. I would like to — Commissioner Odell has requested and hopefully it could be put in the form of a motion to have our attorney check out the legalities what we can and can't do, but I think it's critical in conjunction with that, that we also in the form of a motion request that CEMA, police and fire meet with the Coast Guard, and I'm sure that some of their information that they're going to discuss is going to be classified security type stuff that doesn't need to be shared with the general public only for the reasons that it could be a how to commit a serious act. I would request that they also meet and at some point in time give us a report as to what the findings are as far as a potential safety issue, and I would really like to get that as quickly as possible. Thank you. Chairman Liakakis said, okay. Commissioner Gellatly said, and that's a motion if he'll —. Commissioner Odell said, second. Commissioner Stone said, second.

Chairman Liakakis said, Doctor, I met with you and some of your committee people here a few months ago and discussed it with y'all, and I was looking at that time some law as I was mentioning then so that we could — the County Commission could come out and do something that would really be enforceable and being able to do something, and I was waiting on that information. It never came back to me. Also, I had a second meeting — you were tied up in your medical area and could not attend that meeting — and when the several people from the committee came again, I stated because we're in favor, I'm fully in favor of this because I've been involved in with many safety and things in the community for many years, being Deputy Director of Civil Defense and many other things, is that I requested at that time to please bring some kind of law, not something that, you know, we can pass an ordinance, whether it's enforceable or not we'll have to have our legal staff, and I said when this information is given to me of course I'd bring it to the County Commissioners, let them go over with our County Commissioners and if course with our legal staff and

those kind of things. To this point I have not received that. I've received a lot of information, y'all have worked hard, your organization has made a big difference in our community over the years and all and we want to make sure that our citizens are protected, but what happens is it places us in a compromising position because I have met with the Coast Guard, spent a good bit of time with him along with the County Manager, I've talked to people in the legal area. I have also, you know, talked with our CEMA people and others, too, because this is something that we need to make sure whatever we can do for the protection of the people is done. But, you know, we really need to have what has been discussed here. We have a motion on the floor and we'll do the necessary things, and we can see, you know, when it was talked about the river was dirty and one of the reasons why the Savannah River was cleaned up is because of the organization and others that were involved in it. It's better now than it was years before, and we really appreciate what has been done. So what we'll do at this point is have a vote, you know, concerning the motion that has been put on the floor and then we'll be working with your organization, the other organizations to come together to see what we can actually do to make sure that our citizens are safe and whatever that we can do that's in a legal manner. To tell you the truth, this situation with those people, LNG, there's a number of us on this Commission they don't like us. They do not like us — especially myself, I can assure you of that. But anyway we will go ahead and have this vote and somebody will be getting —. Dean [Kicklighter]?

Commissioner Kicklighter said, I just want to thank all of you for your work on that. I apologize for the defensive nature of my first comments, but to kind of give you a brief comparison, I've always stated I don't ever mind getting blamed or anything for anything that I think we're responsible for, but to — that would be in my opinion almost like blind-siding you and blaming you for pollution in China. Up until now I've heard of no legal way for us to stop the expansion of the liquid gas facility there, and if y'all have come up with a way for us to do it, I'd truly appreciate it and we will take a great look at it and I assure you that we're on the same team of doing whatever we can to ensure the safety here, and I thank all of you for your hard work.

Commissioner Shay said, call for the question please.

Chairman Liakakis said, alright. I'm sorry, I was going to call on you, but they've called for the question and the procedure is that we have to vote. No Commissioner nor anybody else can discuss it at this time. Alright we have a motion on the floor and a second. Let's go on the board. Chairman Liakakis said, the motion passes. Doctor, thanks again. We appreciate it. Legal staff will put things together right away. We'll have meetings with all of you and go through that to see actually what this Commission can do.

Dr. Northup asked, would you like me to give you the information you wanted? Commissioner Shay said, we requested that the information be submitted to us, sir, and we are certainly welcome to put that into the stack. Dr. Northup said, that's why we brought it along. Commissioner Shay said, I understand.

Chairman Liakakis said, okay, thank y'all very much.

Commissioner Kicklighter said, I sure hope the newspaper does not put about whatever bombs are exploding and give the terrorists any ideas out there. Please leave details out. They don't need to know anymore about that than — a huge explosion should suffice them. He was talking about ten atomic bombs or something.

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

Commissioner Gellatly made a motion that CEMA, police and fire meet with the Coast Guard and that a report as to what the findings are as far as a potential safety issue be furnished to the Commissioners as quickly as possible. Commissioner Stone and Commissioner Odell seconded the motion and it carried unanimously.

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## **2. SILVER CHEETAH'S SUCCESS (COMMISSIONER HOLMES).**

Chairman Liakakis said, I'll call on Commissioner Holmes to go over the great organization of the Silver Cheetahs.

Commissioner Odell said, thank you, Mr. Chairman. I know the Cheetahs are a little tired. You've been up here probably since 8:30 this morning, and I can say to you in a couple of weeks you'll be going to school and to get up on a rainy morning like this to come before the Commissioners, I want to thank you all. But I know we all have been watching the Olympics and we watched it in the wee-wee hours of our nights. We watched the pool. If anybody hasn't watched, Mr. Phelps, something wrong with you as a citizen because Mr. Phelps brought more people to the attention of him than anybody I've seen in the Olympics. But if you will turn your head to the Bird Nest, the Bird Nest is where they ran track. That was [inaudible]. But with us this morning we have a group of potential Olympians and they are representing the Silver Cheetahs. Just recently this group has traveled to Detroit to participate in a national competition, and out of 21 participants 19 of those medaled. I don't think you heard me — 21 participate on a national level. Out of 21, 19 of them came back with a medal, and that's competing —. [Applause.] Our local athletes competed against the best in the nation and that's what they accomplished. So I want to ask the spokesmen for the Cheetahs to come up, whoever the spokesman for the Cheetahs please. State your name.

Mr. Ed Jinks said, good morning. My name is Ed Jinks. Thanks, Commissioners, for inviting us to this round about affair. We appreciate your help and this morning we have a package, before we introduce our athletes, we would like to present to each one of you officials.

Commissioner Holmes said, I guess you want me to run in the Olympics now, right?

Mr. Jinks said, while we're doing that we want to introduce our coaching staff. These are the people who make sure that these kids do what they have to do every afternoon at Savannah State Stadium. Coaching staff would you stand please, along with our administrative staff. [Applause.] I'm going to introduce starting from the eighth place. As Commissioner Holmes mentioned, these are athletes who participated against people in the United States, all over the nation, the best ones. If you come down, if you go down the ladder from eighth through first place, that's the ranking of the kids in the country. Not the city, the country. Not the state, but the country. USA, and these are our future Olympians. Starting with 8<sup>th</sup> place, we have Shacurea Dowdy, Sub-Youth Girls 3000 Meter Race Walk. I noticed the Olympics, the last couple of days they had a race walk on there — in the rain — and that's what these kids had to do, most of them. In 7<sup>th</sup> Place —.

Commissioner Holmes said, the young athletes can come up and stand behind you as you call their name please.

Mr. Jinks said, 7<sup>th</sup> Place – Camille Dash, Intermediate Girl Long Jump, 17 feet 7 inches. Now if you'll look at the schooling athletes, she's going to high school and our athletes in high school now have not passed that yet. So you can see she's on a good road heading somewhere. 6<sup>th</sup> Place we have Jade Stokes, Youth Girl Discus Throw, 105 feet 7 inches. Mike Dash, 6<sup>th</sup> Place, Sub-Youth Boy, 200 Meters Dash, 23.94. Maybe Dash will be able to catch the other guy from Jamaica. 5<sup>th</sup> Place we have Walter Davis, Midget Boy 1500 Meter Race Walk, 9 minutes 6 seconds and his brother, Immanuel Davis, Sub-Bantam Boy Long Jump, 13 feet 9 inches.

Commissioner Odell asked, that little boy jumped 13 feet 9 inches? Mr. Jinks said, that little boy. Commissioner Farrell said, he's got springs in his legs. Commissioner Odell said, we need to take a picture of that – 13 feet.

Mr. Jinks said, 4<sup>th</sup> Place - Taylor DeLoach, Sub-Midget Long Jump, 14 feet 6 inches. Shiday Williams, Youth Girl, 2000 Meter Race Walk, 19 minutes 31 seconds. Not here: Jamar Washington, Sub-Bantam Boy Triathlon. You have to do three events and you only have 30 seconds, 30 minutes to rest in between each event.

The Bronze Medalist: Everybody goes to the top three medalists. We have Taylor DeLoach, Sub-Midget Girl 80 Meter Hurdles. So we've got a future in the hurdles also. Jade Stokes, Sub-Midget Girl Shot Putt. Jamar Washington, Sub-Bantam Girls 1500 Meter Race Walk. She isn't here. Damian Perry, Youth Boys 2000 Meter Race Walk. Leron Pace, Young Men 2000 Meter Race Walk.

The Silver Medalists: Immanuel Davis, Sub-Bantam Boy 1500 Meter Race Walk. The little fellow here. Shidel Williams, Youth Boy 2000 Meter Race Walk. Diaab Khalil, Intermediate Race Walk. He isn't here.

The Gold Medalists: Everybody goes for the gold. This is the Gold Medalist. Salvadore Calderon, Bantam Boy, 1500 Meter Race Walk. The guy who had all of the writeups in the paper about, we call him Mike Dash. You know they say Dash —, he dashed. Sub-Youth Boy Long Jump. A national record, better in the country — the best in the country with 20 feet 6 inches and 7/10 of a quarter inches. We have Frank [inaudible]. Now this young fellow is going into 13 years of age, going into 13, and if you look around the high schools — well, I'm not going to comment on high schools.

Commissioner Kicklighter asked, what would the State record be in high school. Mr. Jinks said, they are in the 21 to 22's. That's State, not Chatham. If you go Chatham, it's about 18-something or early 19. He's 20. See how wide he's getting.

Commissioner Odell said, and the record is for high school is not 13 years old. Mr. Jinks said, no, no. Those boys are 17, 18 years of age. Commissioner Odell said, right. That's what I mean, and this kid is 13. Mr. Jinks said, going on 13 years. Commissioner Odell said, man, that's amazing.

Mr. Jinks said, so ladies and gentlemen —. Commissioner Kicklighter said, all of you are amazing. Mr. Jinks said, the race walk was very, very important and I need to introduce you to a guy who is responsible for our race walkers. If they don't race walk, they get into trouble, and if they don't medal, he gets into trouble. So I'll bring you up to my top coach assistant, Coach Verrell [phonetic]. Stand up, Coach. He's the person who's responsible for all the race walkers. If you saw the Olympics, you know what I'm talking with race walking. We do 3000 Meter Run race walking, but they're going to do 10,000 Meter race walking. So the more — the older they get, the more they have to race walk.

Again, we'd like to thank you for inviting us and I hope that the shirt — if it doesn't fit, get on Coach Holmes. Do you have any questions?

Commissioner Thomas said, I don't have any questions, but I just wanted to commend you and all of the young people and those who are supporting these young people. It makes us very proud and we hope that you are as proud as we are of you, and we know that school will be opening September 2<sup>nd</sup> and we hope that you will excel equally in your academics as well. Mr. Jinks said, they must show us their report card when they get it. Commissioner Thomas said,

alright. I would like to see some of them. Mr. Jinks said, most of them they'll let you see them. Commissioner Thomas said, okay.

Commissioner Kicklighter said, great job.

Commissioner Holmes said, Coach, I want to thank all of you all for taking the time off to come up to us today, and I want to thank Al [Lipsey] and Robert [Drewry] for their support that they have given to the Cheetahs, and I know y'all want to go back home and get in bed. So, see you again. Thank you. Mr. Jinks said, thank you very much.

Chairman Liakakis said, Coach, congratulations again on behalf of the Chatham County Commission. We appreciate what you and your other coaches have done over the years to help our youth.

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### **3. CLOSING OF SKIDAWAY PRECINCT (COMMISSIONER SHAY AND COMMISSIONER STONE).**

Chairman Liakakis said, Commissioner Stone had to leave. She'll be back shortly. I call on Commissioner Shay about the Skidaway precinct.

Commissioner Shay said, yes sir, Mr. Chairman. I had this placed on the agenda and as soon as it was placed on the agenda Commissioner Stone called me and wanted to make sure her sentiments, which are I think very similar to mine, were reflected in the record and at the meeting today. I'm not asking for a briefing on why the Skidaway precinct is going away, I'm not asking to enter into a debate with anyone, but I wanted to go over some things over the record if I can.

Commissioner Shay said, I found out about the closing of the Skidaway precinct at a neighborhood meeting that I attended out on Isle of Hope. It was on another subject. It had to do with bicycle potential bike path out there, and after the meeting was over with a woman came up to me — I believe one of Commissioner Stone's constituents — and made it perfectly clear to me that the Skidaway precinct was going away, and I looked back at her said that can't be possible, ma'am, because I would have to know about that if it were going away.

Two days later I was at a neighborhood association meeting in my district, Magnolia Park, on another matter. Again, I think it was related to a bicycle path again, but more than just bicycle. And at that time I heard a briefing from the precinct representative to the neighborhood association about all of the crime and crime prevention that was going on in the district, and he in uniform told the people there that it was his understanding that the Skidaway precinct was going away. And I was obviously taken aback by that.

Since then I've been furnished with a PowerPoint presentation and WhitePapers that explain the reasons for the realignments of the precincts, and there are a lot of good reasons why those need to happen. I also was furnished with a briefing on the outcome of that decision that was made by Chairman Liakakis, and he was kind enough and took the time to go over the reasons for why the precinct was being closed and went over that with me in detail. And then, of course, I had the opportunity to read about it in the *Savannah Morning News* editorial section.

I just want to make it clear to my constituents that never in any of this was I asked as an elected representative of 40,000 most directly affected by that my thoughts by anyone in this process in advance. I was consulted after the decision really was made, and even then nobody asked me, gee whiz, do I think do I think it's a good idea, or do I have a problem with it. It was basically to let me know *fait accompli* that it's happened. I'm willing to accept that. A decision was made above my pay grade by County Manager, City Manager, Mayor, Chairman, and it is something that has countywide ramifications. So I am more interested in the greater good of public safety than I am about trying to hold on to one precinct office, but I will point out that one of the basic maxims that I use in my life and in my practice and in my political life is "if it ain't broke, don't fix it." And we've had really good results in my area in being able to suppress crime and detect situations before they go bad and good cooperation with the neighborhood watch organizations, and so the area that was covered by the Skidaway precinct has had a really good record in terms of its performance. I've read the briefing, I understand it's not as if by the closing of that one building that there are no longer going to be police officers on the street in my district. I understand that, but I will tell you that since I was not consulted in advance, if there's any appreciable increase, there's any appreciable difference in the outcome in my area, there will be hell to pay. That's all I'll say. Thank you.

Chairman Liakakis said, as I mentioned, Helen [Stone] had to leave.

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**CHATHAM AREA TRANSIT AUTHORITY**

Upon a motion made by Commissioner Thomas, seconded by Commissioner Odell, and unanimously approved, the Board recessed at 10:47 a.m., to convene as the Chatham County Transit Authority.

The Board of Commissioners reconvened at 11:40 a.m.

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**VIII. TABLED/RECONSIDERED ITEMS**

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

- 1. \* BOARD CONSIDERATION OF APPEAL TO THE RIGHT-OF-WAY ENCROACHMENT PERMIT APPLICATION FOR THE COBBLESTONE SUBDIVISION ACCESS ONTO BUSH ROAD. (ENCLOSED IS DOCUMENTATION FROM APPELLANT.) Staff recommends denial until the traffic concerns created by the subdivision and the safety of the citizens traveling Bush Road are acceptable by staff and the County Engineer. [District 7.] At meeting of July 25, 2008, item was tabled for a month (to meeting of August 22, 2008). See additional staff report.**

Chairman Liakakis asked, Jon [Hart], on Item 1 on this Cobblestone Subdivision access, would you give us a report on that now please? County Attorney Hart said, sure.

Commissioner Odell asked, don't we have to call a motion to take it off the table? County Attorney Hart said, yes.

Chairman Liakakis said, I need a motion on the floor to take it off.

Commissioner Farrell said, so moved. Commissioner Holmes said, second. 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. Jon [Hart].

County Attorney Hart said, as you know, this is a petitioner who is seeking a right-of-way encroachment for ingress and egress to the subdivision, and it's been through our Engineering Department and our Engineering Department went through Robert Drewry's office, who handles the right-of-way ordinances to consult all other agencies that are necessary to make the decision. The approval of the MPC plans were subject to the approval of the County Engineering's office for ingress and egress. The County Engineering's office for reasons — think Mr. Grevemberg could probably outline much more articulately than I — has issues concerning this particular road and the number of persons that will be traveling — you will recall, this is a 20-foot wide paved road that sits right next to the Ogeechee Canal. The classification of the road currently meets the requirements for what you would expect for a road of that type. If you put a subdivision of this type and the number of trips that are on there, the Engineering Department feels that this puts it in a different classification and it causes safety issues to the public. They have declined to approve the right-of-way encroachment and recommended denial of that.

The petitioner has come back on at least two occasions —. Mr. McCoy said, this is the second. County Attorney Hart said, okay, well, the second occasion with two alternative plans to try to remedy that. It is my understanding that those have been reviewed and it was also felt by the County Engineering's office that it causes — it still has safety issues, and quite frankly the safety issues in their opinion deal from the intersection of 204 all the way down to Little Neck Road. I will let the attorney for the petitioner tell you his version of the reasons he thinks that that is an inappropriate application. Suffice it to say, their position is they shouldn't be responsible for 204 all the way down to Little Neck.

The situation arose out of the unfortunate occurrence that the subdivision itself is located within the City of Savannah and that the ingress and egress through it is off of a County maintained road. At the last Commission meeting in an effort to try to resolve this and to grant some relief, we were requested by staff to review and determine the status of that road. Initially, we reported to and thought that clearly this was going to be a road that rests within the old S&O Canal right-of-way and that it enhance the old S&O Canal zone by the City of Savannah and the right-of-way is owned by the City of Savannah, hence it is a City of Savannah issue.

Thursday afternoon late we were informed that our right-of-way consultant indicated that back in 1989 the County did in fact acquire somewhere around 10 additional feet on the side away from the canal at the time we repaved that road back in the late 80's or 90's, and there were a number of condemnations. I think there was maybe 15 or 16 condemnations involved. And he was of the opinion based on what he had in front of him at that time that there was a substantial chance that perhaps that road or portions of that right-of-way were owned by the County, but substantially most of the right-of-way would be within the City. If he is correct, that puts us in a situation where you've got a road that's half in and half out. That came to us late yesterday afternoon. I asked him if he could acquire the abstracts or the title abstracts because we're required to do that on every piece of property. They're in storage, but he is gathering those today and we're supposed to meet Monday or Tuesday of next week and review those to see if we can come to some type of definitive answer. Now, whether we can totally do that, I do not know because you've got to remember the S&O Canal was built before the Civil War through swamps and the layout of right-of-way and surveying abilities back in those days are substantially different. Nevertheless, it would appear that at least a portion of that road is within the City of Savannah's right-of-way of the S&O Canal.

County staff has met with the City Manager's office and expressed the opinion that this right-of-way is in the City and should probably be handled by the City in regard to what type of permit. This morning I spent some time, and we're

going to have to do a little bit of looking at it, as to if it was annexed — the property was annexed up to the right-of-way line and the right-of-way line is within the City, can you actually have a road that was split like that or would some of the newer annexation laws perhaps make that part of the City? The reason I hesitate to say that is, you know, the last couple of years the Legislature said you can't annex part of the City without annexing the whole thing. The problem is this situation arises out of a non-annexed right-of-way. The right-of-way was there and the City [inaudible] was never annexed in — the subdivision property was never annexed into the City.

The applicant is here today. He obtained from the County a right-of-way encroachment. I have no more definitive information to tell you right now in regard to whether that is a City road or a County road from the standpoint or whether for that matter the City's going to step up and say, gee, it's a City road and it's a City subdivision, we'll handle the issue pertaining to what needs to happen along that road.

Commissioner Farrell asked, can we even decide that without knowing whether it's our road or the City's road, or wait until we have a definitive answer?

County Attorney Hart said, if I were asked, I would normally recommend that we table it for another two weeks, okay. At the same time, the petitioner has been at this for an extended period of time trying to get some type of definitive decision. I would leave it to him and his client to determine —.

Commissioner Odell said, but you can't give a definitive decision because we don't know. If we give him a decision and the decision assumes that it's within our jurisdiction when in fact it is not, then any decision we've given him is a nullity. County Attorney Hart said, correct.

Chairman Liakakis recognized Commissioner Kicklighter.

Commissioner Kicklighter said, Mr. Chairman, based on the County Attorney's legal concerns and questions, I believe that we need more time to study this. Before doing so, I want to submit to the County Clerk pictures as well as the original letter and a copy of the letter with a few of the pictures copied that I received from a neighbor on Bush Road that I copied and gave to each one of you, and just for you to look at and everything, but based on the County Attorney's opinion that he needs to answer these legal questions before we make some type of decision, I now make a motion that we table this until the next meeting. Commissioner Farrell said, second. Commissioner Odell said, second.

Chairman Liakakis said, we have a motion on the floor and a second to table. Let's go on the board. [NOTE: Commissioner Stone was not present.]

Chairman Liakakis said, the motion passes and you'll be notified, you know, for the next meeting so that we can have the information from the County Attorney because we really and truly need to know this about the right-of-way, not so that the County does not be placed in a compromising position that — since we've got, you know, somebody has taken photographs and all of that, and we just want to make sure that we're in the right position so that we can move on with this, and we understand that this has been going on for a while and that's why it was done for two weeks as opposed to, you know, for a longer period of time.

County Attorney said, I am also going to request that once we get this additional information in from our right-of-way consultant and have a chance to review it, I will try to put together some type of short memo just giving us the conclusion best to what the County staff has reached in regard to the right-of-way issue and provide a copy of that to the applicant, but it would appear to me that there's a substantial chance this is going to be a situation where the County and City are going to need to work something out as to who is going to address this issue. It is not an issue where —, you know, these people deserve an issue one way or the other.

Chairman Liakakis recognized Commissioner Shay.

Commissioner Shay said, without divulging any details of our discussions in Executive Session, I think one of the things that we also requested was that we get some kind of order of magnitude of a cost estimate of what it would take to make the section of Bush Road from substandard, which it clearly is presently and would be or it will become if the subdivision is opened into something that would meet standards. So I hope that that's part of the information we will be looking forward to receiving. I would trust that our staff would be much more careful of being able to determine that than somebody else.

County Attorney Hart said, yes sir. The way you phrased that is exactly right. The County staff feels that given the current conditions there are issues there, they have a traffic study which, you know, takes a different viewpoint of that and when the development is fully developed out, I don't think there's any question as to [inaudible].

Mr. McCoy said, if I may, the only thing I'd like to add is that we have been — this permit's the only thing that is halting development at this subdivision, this right-of-way encroachment permit. At the prior meeting I expressed our concerns about there not being authority within the right-of-way encroachment ordinance or this type of denial or the basis for the stated denial. While I appreciate y'all needing time to look at this, our permit has been pending for 20 months. The 20 month and because it's a City development, the infrastructure was all permitted by the City, the land clearing was done, the roads have been cut, the water and sewer is in there and the development loan has been incurring

interest for 20 months while we've awaited a decision from the County Engineer and this is the first time that this issue of ownership as a basis for considering the issues has arisen.

The Clerk said, the item has been tabled so there's no discussion after it is tabled.

Chairman Liakakis said, okay, let's go on the board. Commissioner Kicklighter said, we already did table it. Commissioner Farrell said, we should be on Item 2 now. Chairman Liakakis said, alright.

**ACTION OF THE BOARD:**

- a. Commissioner Farrell moved to take this issue from the table for consideration by the Board of Commissioners. Commissioners Holmes and Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Stone was not present.]
- b. Commissioner Kicklighter moved to table for two weeks the appeal to the right-of-way encroachment permit application for the Cobblestone Subdivision access onto Bush Road. Commissioners Farrell and Odell seconded the motion and it carried unanimously. [NOTE: Commissioner Stone was not present.]

**AGENDA ITEM: VIII-1**

**AGENDA DATE: August 22, 2008**

**DATE:** August 19, 2008

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

**FROM:** Vincent Grevemberg, Senior Engineer

**SUBJECT:** Update on the status of discussions with the City of Savannah concerning the Savannah and Ogeechee Canal regarding Cobblestones

Staff was instructed to meet with the City staff prior to the August 22<sup>nd</sup> County Commission meeting to resolve the issue of the Bush Road right of way. Mr. Bob Scanlon indicated that as of August 19<sup>th</sup> a decision regarding the previous meeting with County staff had not been reached.

**DATE:** August 15, 2008

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

**FROM:** Vincent Grevemberg, Senior Engineer

**SUBJECT:** Report on the status of discussions with the City of Savannah concerning the Savannah and Ogeechee Canal regarding Cobblestones

At the July 25<sup>th</sup> County Commission meeting, the Board tabled an appeal of the denial by Public Works and Park Services of a Right-of-way Encroachment Permit for Cobblestones Subdivision. Staff was directed to meet with representatives of the City of Savannah to advise them of the fact that the City owns the Bush Road / Savannah and Ogeechee Canal right-of-way and to see if the City would annex the R/W as a possible means of resolving the issue.

On August 4<sup>th</sup>, staff met with Bob Scanlon, Facilities Maintenance Bureau Director, and Mike Weiner, City Traffic Engineer. The permitting history of the Cobblestones development was discussed and documents showing that the City of Savannah owned the 100 foot wide Savannah and Ogeechee Canal R/W were provided.

Since the Cobblestones property was annexed by the City and the offsite traffic safety concerns that were the basis for denial of the R/W Encroachment Permit were all located on City-owned property, staff suggested that annexing Bush Road into the City of Savannah would go a long way in resolving the issue, as there would then be no need for County permits.

Mr. Scanlon and Mr. Wiener agreed to discuss the issue with the City Manager and City Attorney. As of today, there has been no response.

~~AGENDA ITEM: IX 4~~

~~AGENDA DATE: July 25, 2008~~

**TO:** Board of Commissioners  
**THRU:** R.E. Abolt, County Manager  
**FROM:** Robert W. Drewry, Director of Public Works and Park Services

Issue: Request Board consideration of appeal to the Right-of-Way Encroachment permit application for the Cobblestone Subdivision access onto Bush Road.

Background: Maupin Engineering, Inc. on behalf of the developer for the Cobblestone Subdivision applied for a Right-of-Way Encroachment permit on January 8, 2007 for construction of a road to gain access to the proposed subdivision from Bush Road.

Facts and Findings:

1. The Cobblestone Subdivision is a proposed 180 lot residential subdivision located in annexed property of the City of Savannah off Bush Road across from the Savannah & Ogeechee Canal. The owner of the property is Bush Road, LLC and the developer is Bluewater Properties, Inc.
2. Bush Road is a County maintained public road with a pavement width of 20 feet and narrow shoulders adjacent to an open canal.
3. A review of the Metropolitan Planning Commission action on January 10, 2007 reflects that this subdivision approval was conditioned upon obtaining approval from Chatham County Engineering.
4. The Right-of-Way Encroachment application was sent to the County Engineer for review on January 17, 2007. The applicant was advised on January 23<sup>rd</sup> that the County Engineer's office wanted to review the construction plans. On May 4, 2007, the applicant was advised by the County Engineer that they have traffic and storm water concerns before they can recommend approval.
5. A traffic study was prepared by Sain Associates dated July 2007. The County Engineer reviewed and commented on the traffic study and letters were exchanged offering comments and amendments.
6. On July 16, 2007 the Director of Public Works and Park Services sent a letter to the applicants legal representative, Mathew McCoy of McCorkle Pedigo & Johnson LLP, advising the applicant that a permit will not be issued until the County Engineer's concerns are addressed.
7. On March 27, 2008 the Director sent a letter to the applicant declining the issuance of a permit until the traffic concerns created by the subdivision and the safety of the citizens traveling Bush Road are acceptable by staff and the County Engineer.
8. On July 1, 2008, Mathew McCoy submitted a variance request to allow approximately 2500 feet of guardrail along Bush Road to satisfy the County Engineer's concern. In the alternative, pursuant to Section 12-1107 (5) of the Rights-of-Way Encroachment Ordinance he has requested an appeal for an interpretation by the Board for their review and consideration.

Funding: N/A

Policy Statement:

Section 12-1107 (5) of the ordinance allows an applicant a variance or to appeal the decision of staff. Per the ordinance, the Board may uphold the decision of staff or modify the terms of the permit as it deems appropriate to accomplish the intent of the ordinance.

Alternatives:

1. Board uphold the decision of staff and decline the application until the traffic concerns created by the subdivision and the safety of the citizens traveling Bush Road are acceptable by staff and the County Engineer.

2. Board provide a modification to the application as it deems appropriate to accomplish the intent of the ordinance and direct staff to approve the permit with the modification.

Recommendations: Board approve Alternative #1.

District 7

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2. \* **REQUEST FROM MR. GREG HOLLAND FOR THE COUNTY TO DECLARE THE UNOPENED PORTION OF THE SOUTH STREET RIGHT-OF-WAY BETWEEN LOTS 127-128 AND LOTS 85 THROUGH 90 OF THE BETZ CREEK SUBDIVISION (PINS: 1-0042 -01-021; 1-0042 -01-022; 1-0042 -01-087; 1-0042 -01-024) AS SURPLUS AND TO QUITCLAIM THE RIGHT-OF-WAY. [DISTRICT 4.] *At meeting of July 25, 2008, item was tabled to the next meeting so that all parties may be present. See revised staff report.***

County Attorney Hart said, this is a request for a right-of-way and I would direct your attention to a map contained in your information package, page five. This is another one of those situations that is not as clear as one would like it to be. If you look at that map, you will know that the Holland property is a small rectangular piece of property that is connected to the Fleetwood property and fronts on an unopened right-of-way — unopened South Street right-of-way. Across the street from that is —. Excuse me. We need to untable it.

Commissioner Kicklighter said, motion to untable. Commissioner Farrell said, second.

Chairman Liakakis said, let's go on the board. The motion carried unanimously. [NOTE: Commissioner Stone was not present.] Chairman Liakakis said, the motion passes.

County Attorney Hart said, the property directly across from that is Mr. Jeffers. Mr. Jeffers was here at one of the meetings and expressed concerns about what would happen if part of that right-of-way is used as a drain field and could it impact his drain field. Technically, that's been an unopened right-of-way for years and it's never been an issue. If you got right down to it, technically a lot owner probably doesn't have the right to an unopened right-of-way for a drain field. There's really not a [inaudible] issue for drain field. There's not a health issue or safety. Mr. Holland wishes to acquire that L-shaped piece of property contiguous to his property. That will increase the lot size. That will leave the remainder of the unopened right-of-way of South Street opened with Mr. Fleetwood owning property all the way down that street to another unopened right-of-way on either side of the road. County Engineer staff has not — has made a finding that that portion of the unopened right-of-way is not needed for County road purposes, and under our procedure normally we would sell that property if we do not need it and subject to their not being any objections that could cause the County problems in the future. Mr. Jeffries [sic] has not come forward indicating he wants to own the property up to the middle line of the road, hence we would normally sell that to Mr. Holland. We have also told Mr. Holland that that does not — that even if he acquires that property, that does not guarantee him in any way that he will ever be able to construct a dwelling on the property because it fronts on an unopened right-of-way. Under our subdivision ordinance and under our regulations, you must have access to your property from a public right-of-way. So what the net result is of him acquiring this to him individually I do not know. If you wish to sell that to him, the County Engineer staff and staff cannot see a reason not to. We would oppose the selling of the remainder of the unopened right-of-way of South Street with Mr. Fleetwood's property on both sides of that street. At some point he may wish to develop it. I have a feeling that in all probability at some point in the future we may see a recombination of the Fleetwood property in addition to acquire that remainder of the unopened right-of-way providing access to the other lots, but that's for another day. I'll be glad to entertain any other questions other than that.

Commissioner Kicklighter said, I'll make a motion to approve the selling of that parcel as recommended by the Attorney. Commissioner Farrell said, I'll second it.

Commissioner Odell said, discussion please. Chairman Liakakis said, yes. Commissioner Odell asked, Jon [Hart], is there anyway we can make certain that any deeds or transfer contains the language which incorporates the prohibition against building? County Attorney Hart said, well, we cannot put something on there that says — as to the lot he already owns. He can either build there or —. Commissioner Odell asked, he can build on that, but this lot he can't? County Attorney Hart said, we have written him and we have put him on public notice that just because he acquires it does not mean he can build, okay. I really don't want to put a prohibition within the acquisition of that. As it stands now from a regulatory standpoint, you know, there's maybe somebody that thought about it a lot more than I have I you can figure out a way you can meet all the requirements, but then again we might change the requirements or then again Mr. Fleetwood might come in and say I want the rest of that South Street property, I'm willing to pay for it and I want to put a road into Mr. Holland off of my property in which case, you know, he would have total right of access and the right to use that property if it's open onto a public right-of-way. I think he well understands that. It's entered in the record here and we've given written notice. I think our typical quitclaim deed will cover us.

Commissioner Odell said, my only point is Weatherwood. Looking at the deeds of transfer in Weatherwood, there was language I felt could have been placed in there that would have prevented and prohibited a lot of grief that we later went through. I can understand if he merges the title to the property to an additional piece of property and — it's Patrick [Farrell] district. Whatever he wants to do. If he's comfortable with it, I'm very comfortable.

Commissioner Farrell said, I don't have a problem with the motion as it was read. There's enough regulatory hurdles in front of any development that I think that should suffice to see that the right outcome is accomplished.

Commissioner Kicklighter said, I will remove my motion and let you make it. We didn't get a second anyway, so — would you like to make the motion now? I removed my motion. You go ahead.

Commissioner Farrell said, motion to approve as staff recommends. Commissioner Kicklighter said, second.

Chairman Liakakis said, we have a motion on the floor and a second. Let's — clear the board please. The motion carried unanimously. [NOTE: Commissioner Stone was not present.] Chairman Liakakis said, the motion passes.

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

- a. Commissioner Thomas moved to take this issue from the table for consideration by the Board of Commissioners. Commissioner Farrell seconded the motion and it carried unanimously. [NOTE: Commissioner Stone was not present.]
- b. Commissioner Farrell moved to approve the request from Greg Holland for the County to declare the unopened portion of the South Street right-of-way between Lots 127-128 and Lots 85 through 90 of the Betz Creek Subdivision (PINs 1-0042-01-021, 1-0042-01-022, 1-0042-01-087, 1-0042-01-024) as surplus and quitclaim the right-of-way to Mr. Holland upon the payment to the County of the fair market value for the right-of-way as determined by a professional appraiser and upon providing the necessary appraisal, deed and plat at Mr. Holland's expense, and with the further understanding by Mr. Holland that he may never be able to construct a dwelling on the right-of-way because the property fronts on an unopened right-of-way. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Commissioner Stone was not present.]

**AGENDA ITEM: VIII-2**  
**AGENDA DATE: August 22, 2008**

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

**ISSUE:** To present to the Board a request from Mr. Greg Holland for the County to declare the un-opened portion of the South Street right-of-way (ROW) between Lots 127-128 and Lots 85 through 90 of the Betz Creek Subdivision, PINs: 1-0042 -01-021, 1-0042 -01-022, 1-0042 -01-087, 1-0042 -01-024, as surplus and to quitclaim the ROW.

**BACKGROUND:** The petitioner owns properties on either side of the subject ROW. The attached map shows the exact location and highlights the requested area of the quitclaim. The Board tabled consideration of the request at their July 25<sup>th</sup> meeting based on concerns and issues raised by adjacent property owners. No resolution has been reached between the property owners.

#### **FACTS AND FINDINGS:**

1. The location of the requested right-of-way (ROW) is shown on the attached map. The ROW for South Street was created on the "Betz Creek Subdivision" plat in 1940. The County has never maintained South Street in this location. The nearest County-maintained street is Clayton Street.
2. Mr. Holland indicated his reason for requesting the quitclaim was to increase the size of his property to allow a house to be built. Mr. Holland was informed in writing (letter attached) that approval of this quitclaim does not guarantee he will receive a building permit for the property. Mr. Holland must provide an acceptable means of access to his property from an opened, County-maintained right of way before a building permit can be issued.
3. After the Board tabled the quitclaim request at the July 25<sup>th</sup> meeting, Mr. Holland met with the two adjacent property owners, Mr. Rusty Fleetwood and Mr. Carlton Jeffers, Jr. Our understanding is that they were not able to resolve all concerns. Mr. Holland asked telephonically that his quitclaim request be taken off the table

and acted on by the Board. A notice letter, dated August 13, 2008, was then sent to Mr. Jeffers and Mr. Fleetwood.

4. Staff has checked for possible County use for this ROW. There has been no need identified to retain the ROW for future road or drainage construction.
5. If approved, the petitioner must pay the County the fair market value for the ROW as determined by a professional appraisal, and provide the necessary appraisal, deed and plat at his expense. The appraiser is selected by the petitioner and must be certified as a professional appraiser by the State of Georgia.
6. Staff reviews the submitted appraisals, deeds and plats for completeness and reasonableness before the deed is sent to the County Clerk for processing and the fair market value payment check is sent to Finance for deposit.

**ALTERNATIVES:**

1. Declare the portion of South Street ROW between Lots 127-128 and Lots 85 through 90 of the Betz Creek Subdivision, PINs: 1-0042 -01-021, 1-0042 -01-022, 1-0042 -01-087, 1-0042 -01-024, as surplus and quitclaim it to Mr. Greg Holland. The petitioner must pay the County the fair market value for the ROW as determined by a professional appraiser, and provide the necessary appraisal, deed and plat at their expense.
2. Do not approve the request.

**POLICY ANALYSIS:** The Board must declare County property surplus and approve all quitclaim actions.

**RECOMMENDATION:** That the Commissioners adopt Alternative No. 1.

District 4

**PREPARED BY:** Vincent Grevemberg

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**IX. ITEMS FOR INDIVIDUAL ACTION**

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

1. **TO REQUEST APPROVAL OF THE FOLLOWING FY2009 BUDGET AMENDMENTS: (1) RECOGNIZE REVENUES AND RELATED EXPENDITURES IN THE MULTIPLE GRANT FUND FOR A \$2,021,000 PUBLIC SAFETY INTEROPERABLE COMMUNICATIONS GRANT, AND (2) AUTHORIZE A \$2.5 MILLION INTERFUND LOAN FROM THE CAPITAL IMPROVEMENT PROGRAM (CIP) FUND TO THE CAPITAL IMPROVEMENT BOND DETENTION CENTER FUND FOR JAIL CONSTRUCTION, AND (3) TRANSFER \$25,000 FROM THE 2005 DSA SERIES BOND FUND CONTINGENCY TO THE AQUATIC CENTER PROJECT.**

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

Chairman Liakakis said, I have a motion on the floor and a second. Let's go on the board. Excuse me.

Commissioner Kicklighter asked, would you possibly amend the motion to approve everything except 1(3)?

Commissioner Odell said, I will amend the motion to exclude transfer of \$25,000 from the 2005 DSA Series Bond Fund Contingency to the Aquatic Center Project. Chairman Liakakis asked, does the second —? Commissioner Thomas said, yes. Chairman Liakakis asked, you're okay with that? Commissioner Thomas said, yes.

Chairman Liakakis said, let's go on the board for that portion. The motion carried unanimously. [NOTE: Commissioner Stone was not present.] Chairman Liakakis said, the motion passes. Now —.

Commissioner Farrell said, I make a motion to pass 1(3) as written. Commissioner Gellatly said, second. The motion carried unanimously. [NOTE: Commissioner Stone was not present.] Chairman Liakakis said, the motion passes.

**ACTION OF THE BOARD:**

- a. Commissioner Odell moved to approve the following FY2009 budget amendments: (1) recognize revenues and related expenditures in the Multiple Grant Fund for a \$2,021,000 Public Safety Interoperable Communications grant, and (2) authorize a \$2.5 million interfund loan from the Capital Improvement Program (CIP) Fund to the Capital Improvement Bond Detention Center Fund for jail construction, and (3) transfer \$25,000 from the 2005 DSA Series Bond Fund Contingency to the Aquatic Center project. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Stone was not present.]
- b. Commissioner Farrell made a motion to approve Item 1(3) to transfer \$25,000 from the 2005 DSA Series Bond Fund Contingency to the Aquatic Center Project.

**AGENDA ITEM: IX-1**  
**AGENDA DATE: August 22, 2008**

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

**ISSUE:** To request approval of the following FY2009 budget amendments: (1) recognize revenues and related expenditures in the Multiple Grant Fund for a \$2,021,000 Public Safety Interoperable Communications grant, (2) authorize a \$2.5 million interfund loan from the Capital Improvement Program (CIP) Fund to the Capital Improvement Bond Detention Center Fund for jail construction, and (3) transfer \$25,000 from the 2005 DSA Series Bond Fund Contingency to the Aquatic Center project.

**FACTS AND FINDINGS:**

- (1) Chatham County has been awarded a \$7,711,808 grant to enhance and expand the Public Safety Radio System. A \$2,020,904 contract with Motorola Inc. for implementation of the first phase was awarded at the June 27, 2008 Board meeting. A resolution to amend the FY2009 Multiple Grant Fund budget for the initial activity is attached.
- (2) The expansion of the Detention Center will be funded with SPLOST V funds that will be collected in the future. Authorization for a \$2.5 million interfund loan from the Capital Improvement Program (CIP) Fund to the Capital Improvement Bond Detention Center Fund for jail construction is requested in order to provide a cash flow for current work on the project.
- (3) Additional funds are needed for upgrades to the power requirements at the Aquatic Center. A contingency transfer of \$25,000 in the 2005 DSA Series Bond Fund is requested.

**FUNDING:** The budget amendment will establish funding for the Multiple Grant Fund. Funds are available in the Capital Improvement Program (CIP) Fund for the loan.

**ALTERNATIVES:**

- (1) That the Board approve the following:

**MULTIPLE GRANT FUND FY2009**

Increase revenues and expenditures for a \$2,021,000 Public Safety Interoperable Communications grant.

**CAPITAL IMPROVEMENT PROGRAM (CIP) FUND FY2009**

Authorize a \$2.5 million interfund loan to the Capital Improvement Bond Detention Center Fund for jail construction

**2005 DSA SERIES CAPITAL IMPROVEMENT BOND FUND**

Transfer \$25,000 from Contingency to the to the Aquatic Center project

- (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 approves Alternative 1.

Prepared by: Read DeHaven

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**2. CNT MONTHLY REPORT GIVEN VERBALLY BY COMMANDER HARRIS.**

Chairman Liakakis said, if you'll come forth. He's going to distribute a copy of the latest report. Okay, Commander Harris.

Commander Roy Harris said, good morning, Mr. Chairman and Commissioners. It's always a pleasure to be with you. If you would look on page one, Significant Events, a couple of cases I will mention there. Item 3 is where we did a cocaine sale and search warrant recovered a .45 caliber pistol from a convicted felon. The interesting part of this case was this weapon was purchased by a sworn police officer in the presence of her husband, who was a convicted felon and she knew this, so we're looking at some federal prosecution on this case and hopefully remove the certification from that officer.

Item 5, methamphetamine has popped up again. We were working backtracking a lab, which ended up in Bulloch County, which we then went to the Bulloch County Drug Suppression Team and co-worked this case with them for this methamphetamine lab. You may recall about a week ago we found an active meth lab here in Chatham County. In talking to the experts in Atlanta, they're saying that due to tight security along the southwest border, we may actually see a resurgence in meth labs somewhat in our State. In the past it was easier to get it across the border as opposed to actually obtaining the necessary chemicals to make a lab due to the precursor labs that were passed. This individual in this lab last week was going to numerous pharmacies around Chatham County using fake IDs to purchase the pseudoephedrine that was required as one of the basic ingredients.

Item 7, we seized some heroin, which is another unusual drug for us to find here in Chatham County. This came in via the airport from New York, and Item 8 again ecstasy pills came up. This subject had marijuana, cocaine, and a firearm and was on probation for aggravated assault on a police officer. So the continued violence associated with our drug trade is always a concern to us.

Look on page you'll see the long term investigations that we are doing and we currently have five fairly major investigations ongoing with agencies such as GBI and DEA. Also, you will see there the drugs seized during the month.

We look at page three, total arrests of persons arrested during the month were 51 with five firearms — excuse me, nine firearms taken off the street, and if we shift on over to page six, Hours Worked by Zone, again our number one in the Metro area was Central Precinct. Garden City was the number one in the other municipalities. Now if you see these breakdowns of percentages here, 76% and 9% and then you drop down to 15%, remember that those might look a little different, but these percentages of court hours and other things actually pertain to those municipalities. So those percentages would be higher again in the Metropolitan Police areas as we're doing those types of investigations and court hours, it would pertain to them.

Commander Harris asked, do you have any questions? I know you've had a long morning, so I'm trying to be brief with you this morning. I will try to answer —.

Commissioner Gellatly said, Commander, page four, Drug Complaints Investigated, the Green Sheets from Outside Agencies, These are basically sheets where beat officers can write their observations in a particular neighborhood as to potential drug problems? Commander Harris said, yes. Commissioner Gellatly said, and this sheet's been available and used for years and years and years. I might suggest that maybe a roll-call training needs to occur. I think eight of them is not very many for a county our size. I would think that there was a time gone by where you would have 40 or 50 a month. I think that's what it should be now. Thank you. Commander Harris said, I'll discuss that with Chief Berkow. Commissioner Gellatly said, a little roll-call training. Cmx said, all right, sight.

Chairman Liakakis said, thank you very much, Commander Harris. We appreciate the good job that CNT is going —. You're distributing this to the other entities also? Commander Harris said, yes sir. Chairman Liakakis said, thank you.

**ACTION OF THE BOARD:**

Commander Roy Harris gave an oral report on the July statistics of the Counter Narcotics Team.

Chatham Savannah  
Counter Narcotics Team  
Monthly Report  
July  
2008

<b>SIGNIFICANT EVENTS</b>
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- (1) Search Warrants Executed: 7
- (2) Investigations concluded a short term investigation in the block of Meadows Ave. A search of the residence revealed cocaine, packaging materials, digital scales, a camera system, portable hand held radios, and \$841.00 in currency.
- (3) Investigations finished a case in the 9700 block of Whitfield Ave that stemmed from cocaine sales. Agents recovered a .45 caliber pistol from convicted felon and the case has implications for federal prosecution due to the Straw purchase of the weapon by the suspects wife.
- (4) Agents executed arrest warrants in the 100 block of Brandon Lane for marijuana sales. A search of the residence produced packaging materials and additional marijuana. This investigation led to the arrest of another subject that was supplying the Brandon Lane location and he was in possession of ecstasy pills, a loaded firearm and other packaging materials. He was also a convicted felon from a previous drug charge.
- (5) Investigations and the Tactical Team conducted an investigation into methamphetamine sales that reached into nearby Bulloch County. Agents made undercover purchases of anhydrous ammonia from a subject that led them to a meth lab in Bulloch County. Agents notified Bulloch County Drug Suppression Team of our case and work jointly with them to search and dismantle the lab. Bulloch county authorities arrested one subject for methamphetamine production.
- (6) Agents concluded an investigation of an ounce quantity of crack and powder cocaine by executing a search warrant in the 2200 block of Causton Bluff Road. The subject was arrested for trafficking in cocaine and three sales cases.
- (7) Agents investigated a subject that had recently arrived at the Savannah Airport from New York City. A subsequent search warrant recovered almost six grams of Heroin, a small amount of marijuana and a sboxin pill.
- (8) Agents conducted a buy/bust operation on a subject that was distributing large quantities of ecstasy pills. The transaction took place in the 1100 block of East 40<sup>th</sup> St and Agents also seized marijuana, cocaine, and firearm. The subject was on probation for Aggravated Assault on a Police Officer.

<b>UNDERCOVER BUYS</b>	
<b>Buys</b>	<b>Number</b>
Undercover Buys	24

<b>SHORT – LONG TERM NARCOTICS INVESTIGATIONS*</b>	
<b>Investigations</b>	<b>Number</b>
Investigations Initiated During the month	15
Active Investigations from prior months	68
Active <b>Joint</b> Investigations with other agencies (DEA, AFT, IRS, etc.)	5
Total Number of Active Investigations	68
Total Number of Active Investigations Cleared (Arrest, E.C., Unfounded)	15

\* Not including on-view arrests

<b>DRUGS SEIZED</b>			
<b>Drug Type</b>	<b>Value</b>	<b>Approx. Weight</b>	<b>Approx. Total Value</b>
Powder Cocaine	\$100 per gram*	15.5 Grams	\$1,550
Crack Cocaine	\$100 per gram*	37.1 Grams	\$3,710
Methamphetamine	\$100 per gram**	9.3 Grams	\$930
Marijuana	\$140 per ounce*	34.4 Ounces	\$4,816
Heroin	\$350 per Gram	5.9 Grams	\$2,065
Ecstasy	\$25 Dosage Unit	109 D/U	\$2,725
Misc Pills	Various	31 D/U	N/A

\* Source: Office National Drug Control Policy

\*\* Source: Established regional average price

\*\*\*Source: IAW GBI reporting – One marijuana plant equals 2.2 lbs of processed marijuana

<b>WEAPONS SEIZED</b>	
Firearms (including hand guns and long guns)	9
Other weapons (razors, knives, fighting tools)	1

<b>PERSONS ARRESTED*</b>	
Powder Cocaine – Possession	0
Powder Cocaine – Possession with Intent to Distribute / Manufacture / Sale	2
Powder Cocaine – Trafficking	1
Crack Cocaine – Possession	6
Crack Cocaine – Possession with Intent to Distribute / Manufacture / Sale	12
Crack Cocaine – Trafficking	0
Marijuana – Possession	8
Marijuana – Possession with Intent to Distribute / Manufacture / Sale	5
Marijuana – Trafficking	0
Methamphetamine – Possession / Manufacture / Sale	0
MDMA / Ecstasy Sales / Possession / Trafficking	3
Prescription Drugs – Fraud / Forgery / Possession / Sale	4
Heroin Possession/Sales	1
Criminal Attempt to Possess Controlled Substances	2
Non-Drug Related Offenses**	7
Possession of Drug Related Objects	0
Conspiracy to Violate the GA Controlled Substance Act	0

Total Arrests	51
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\* Characterized by the highest charge filed, **NOT** total charges.

\*\*Non-drug related offenses include firearms violations, Obstruction, Simple Battery, etc.

ADOPTION CASES FROM OTHER AGENCIES	
AGENCY	OFFENSE
07/18/2008 – Savannah-HH Airport Police	Possession of Cocaine w/Intent

ASSET FORFEITURES	
US Currency Seized (Initiated forfeiture proceedings)	\$3,776.00
US Currency Awarded	\$1,958.00
Motor Vehicles Seized (Initiated forfeiture proceedings)	2
Motor Vehicles Awarded	1998 Buick Regal

DRUG COMPLAINTS INVESTIGATED		
Drug Complaints	Received	Assigned
Project Log/Official Complaints	2	2
Green Sheets/ Outside Agencies	8	8
Hot line/ Call-In Complaints	30	29
Crime Stopper Complaints	25	18

COMMUNITY MEETINGS	
<b>Sergeants and/or agents attended the following Community Meetings:</b>	
<p>1. On July 13<sup>th</sup>-16<sup>th</sup>, Commander Harris attended the Summer Training Program for the Georgia Chiefs Association held in Savannah.</p> <p>2. On July 21, 2008, Commander Harris, Lieutenant Smith, and ADA Mabrey conducted a slide show and talked with approximately 30 members of Boy Scout Troop #400 at the CNT office.</p> <p>3. On July 25, 2008, members from the Tactical Team attended a Georgia Office of Highway Safety meeting held at the Garden City Police Department.</p> <p>4. On July 25, 2008, the CNT Command Staff attended a badge pinning ceremony and promotion for SCMPD held at AASU.</p> <p>5. On July 29, 2008, Commander Harris attended a CEMA ICS Training class held at AASU.</p> <p>6. On July 31<sup>st</sup>, 2008, Commander Harris, Captain McBurney, and Lieutenants Mitchell and Smith attended a CLEO meeting at SCAD.</p>	<p><b>**In addition to these monthly meetings and activities the following are done every month:</b></p> <p>-Every Monday Captain McBurney attends an SCMPD Command Staff meeting at headquarters which typically lasts for approximately 2 hours.</p> <p>-Every Wednesday, a CNT supervisor attends a Compstat meeting held at SCMPD headquarters. This meeting addresses current statistics, crime trends and other activities that occurred during the week in the various Precincts.</p>

TRAINING STATISTICS		
Course Title	Agents Trained	Course hours per Agent
Five Day In-Service Block Training	2	40
Clandestine Lab Investigation	2	40

**DRUG INVESTIGATION**

**HOURS WORKED BY ZONE**

SCMPD – West Chatham Precinct	465	
SCMPD – Downtown Precinct	368	
SCMPD – Central Precinct	620	
SCMPD – Southside Precinct	296	
SCMPD – Islands Precinct	115	
SCMPD – Skidaway Precinct	111	
	<b>TOTAL</b>	<b>1975 - 76%</b>
Garden City	96	
Port Wentworth	30	
Bloomingtondale	5	
Pooler	58	
Thunderbolt	21	
Tybee Island	2	
	<b>TOTAL</b>	<b>212 - 9%</b>
Out of County (Task Force Operations, etc.)	35	
Assistance Rendered to Outside Agencies	64	
Training	160	
Court Hours	77	
	<b>TOTAL</b>	<b>336 - 15%</b>
<b>Total Hours Worked</b>		<b>2523</b>

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**3. REVIEW OF THE COUNTY’S REGULATIONS REGARDING THE OPERATION OF CHILD DAY CARE CENTERS IN RESIDENTIAL DISTRICTS. ALSO, COMPARE THE COUNTY’S REGULATIONS WITH THE CITY OF SAVANNAH’S REGULATIONS REGARDING CHILD DAY CARE CENTERS.**

Chairman Liakakis recognized Commissioner Shay.

Commissioner Shay said, Mr. Chairman, if memory serves me correctly, I believe Commissioner Stone was one of the people that was very much concerned about this issue and has done a lot of research herself. Given the fact that she’s been called away from the meeting for medical reasons, I would like to move that we table this until the next

meeting so that Commissioner Stone might be present when the discussion occurs. Commissioner Farrell said, second.

Chairman Liakakis said, alright, let's go on the board. The motion carried unanimously. [NOTE: Commissioner Stone was not present.]

**ACTION OF THE BOARD:**

Commissioner Shay moved to table this item to the next meeting due to the absence of Commissioner Stone and her interest in the issue of child care centers. Commissioner Farrell seconded the motion and it carried unanimously. [NOTE: Commissioner Stone was not present.]

**AGENDA ITEM: IX-3**

**AGENDA DATE: August 22, 2008**

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

**ISSUE:**

To review the County's regulations regarding the operation of child day care centers in residential districts. Also, compare the County's regulations with the City of Savannah's regulations regarding child day care centers.

**BACKGROUND:**

Concerns were expressed regarding the sufficiency of the County's regulation of child care centers residential districts. Also, recognizing the importance of providing a safe environment for children served by such child care centers and the importance of preserving the residential neighborhoods at issue, the Chairman asked the County Attorney's office to review the applicable regulations. In an effort to ascertain the sufficiency of the County's regulations, the County Attorney's office researched and reviewed relevant state and City of regulations. The County Attorney's research is attached.

**FACTS AND FINDINGS:**

1. The County regulates residential child day care centers via its zoning ordinance and its business license regulations.
2. The State of Georgia regulates child day centers pursuant to rules and regulations that are promulgated by the Department of Human Resources and enforced by the Bright from the Start, Georgia Department of Early Care and Learning. The State is currently undergoing a revision of its regulatory and enforcement scheme as it relates to child day care centers. In addition, the State will release a color code system that will inform parents and local governing authorities of those centers that are not in compliance with State regulations. That revision should be complete within a year.
3. The City of Savannah regulates residential child care centers via its zoning ordinance and its business license regulations.
4. The County and City's zoning and business license provisions are substantially similar except for some notable differences regarding the maximum number of children that can be served by centers located in residential districts. Currently, the County provides no set maximum number of children to be served by a center located in a residential lot that abuts a collector street, major arterial or secondary arterial. (The City sets a maximum of 18 children) In addition, the County allows up to 75 children if the center requires access on a residential or lesser street. (The City limits the maximum number of children to 12 in such cases).

**FUNDING:**

N/A

**POLICY ANALYSIS:**

It is in the best interest of the citizens of Chatham County to provide adequate and effective regulation of residential child care centers to provide safe environments for children while preserving the character of the residential neighborhoods in which the child care centers are located.

**ALTERNATIVES:**

1. Take no further action pending the State's release of their revised regulatory and color-coded scheme.
2. Maintain the county regulations as they currently exist.
3. Consider adopting the City's zoning provisions regarding the maximum number of children that may be served in residential districts.
4. Consider revising the Home Occupation definition and special provision as it relates to day care centers.

**RECOMMENDATION:**

The County Attorney's Office submits this for Board consideration and requests further direction from the Board of Commissioners.

RJH/jr

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**X. ACTION CALENDAR**

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

Chairman Liakakis said, Action Calendar. We have Items 1 through 9 and under 9 we have Items A through K. Under Item 9, it has been requested that we pull Item H.

Commissioner Odell said, I move that we approve the balance of the Action Calendar. Commissioner Kicklighter said, and number 5 we need to remove totally, right? County Attorney Hart said, no. Number 5, we need to move John H. Beauford, Richard D. Floyd, Bouchillon, Bedgood, Cortes, Darr, Eubanks, Fritts, Griffin, Heirs, Ivener, and Johnson. The remainder of those should be active. Commissioner Odell said, the motion incorporates the items listed by the County Attorney.

Assistant County Manager Monahan said, Mr. Chairman, I have one more the Finance Director gave me. It's actually a correction of Purchasing Item X-9-J. That's the approval of the architectural agreement on the Detention Center Expansion. We also need to include under the funding not only the funding that's listed, which will provide the permanent funding, but also the CIP Bond Fund 2008. That will be the interfund loan that will allow the project to continue until the sales tax collection can start to flow in December. Commissioner Odell asked, you want that pulled? Assistant County Manager Monahan said, no, just added. We need to designate both funding sources, both the SPLOST Detention Center Expansion as well as CIP Fund 2008, Fund 380.

Chairman Liakakis said, that's H, right? Assistant County Manager Monahan said, J. Chairman Liakakis said, okay, 9-J. So then we need a motion on the floor.

Commissioner Odell said, my motion is still good. It excludes 9-H, it excludes 9-J, and it incorporates the information —. County Attorney Hart said, everything on 5 except as I stated. Commissioner Farrell said, as noted by the County Attorney. Commissioner Odell said, absolutely. That's the motion. Commissioner Kicklighter said, second.

Chairman Liakakis said, let's go on the board. Commissioner Kicklighter asked, did anybody second that? Commissioner Odell said, you did. Commissioner Kicklighter said, okay, good. The motion carried unanimously. Chairman Liakakis said, okay. The motion passes.

**ACTION OF THE BOARD:**

Commissioner Odell moved to approve Items 1 through 9-K, except 9-H and 9-J, and including the information in Item 5 but deleting the names of John H. Beauford, Richard D. Floyd, Hoke S. Bouchillon, II, Judith Bedgood, Julio Cortes, Angela Darr, Robert T. Eubanks, William E. Fritts, III, Joseph Griffin, Jerry Heirs, Alan Ivener, and Jim A. Johnson. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Commissioner Stone was not present.]

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

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**1. APPROVAL OF THE MINUTES FOR THE REGULAR MEETING OF AUGUST 8, 2008, AS MAILED.**

**ACTION OF THE BOARD:**

Commission Odell moved to approve the minutes of the regular meeting of August 8, 2008. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Commissioner Stone was not present.]

=====

**2. CLAIMS VS. CHATHAM COUNTY FOR THE PERIOD JULY 31 THROUGH AUGUST 13, 2008.**

**ACTION OF THE BOARD:**

Commissioner Odell moved to authorize the Finance Director to pay the claims against the County for the period July 31, 2008, through August 13, 2008, in the amount of \$4,736,419. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Commissioner Stone was not present.]

=====

**3. REQUEST BOARD APPROVAL OF A MEMORANDUM OF AGREEMENT BETWEEN CHATHAM COUNTY AND THE STATE OF GEORGIA DEPARTMENT OF TRANSPORTATION FOR MOSQUITO CONTROL SERVICES PROVIDED BY THE COUNTY IN THE SAVANNAH HARBOR.**

**ACTION OF THE BOARD:**

Commissioner Odell moved to approve a Memorandum of Agreement between Chatham County and the State of Georgia Department of Transportation for Mosquito Control services provided by the County in the Savannah Harbor. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Commissioner Stone was not present.]

**AGENDA ITEM: X-3**

**AGENDA DATE: August 22, 2008**

**TO:** Board of Commissioners

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

**FROM:** Linda B. Cramer, Finance Director  
Henry Lewandowski, Mosquito Control Director

**ISSUE:** Request Board approval of a Memorandum of Agreement between Chatham County and the State of Georgia Department of Transportation for mosquito control services provided by the County in the Savannah Harbor.

**BACKGROUND:** During its fiscal 2009 budget process, the State allotted a \$53,000 appropriation for mosquito control services provided by Chatham County in the Savannah Harbor's containment areas. This is the fourth year the County has received funding from the DOT for this purpose.

**FACTS AND FINDINGS:**

1. Chatham County has provided mosquito control services in and around the Savannah Harbor for a number of years. The disease risk and nuisance created by the mosquito populations are a direct result of the harbor maintenance activities. The management of these mosquitoes limits the likelihood of West Nile Virus transmission within and around the dredged material sites.
2. Execution of the intergovernmental agreement between the County and the State of Georgia is required to receive the State's budget allocation of \$53,000 and partially reimburse the County for the program's cost for fiscal 2009.

**FUNDING:** No revenue was budgeted in fiscal 2009 from the State for mosquito control. Revenue budgets will be adjusted later during the fiscal year.

**POLICY ANALYSIS:** It is the policy of the Board to promote efficient and cost-effective operations and to diversify its sources of revenue.

**ALTERNATIVES:**

1. Approve the memorandum of agreement between Chatham County and the State of Georgia Department of Transportation so that Chatham County may be reimbursed for mosquito control services.
2. Provide staff with an alternative recommendation.

**RECOMMENDATION:**

Approve Alternative #1.

=====

**4. REQUEST BOARD APPROVAL FOR INCREASE IN COMPENSATION FOR MEMBERS OF THE BOARD OF ELECTIONS OF CHATHAM.**

**ACTION OF THE BOARD:**

Commissioner Odell moved to approve an increase in compensation for members of the Board of Elections of Chatham from \$2,400 to \$4,800 for board members and from \$4,800 to \$7,200 for the chairman. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Commissioner Stone was not present.]

**AGENDA ITEM: IX-4**  
**AGENDA DATE: August 22, 2008**

**DATE:** August 11, 2008  
**TO:** Board of Commissioners  
**THRU:** R.E. Abolt, County Manager  
**FROM:** Ray M. Thomas, Chairman, Board of Elections

**ISSUE:**  
 To obtain approval for increase in compensation for members of the Board of Elections of Chatham County.

**BACKGROUND:**  
 The Board of Elections of Chatham County was formed in 1973 as an autonomous board to supervise the conduct of elections. The minimum compensation established in 1984 for a board member was set at \$2400 annually and the chairman was set at \$4800 annually. The compensation established in 1984 for the board was set at the minimum level and continues at that level to this day.

Since 1984, the complexity of elections and the responsibilities of board members have increased significantly. This has resulted in the members of the Elections Board spending more time attending to election related matters, while receiving the same level of compensation.

The Elections Board voted unanimously on July 9, 2007 to request an increase in the annual compensation from \$2400 to \$4800 for board members and from \$4800 to \$7200 for the chairman, but the request was not approved because funds had not been included in the operating budget.

The funds to cover the requested increase are included in this year's approved operating budget, which became effective July 1, 2008.

**FACTS AND FINDINGS:**

1. The current compensation for members of the Elections Board was set in 1984.
2. The complexity of elections and responsibilities of board members have increased.
3. The funds for the requested increases are in the approved FY 2008-2009 operating budget.

**ALTERNATIVES:**

1. To approve the requested increase to \$7200 for the chairman and \$4800 for the four members of the Elections Board effective July 1, 2008.
2. Provide direction.

**FUNDING:**

The funds for the increases are included in 51.11001 Salaries for the Chairman and 52.11001 for the members of the Board.

**POLICY:**

Act 1194 (HB 1634), Section 4, approved March 29, 1984, establishes the minimum salary of the chairman at \$4800 per annum and the minimum salary of the four members at \$2400 per annum, the exact amount to be fixed by the governing authority of Chatham County.

**RECOMMENDATIONS:**

Approve Alternative #1.

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**5. REQUEST BOARD APPROVAL OF REQUESTS BY THE TAX COMMISSIONER'S OFFICE AND TAX ASSESSOR'S OFFICE FOR CORRECTION OF THE TAX DIGEST BY REMOVAL OF PERSONAL PROPERTY FOR VARIOUS YEARS.**

County Attorney Hart said on Item 5 we need to delete the names of John H. Beauford, Richard D. Floyd, Bouchillon, Julio Cortes, Darr, Eubanks, Fritts, Griffin, Heirs, Ivener, and Johnson. The remainder of the list should be active.

Commissioner Odell said, the motion incorporates the items listed by the County Attorney. Commissioner Kicklighter seconded the motion and it carried unanimously.

**ACTION OF THE BOARD:**

Commissioner Odell moved to approve the request by the Tax Commissioner's Office and Tax Assessor's Office for correction of the tax digest by removal of personal property for various years for William C. Andrews 2001 and 2002, Vivian Austin 2006, Back to Health 2006, Michael Bailey, 2002-2004, Raymond D. Beasley, 2001 and 2002, Richard D. Floyd 2002, Beaver Estate 2003-2007, John Weston Beaver 2007, Arthur J. Bebon 2006, Christine Bost 2002, Dennis Braun 2006, Terry A. Carter, Sr. 2005, Coastal Custom Homes, LLC 2006, John J. Coughlin 2001-2006, Currency Services, Inc. 2006, Debra J. Dellaratta 2001-2002, Denise H. Dixon 2001-2002, Dubs Tilll Dawn Entertainment 2005-2006, Elegant Illusions 2006, James Evans, III, 2001-2007, Franc Exley 2006, Ben G. Farmer 2006, Fun Rentals 2006, Global Mail Packaging 2001, Kat Hamilton 2002-2006, Hancock Fabrics of Savannah #1 2006, Curtis J. Hanks, 2004-2006, Frances C. Hardigree 2001-2002, Hi-Energy Weight Control Center 2003, Joseph R. Hosack 2006, Charles L. Irby 2006, Jaimes Sundance Bike Shop Balance of 2006, Judith H. Jones 2000-2006, Leslie King 2006, Kitchen Solvers 2006, Trey Lowery Antiques & Art 2004-2006, Ken J. Manelsdorf, Jr. 2001, and Lets Have An Affair 2001-2006 (except 2003 through 2006 is exempt), and deleting the names of John H. Beauford, Judith

Bedgood, Hoke S. Bouchillon, II, Julio Cortes, Angela Darr, Robert T. Eubanks, William E. Fritts, III, Joseph Griffin, Jerry Heirs, Alan Ivener, and Jim A. Johnson. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Commissioner Stone was not present.]

**AGENDA ITEM: X-5**

**AGENDA DATE: August 22, 2008**

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

**ISSUE:**

To approve the requests by the Tax Commissioner's Office and Tax Assessor's Office for correction of the Tax Digest by removal of personal property for various years.

**BACKGROUND:**

The Tax Commissioner's Office and Tax Assessor's Office are in agreement to have the Tax Digest corrected by removing the personal property for various years as shown in the attached Exhibit "A".

**FACTS & FINDINGS:**

1. The personal property listed for various individuals on Exhibit "A" needs to be removed from the Tax Digest.
2. The Tax Commissioner's Office and Tax Assessor's Office are in agreement to have the Tax Digest corrected.

**FUNDING:**

N/A

**POLICY ANALYSIS:**

The Tax Digest should be corrected for various years by removal of the personal property for various years as shown on the attached Exhibit "A".

**ALTERNATIVES:**

1. The Commission should authorize the removal of the personal property for various years as shown on the attached Exhibit "A".
2. The Commission should not authorize the removal of the personal property for various years as shown on the attached Exhibit "A".

**RECOMMENDATION:**

Alternative 1.

/jr

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6. **REQUEST FOR NEW WINE WHOLESALE LICENSE FOR 2008. PETITIONER: CHRISTOPHER AULD MARSHALL, D/B/A MILLENNIUM BEVERAGE, LOCATED AT 175 BRAMPTON ROAD. [DISTRICT 8.]**

**ACTION OF THE BOARD:**

Commissioner Odell moved to approve the petition of Christopher Auld Marshall, d/b/a Millennium Beverage, located at 175 Brampton Road, for a new wine wholesale license for 2008. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Commissioner Stone was not present.]

**AGENDA ITEM: X-6**  
**AGENDA DATE: August 22, 2008**

**TO:** BOARD OF COMMISSIONERS  
**THROUGH:** R.E. ABOLT, COUNTY MANAGER  
**FROM:** GREGORIS.ANDERSON, DIRECTOR OF BUILDING SAFETY AND REGULATORY SERVICES  
WILLIE LOVETT, ASSISTANT CHIEF OF POLICE

ISSUE

Request for approval of new wine wholesale license for 2008, Christopher Auld Marshall, d/b/a Millennium Beverage, located at 175 Brampton Road.

BACKGROUND

Mr. Marshall requests approval for new wine wholesale license in connection with a new wholesale distribution center. 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. This application is in compliance with all requirements.
- 3. The applicant has been notified of the hearing date and time.

RECOMMENDATION

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

District 8

We verify that the attached report and attachments are complete and correct as to form.

\_\_\_\_\_  
Gregori S. Anderson, CBO

\_\_\_\_\_  
Assistant Chief Willie Lovett

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**7. REQUEST FOR NEW BEER AND WINE POURING LICENSE FOR 2008. PETITIONER: JANET MARIE MCCRARY, D/B/A WILEY'S CHAMPIONSHIP BBQ, LOCATED AT 4700 HIGHWAY 80 EAST, SUITE N. [DISTRICT 4.]**

**ACTION OF THE BOARD:**

Commissioner Odell moved to approve the petition of Janet Marie McCrary, d/b/a Wiley's Championship BBQ, located at 4700 Highway 80 East, Suite N, for a new beer and wine pouring license for 2008. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Commissioner Stone was not present.]

**AGENDA ITEM: X-7**  
**AGENDA DATE: August 22, 2008**

**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 a new beer and wine pouring license for 2008, Janet Marie McCrary d/b/a Wiley's Championship BBQ, located at 4700 Highway 80 East, Suite N.

BACKGROUND

Ms. McCrary requests approval for a new beer and wine pouring license in connection with a new restaurant.

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 Building Safety. 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 Regulatory Services recommend approval.

District 4

We verify that the attached report and attachments are complete and correct as to form.

\_\_\_\_\_  
Gregori S. Anderson, CBO

\_\_\_\_\_  
Assistant Chief Willie Lovett

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**8. REQUEST FOR A NEW SUNDAY SALES OF BEER AND WINE POURING LICENSE FOR 2008. PETITIONER: HAI M. NGUYEN, D/B/A BI DA LONG, LOCATED AT 4700 U.S. HIGHWAY 80 EAST. [DISTRICT 4.]**

**ACTION OF THE BOARD:**

Commissioner Odell moved to approve the petition of Hai M. Nguyen, d/b/a Bi Da Long, located at 4700 U.S. Highway 80 East, for a new Sunday sales of beer and wine pouring license for 2008. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Commissioner Stone was not present.]

**AGENDA ITEM: X-8**  
**AGENDA DATE: August 22, 2008**

**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 a new Sunday sales of beer and wine pouring license for 2008, Hai M. Nguyen d/b/a Bi Da Long, located at 4700 U S Highway 80 E.

BACKGROUND

Ms. Nguyen requests approval for a new Sunday sales of beer and wine pouring license in connection with an existing Restaurant.

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 Building Safety. The County Fire Marshall inspected the site for compliance with the commercial kitchen requirements and approved the facility. Photographic documentation has been placed within the file.
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 Regulatory Services recommend approval.

District 4

We verify that the attached report and attachments are complete and correct as to form.

\_\_\_\_\_  
Gregori S. Anderson, CBO

\_\_\_\_\_  
Assistant Chief Willie Lovett

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**9. 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. Contract to replace tide gates and install head walls in the Unincorporated Chatham County	Public Works	PINCO	\$41,880	CIP - Public Works Drainage
B. Change Order No. 10 to the annual pest control contract to add two (2) locations	Facilities Maintenance and Operations	Ideal Pest Control Services	\$1,020	•Land Bank •General Fund/M&O - Juvenile Court
C. Declare an Ardco amphibious rotary ditcher as surplus and authorize sale at public auction	Mosquito Control	N/A	N/A	N/A
D. Reimbursement for production of historical booklets for Vernonburg as part of the Truman Parkway, Phase V	Engineering	Georgia Department of Transportation	\$38,841	SPLOST (1985-1993) - Truman Parkway, Phase V
E. Summary Change Order No. 1 to the contract for the Golden Isles, Phase III drainage improvement project to adjust the final price	Engineering	Griffin Contracting, Inc.	\$42,896	SPLOST (1998-2009) - Golden Isles Drainage Improvement Project
F. Masonry columns for 5000 Jasmine Avenue (SABHC)	Special Projects	All Around Construction	\$27,675	CIP - Gateway
G. Fencing for 5000 Jasmine Avenue (SABHC)	Special Projects	Savannah Fence	\$28,501	CIP - Gateway
H. Design services LEED-certified building for Cooperative Extension Service	Special Projects	Greenline Architecture	\$229,970	DSA Series Bonds/ ANG Building
I. Terminate tower lease with Verizon	I.C.S.	Verizon	N/A	N/A
J. Architectural- engineering design contract for design services for the Chatham County Detention Center Expansion Project	Engineering	L. Robert Kimball and Associates	\$6,407,762	SPLOST (2008-2014) - Detention Center Expansion Project

<u>ITEM</u>	<u>DEPT.</u>	<u>SOURCE</u>	<u>AMOUNT</u>	<u>FUNDING</u>
K. Electronic directory for Courthouse lobby	Special Projects	Infax	\$17,180	SPLOST (2003-2008) - Courthouse Construction

**As to Items 9-A THROUGH 9-K, except Items 9-H and 9-J:**

Commissioner Odell moved to approve Items 9-A through 9-K, except Items 9-H and 9-J. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Commissioner Stone was not present.]

**As to Items 9-H:**

Commissioner Shay said, Mr. Chairman, I'd like to make a motion that Item 9-H be tabled indefinitely until we have additional staff research on the issues that I've raised outside of the meeting today — references.

Chairman Liakakis said, okay. We need a second. Commissioner Odell said, second. Chairman Liakakis said, okay, let's go on the board. The motion carried unanimously. [NOTE: Commissioner Stone was not present.] Chairman Liakakis said, the motion passes.

**As to Items 9-J:**

Commissioner Farrell said, I'd like to make a motion to pass Item J with the amendment that Pat Monahan just mentioned about the reference to the funding. Commissioner Odell said, CIP Bond Fund. Assistant County Manager Monahan said, CIP Bond Fund 380. Commissioner Thomas said, second.

Chairman Liakakis said, I have a motion on the floor and a second. Let's go on the board. The motion carried unanimously. [NOTE: Commissioner Stone was not present.] Chairman Liakakis said, the motion passes.

**ACTION OF THE BOARD:**

Commissioner Odell moved to approve Items 19-A through 9-K, except Items 9-H and 9-J. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Commissioner Stone was not present.]

Commissioner Shay moved to table indefinitely Item 9-H until we have additional research. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioner Stone was not present.]

Commissioner Farrell moved to approve Item 9-J with the addition of adding CIP Bond Fund 380 as a funding source. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Stone was not present.]

**AGENDA ITEM: X-9 A thru K  
AGENDA DATE: 22 AUGUST 2008**

**TO: BOARD OF COMMISSIONERS**  
**THRU: R.E. ABOLT, COUNTY MANAGER**  
**FROM: MICHAEL A. KAIGLER, DIRECTOR  
HUMAN RESOURCES & SERVICES**  
**SUBJECT: AWARD OF BIDS**

**ITEM A**

**ISSUE:** Request Board approval to award a \$41,880 contract to replace tide gates and install head walls located in the Unincorporated Chatham County with PINCO for Public Works.

**BACKGROUND:** Public Works maintains the tide gates for Chatham County and eight (8) require replacement.

**FACTS AND FINDINGS:**

1. Request for Bids were properly advertised and mailed to seven (7) vendors, two (2) bids were received and opened on 23 July 2008. The bids from qualifying companies were received as follows:

PINCO Garden City, GA	\$ 41,880
OCS, Inc. Vidalia, GA	\$ 48,630
* E & D Contracting Services, Inc. Savannah, GA	\$ 95,646
Alloy Industrial Contractors, Inc. Savannah, GA *WBE	\$ 108,365

2. PINCO met all specifications. Staff believes the cost to be fair and reasonable.

**FUNDING:** CIP - County Wide Drainage  
(3504250-54.14031 - 35038237)

**ALTERNATIVES:**

1. Board approval to award a \$41,880 contract to replace tide gates and install head walls located in the Unincorporated Chatham County with PINCO for Public Works.
2. Provide staff other direction.

**POLICY ANALYSIS:** It is consistent with Board policy to approve contracts to the low responsive bidder.

**RECOMMENDATION:** Staff recommends approval of Alternative 1.

BUDGET APPROVAL \_\_\_\_\_  
CHRIS MORRIS

**ITEM B**

**ISSUE:** Request Board approval to issue Change Order No. 10, in the amount of \$85 per month, to the annual contract with Ideal Pest Control Services, of Savannah, to add monthly pest control services for 408 Broughton Street building and Juvenile Court modular building.

**BACKGROUND:** On 7 November 2003, the Board awarded an annual contract to Ideal Pest Control Service, Inc. of Savannah, to provide monthly pest control services to 32 Chatham County facilities.

**FACTS AND FINDINGS:**

1. The two (2) locations are to be added to the existing contract to receive pest control services.
2. Staff requested a price quotation from Ideal pest Control Services, Inc., of Savannah, to add monthly pest control services. Price quotes are as follows:

408 Broughton Street building	\$45 per month
Juvenile Court modular building	\$40 per month

3. Ideal Pest Control quoted staff an additional fee of \$85 monthly to add services for these two (2) locations to the scope of service of their contract. Staff believes this cost to be reasonable and fair.

4. Contract history is as follows:

Original Contract Amount (11-7-03)	\$17,020/Year
Change Order No. 1 (1-9-04)	420/Year
Change Order No. 2 (1-23-04)	480/Year

Change Order No. 3 (9-10-04)	660/Year
Change Order No. 4 (9-10-04)	780/Year
Deductive Change Order No. 5 (1-14-05)	420/Year
Change Order No. 6 (6-10-05)	420/Year
Change Order No. 7 (7-7-06)	420/Year
Change Order No. 8 (9-8-06)	420/Year
Change Order No. 9 (2-9-07)	300/Year
Change Order No. 10 (Pending)	<u>1,020/Year</u>
Revised Contract Amount	\$21,520/Year

**FUNDING:** •Land Bank  
 (2919909 - 57.30101)  
 •General Fund/M&O - Juvenile Court  
 (1002600 - 52.22001)

**ALTERNATIVES:**

1. Board approval to issue Change Order No. 10, in the amount of \$85 per month, to the annual contract with Ideal Pest Control Services, of Savannah, to add monthly pest control services for 408 Broughton Street building and Juvenile Court modular building.
2. Provide staff other direction.

**POLICY ANALYSIS:** It is consistent with Board policy to issue Change Orders to essential service contracts to recognize changes in the scope of services.

**RECOMMENDATION:** Staff recommends approval of Alternative 1.

BUDGET APPROVAL \_\_\_\_\_  
 READ DEHAVEN

**ITEM C**

**ISSUE:** Request Board approval to declare an Ardco amphibious rotary ditcher as surplus and authorize the sale of the ditcher at public auction.

**BACKGROUND:** The Ardco amphibious rotary ditcher was purchased new in 1985. It has been used for Mosquito Control ditching operations in the dredge spoil areas along the Savannah River. The ditcher has exceeded its useful life and has become obsolete.

**FACTS AND FINDINGS:**

1. The Ardco amphibious rotary ditcher is more than 20 years old. The engine is in need of a costly repair. The frame is in poor condition because of the environment in which it operates. The components of the rotary ditcher head are obsolete, making repairs increasingly difficult. It is not cost effective to repair this machine.
2. The Ardco amphibious rotary ditcher has already been replaced by a long reach amphibious excavator. Mosquito Control staff are now constructing larger ditches that the Ardco ditcher is incapable of constructing.
3. The technology of the rotary ditcher is no longer useful in our operations, further justifying the need to dispose of this machine rather than making repairs.

**FUNDING:** Revenue producing

**ALTERNATIVES:**

1. Board approval to declare an Ardco amphibious rotary ditcher as surplus and authorize the sale of the ditcher at public auction.
2. Provide staff other direction.

**POLICY ANALYSIS:** It is consistent with Board policy to approve disposal of surplus County equipment through a public auction.

**RECOMMENDATION:** Staff recommends approval of Alternative 1.

BUDGET APPROVAL \_\_\_\_\_

RUSHEDA ADESHINA

**ITEM D**

**ISSUE:** Request Board approval of the reimbursement in the amount of \$38,841, to the Georgia Department of Transportation (GDOT) for production of historical booklets for Vernonburg as part of the Truman Parkway, Phase V project.

**BACKGROUND:** The Environmental Impact Statement (EIS) approved by the GDOT and the Federal Highway Administration for Phase V of the Truman Parkway includes a requirement to produce historical booklets for the Town of Vernonburg.

**FACTS AND FINDINGS:**

1. The GDOT has a task order agreement in place with Post, Buckley, Schuh & Jernigan, Inc. to produce the 500 color booklets for educational purposes.
2. Requirements of the EIS must be accomplished to certify the right of way and before the GDOT will solicit bids for the construction contract.

**FUNDING:** SPLOST (1985-1993) - Truman Parkway, Phase V  
(3204220 - 52.12003 - 32050474)

**ALTERNATIVES:**

1. Board approval of the reimbursement in the amount of \$38,841 to the Georgia Department of Transportation for production of historical booklets for Vernonburg as part of the Truman Parkway, Phase V project.
2. Provide staff other direction.

**POLICY ANALYSIS:** It is consistent with Board policy to approve disbursements to other government agencies.

**RECOMMENDATIONS:** Staff recommends the approval of Alternative 1.

BUDGET APPROVAL \_\_\_\_\_  
ESTELLE BROWN

**ITEM E**

**ISSUE:** Request Board approval of Summary Change Order 1 in the amount of \$42,896 to the contract with Griffin Contracting, Inc., to adjust the final price for the Golden Isles, Phase III drainage improvement project.

**BACKGROUND:** The Golden Isles Phase III drainage improvement project is a part of the 1998 - 2003, SPLOST, County Drainage Program. The Phase III project includes storm collector improvements to relieve the severity and frequency of flooding within the community. The original contract was awarded to Griffin Contracting, Inc. by the Board on 8 February 2008.

**FACTS AND FINDINGS:**

1. Substantial completion of the work was achieved 6 August 2008, four (4) months ahead of schedule.
2. The Contract included estimated quantities of materials to be incorporated into the work. This Change Order No. 1 adjusts the total contract to reflect the actual quantities of materials provided and make an appropriate adjustment to the contract amount.
3. Items of work that substantially increased include replacement of concrete driveways and asphalt pavement not included in the engineer's estimate of quantities. The amount of sodding also increased as a result of necessary sedimentation and erosion control efforts. The increased cost is based on contract unit bid prices for actual quantities of materials provided.
4. Contract history:  

Original Contract	( 2-08-08)	\$331,256
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Change Order 1 (pending)	42,896
Revised Contract Amount	\$374,152

**FUNDING:** SPLOST (1998 - 2003) - Golden Isles Area drainage project  
(3224250 - 54.14021 - 32280327)

**ALTERNATIVES:**

1. Board approval of Summary Change Order 1 in the amount of \$42,896 to the contract with Griffin Contracting, Inc. to adjust the final price for the Golden Isles, Phase III drainage improvement project.
2. Provide staff other direction.

**POLICY ANALYSIS:** It is consistent with Board policy to approve change orders necessary for the completion of construction projects.

**RECOMMENDATION:** Staff recommends approval of Alternative 1.

BUDGET APPROVAL \_\_\_\_\_  
ESTELLE BROWN

**ITEM F**

**ISSUE:** Request Board approval to award a \$27,675 contract for masonry columns for 5000 Jasmine Avenue from All Around Construction.

**BACKGROUND:** As part of the sale of 5000 Jasmine Avenue for Union Mission’s Magdalene Program, the County agreed to certain property improvements during discussion with neighbors. One of the covenants included fencing the property with brick columns and aluminum fencing at the front entry and wooden fencing along the rest of the perimeter.

**FACTS AND FINDINGS:**

1. Staff obtained pricing from the following three (3) bidders:

All-Around Construction Savannah, GA	\$27,675
J.D. Masonry Savannah, GA	\$30,400
House Doctor Savannah, GA	\$36,275

2. Staff believes the lowest bid from All Around Construction to be fair and reasonable.

**FUNDING:** CIP - Gateway  
(3505110 - 52.22001 - 35030272)

**ALTERNATIVES:**

1. Board approval to award a \$27,675 contract for masonry columns for 5000 Jasmine Avenue from All Around Construction.
2. Provide staff other direction.

**POLICY ANALYSIS:** Georgia law and *The Chatham County Purchasing Ordinance and Procedures Manual* provide authority for the Board to award contracts for construction.

**RECOMMENDATION:** Staff recommends approval of Alternative 1.

BUDGET APPROVAL \_\_\_\_\_  
CHRIS MORRIS

**ITEM G**

**ISSUE:** Request Board approval to award a \$28,501 contract to supply and install aluminum fencing for 5000 Jasmine Avenue from Savannah Fence.

**BACKGROUND:** As part of the sale of 5000 Jasmine Avenue for Union Mission's Magdalene Program, the County agreed to certain property improvements during discussion with neighbors. One of the covenants included fencing the property with brick columns and aluminum fencing at the front entry and wooden fencing along the rest of the perimeter.

**FACTS AND FINDINGS:**

1. Staff obtained pricing from the following three (3) bidders:

Savannah Fence Savannah, GA	\$28,501
Nation's Fence Savannah, GA	\$32,536
Randy's Fence Savannah, GA	\$36,500

2. Staff believes the low bid from Savannah Fence to be fair and reasonable.

**FUNDING:** CIP - Gateway  
(3505110 - 52.22001 - 35030272)

**ALTERNATIVES:**

1. Board approval to award a \$28,501 contract to supply and install aluminum fencing for 5000 Jasmine Avenue from Savannah Fence.

2. Provide staff other direction.

**POLICY ANALYSIS:** Georgia law and *The Chatham County Purchasing Ordinance and Procedures Manual* provide authority for the Board to award contracts for construction.

**RECOMMENDATION:** Staff recommends approval of Alternative 1.

BUDGET APPROVAL \_\_\_\_\_  
CHRIS MORRIS

**ITEM H**

**ISSUE:** Request Board approval to award a \$229,970 professional services contract for design and engineering a LEED-certified building for Cooperative Extension Service from Greenline Architecture.

**BACKGROUND:** The Cooperative Extension Service will be relocating to the Citizens Service Center. Because of the educational mission of the Cooperative Extension Service, the new building will be not only constructed to LEED-certified standards (probably gold) but also the project will include working exhibits of solar energy and other state-of-the-art energy-saving devices.

**FACTS AND FINDINGS:**

1. Chatham County received proposals from two architectural firms which are LEED certified: Lott+Barber and Greenline Architecture. Both are firms are currently working on other county projects. Based on interviews, the Cooperative Extension Service staff recommended Greenline Architecture because of its project understanding and incorporation of key elements of interest to the Extension Service.

2. The design will incorporate several working educational exhibits. For example, the building will feature a solar hot water heater and an electrical hot water heater for comparison in costs and functionality.

3. The property's location to the new Recycling Center will also complement the educational aspects of recycling.

**FUNDING:** DSA 1999 Series Bonds - ANG Buildings  
(3601565 - 54.13011 - 36031107)

**ALTERNATIVES:**

1. Board approval to award a \$229,970 professional services contract for design and engineering a LEED-certified building for Cooperative Extension Service from Greenline Architecture.
2. Provide staff other direction.

**POLICY ANALYSIS:** Georgia law and *The Chatham County Purchasing Ordinance and Procedures Manual* provide authority for the Board to award professional service contracts.

**RECOMMENDATION:** Staff recommends approval of Alternative 1.

BUDGET APPROVAL \_\_\_\_\_  
TOM DRANE

**ITEM I**

**ISSUE:** Request Board terminate the communications tower lease agreement with Verizon.

**BACKGROUND:** The Board entered into an agreement with Verizon Wireless in August 2005 to allow the communications company to install and maintain equipment on the County's communications tower at the Detention Center complex.

**FACTS AND FINDINGS:**

1. The communications tower at the Detention Center complex will be relocated as part of the Detention Center expansion. Because the lease requires that any change in the contract be made on the annual renewal date of August 26, if the County does not notify Verizon by this date, another year will pass; in addition, the lease provides Verizon with six months to remove and relocate its equipment.
2. The intent of the termination would be to keep Chatham County's options open on the communications tower. Chatham County would send a letter of notice and place Verizon on a month-to-month lease with six months to relocate its equipment.
3. Other cellular phone companies have expressed interest in similar agreements. The County would provide notice and competition for any cellular phone companies to access the County's new communications tower. If the tower can structurally handle added equipment, the County could enter into multiple agreements for increased revenue.

**FUNDING:** Not applicable

**ALTERNATIVES:**

1. That the Board authorize terminating the lease agreement with Verizon for access to the tower at the Detention Center and offer a month-to-month term to keep options open for the replacement tower.
2. That the Board not take any action.

**POLICY ANALYSIS:** Georgia law and the Enabling Act provide authority for the Board to serve as trustees of county property and to manage it in the public's best interest.

**RECOMMENDATION:** Staff recommends approval of Alternative 1.

BUDGET APPROVAL \_\_\_\_\_  
RUSHEDA ADESHINA

**ITEM J**

**ISSUE:** Request Board approval to award the architectural-engineering design contract in the amount of \$ 6,407,762 to L. Robert Kimball & Associates, for design services for the Chatham County Detention Center (CCDC) Expansion project.

**BACKGROUND:** The 2008-2014 SPLOST referendum allocates funds in the amount of \$109 million for the design and construction of the Chatham County Detention Center Expansion project.

**FACTS AND FINDINGS:**

1. As directed by the Board on 25 April 2008, staff contacted L. Robert Kimball & Associates to negotiate scope and fees for professional architectural-engineering design services.
2. Engineering staff had several meetings with the design firm to discuss project scope, fees, and schedule. Staff from Purchasing, the Sheriff's Department, the County Risk Manager, and the County Attorney were involved in negotiations on contract language.
3. The submitted fees are broken down into a Phase I Design fee, a Phase II Concept Design fee, and a Leadership in Energy and Environmental Design (LEED) fee.

Phase I Design Fee	\$5,692,632
Phase II Concept Design Fee	\$ 100,000
LEED Design Fee	<u>\$ 395,130</u>
Sub Total	\$6,187,762

4. Engineering staff requested that the Half-time site representation be increased to Full-time site representation. Staff also agreed with the suggestion of the design firm that including concept design services for a future Phase III would provide a more useful and workable Comprehensive Master Plan. The cost for the additional services is as follows:

Half to Full Time Site Representation	\$ 195,000
Phase III Concept Design Fee	<u>\$ 25,000</u>
Sub Total	\$ 220,000

Total Fee (Sub total of 3 and 4) \$6,407,762

5. The percentage of participation by other firms that will work with L. Robert Kimball & Associates in providing design services is:

Local Participation	49%
Minority Participation	24%
Local Minority Participation	23%

**FUNDING:** SPLOST (2008 - 2014) - SPLOST funds will become available by about December 2008. The funding source for the A/E design services for award of the contract will be through an inter fund loan from the CIP fund (pending Board approval)

**ALTERNATIVES:**

1. Board approval to award the contract in the amount of \$ 6,407,762 to L. Robert Kimball & Associates for architectural/engineering design services for the Chatham County Detention Center Expansion project.
2. Provide staff other direction.

**POLICY ANALYSIS:** It is consistent with Board policy to award architectural/engineering design services contracts to the recommended qualified architectural/engineering firm.

**RECOMMENDATIONS:** Staff recommends approval of Alternative 1.

BUDGET APPROVAL\_\_\_\_\_

TOM DRANE

**ITEM K**

**ISSUE:** Request Board approval to award a \$17,180 sole source contract to purchase and install an electronic directory at the Courthouse from Infax.

**BACKGROUND:** The Courts requested an electronic directory at the Courthouse to streamline the process where and when citizens report to the various courts in session. The electronic display will enable citizens in the lobby to locate quickly the courtroom (and judge) where they need to report.

**FACTS AND FINDINGS:**

- 1. Infax submitted pricing of \$17,180 for the electronic directory. With an elevator shutting down for repair, the easy access to displayed information for citizen access to courts will become critical.
- 2. The Infax coordinates with the existing software which the Courts use for scheduling and assignments. For this reason, the courts believe only Infax could provide the installation.
- 3. The company comes highly recommended based on its history of similar work.

**FUNDING:** SPLOST (2003 - 2008) - Courthouse Construction  
(3234980 - 52.12003 - 32360427)

**ALTERNATIVES:**

- 1. That the Board award a contractor for purchase and installation of the electronic information display to Infax in the amount of \$17,180.
- 2. Provide staff other direction.

**POLICY ANALYSIS:** Georgia law and *The Chatham County Purchasing Ordinance and Procedures Manual* provide authority for the Board to award contracts.

**RECOMMENDATION:** Staff recommends approval of Alternative 1.

BUDGET APPROVAL \_\_\_\_\_  
CHRIS MORRIS

PREPARED BY \_\_\_\_\_  
PURCHASING AGENT

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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. **PRESENT AN UPDATED CHATHAM COUNTY REVENUE ORDINANCE FOR ADOPTION BY THE BOARD OF COMMISSIONERS.**

**ACTION OF THE BOARD:**

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

**AGENDA ITEM: XI-1**  
**AGENDA DATE: August 22, 2008**

**TO:** Board of Commissioners

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

**FROM:** Linda B. Cramer, Finance Director

**ISSUE:**

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

**BACKGROUND:**

The County's fiscal 2009 budget was adopted on June 27, 2008. The Chatham County Revenue Ordinance has been updated to reflect changes in rates and fees resulting from the budget process, amendments to the Ordinance after August 2008, fee revisions submitted by Parks & Recreations, and revised court fee schedules.

**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 2009 adopted budget. Most of these changes related to water and sewer deposits and related fees.
2. During fiscal 2008, the Board approved changes in the engineering fee section of the ordinance. Article R of the Ordinance has been revised to reflect the changes.
3. The courts have submitted revised fee schedules as found beginning on page 89 of the document.
4. Parks and Recreation has updated its list of fees as found beginning on page 117 of the document.
5. 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 August 22, 2008 and a second reading on September 5, 2008.
2. Provide the Finance Department with other guidance.

**RECOMMENDATION:**

That the Board follow Alternative 1.

**Revenue Ordinance  
List of Fee Changes**

**Article R – Engineering Fees**

Section 1

- a. Strike “with a maximum of seventeen thousand five hundred dollars (\$17,500.00).
- b. Strike “and a maximum of eight thousand five hundred dollars (\$8,500.00).

Section 2

- a. Strike “with a maximum of four thousand eight hundred dollars (\$4,800.00).
- b. Strike “and a maximum of two thousand seven hundred dollars (\$2,700.00).
- c. Strike “with a maximum of three thousand dollars (\$3,000.00).

**Article B – Probate court**

An additional \$14.00 was added to No Administration Necessary Pleadings

**Appendix C – Magistrate court**

A \$3.00 magistrate retirement fee was added to most items. A \$15.00 indigent defense fee was added to Nulla Bona. Strike Request for Relief from Judgment/Suit. Interrogatory Fee added, Judgment from Chatham County.

**Appendix D – Recorders court fees:** Schedule completely replaced by the Court.

**Appendix E – State Court:** additional traffic violations bureau fine schedule provided by the Court.

**Appendix F – Parks & Recreation** – new fees are shown on the attached schedule in magenta ink. Many sports complex and rental fees have changed from the prior year. These changes were not submitted in the 2009 Adopted Budget.

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2. **TO REPEAL THE CURRENT CHATHAM COUNTY FLOOD DAMAGE PREVENTION ORDINANCE (FDPO) AND ADOPT A NEW VERSION TO MAKE CHANGES MANDATED BY FEMA AND TO REFLECT THE EFFECTIVE DATE OF THE NEW DIGITAL FLOOD INSURANCE RATE MAPS (DFIRMS). (NOTE: Staff will meet with homebuilders to discuss contents before Second Readings.)**

**ACTION OF THE BOARD:**

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

**AGENDA ITEM: XI-1**

**AGENDA DATE: August 22, 2008**

**TO:** Board of Commissioners

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

**FROM:** A. G. Bungard, P.E., County Engineer  
Gregori Anderson, Director, Building Safety and Regulatory Services  
R. Jonathan Hart, County Attorney

**ISSUE:** To repeal the current Chatham County Flood Damage Prevention Ordinance (FDPO) and adopt a new version to make changes mandated by FEMA and to reflect the effective date of the new Digital Flood Insurance Rate Maps (DFIRMs).

**BACKGROUND:** In order to meet the requirements of FEMA and to maintain the County's excellent CRS rating, the ordinance must be updated. The ordinance proposed for adoption is based on FEMA's model ordinance for coastal communities. All of the local municipalities and nearby counties are likewise in the process of updating their flood ordinances prior to the DFIRM effective date of September 26, 2008.

**FACTS AND FINDINGS:**

1. To ensure Chatham County's continued participation in the National Flood Insurance Program (NFIP), a new FDPO must be adopted. The adopted FDPO must meet the minimum NFIP requirements and be presented to the FEMA Regional Office for their review and approval no later than September 26, 2008. The County's FDPO was first adopted in 1980. The last major revision was adopted in 1987.
2. The DFIRM is FEMA's new flood mapping format. As the name implies, the maps are digital. A big benefit is that they are compatible with Geographic Information System (GIS) technology. While hard copy versions of the maps will still be available, digital maps will facilitate sharing and maintaining the flood maps.
3. The County actively pursues high ratings in NFIP's Community Rating System (CRS), which recognizes and encourages community floodplain management activities that exceed the minimum NFIP requirements. As a result of the County's past CRS efforts, the flood insurance premiums for many County residents have been reduced. In 2007, approximately 11,000 property owners in the flood plain received a 15% discount on flood insurance premiums, saving property owners a total of over \$1,000,000 a year. New flood plain management requirements in the new FDPO will earn the County more CRS points and may result in a larger premium discount.
4. The proposed FDPO (attached) is based on FEMA's model ordinance for coastal communities. The following is a list of the most significant changes with a brief explanation:
  - a. New construction is required to be built no lower than one foot above the Base Flood Elevation (BFE) (see Article 4, Section B, Paragraph 1). The current ordinance allows construction at or above the BFE.

- b. All encroachments in the 100 year flood zone (Zone AE) including fill material, new structures or substantial improvements are prohibited unless an engineer demonstrates that the cumulative effect of the encroachments will not increase the BFE by more than a foot. To avoid this onerous requirement for every new home building permit in the AE flood zone, staff is recommending an exemption for single family homes in pre-existing developments (see Article 4, Section D, Paragraph 1-a).
- c. No fill is allowed in velocity flood zones (VE Zones) to elevate areas for septic tank drain fields. The current ordinance only prohibits "structural fill". The County Health Department routinely requires that drain field areas be elevated several feet above grade. The fill prohibition is intended to minimize damage from obstructions and diversions to the flow (see Article 4, Section E, Paragraph 9).
- d. New Critical Facilities must be located in areas that are above the 500 year floodplain. This requirement is not in the current FDPO. "Critical Facilities" are defined in the new FDPO version as:  
*"...any public or private facility, which, if flooded, would create an added dimension to the disaster or would increase the hazard to life and health. Critical facilities include: Structures or facilities that produce, use, or store highly volatile, flammable, explosive, toxic, or water-reactive materials; Hospitals and nursing homes, and housing for the elderly, which are likely to contain occupants who may not be sufficiently mobile to avoid the loss of life or injury during flood and storm events; Emergency operation centers or data storage centers which contain records or services that may become lost or inoperative during flood and storm events; and generating plants, and other principal points of utility lines."* (See Article 4, Section G and Article 6, Definitions)

**ALTERNATIVES:**

- 1. To repeal the current Chatham County Flood Damage Prevention Ordinance and adopt a new version to make changes mandated by FEMA and to reflect the effective date of the new Digital Flood Insurance Rate Maps (DFIRMs).
- 2. To not repeal the ordinance and adopt a new version.

**FUNDING:** None required.

**POLICY ANALYSIS:** The Board must approve changes to County ordinances.

**RECOMMENDATION:** That the Board approve Alternative #1.

All Districts

Prepared by Vincent Grevemberg

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**XII. SECOND READINGS**

None.

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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: XII-2

AGENDA DATE: August 22, 2008

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>
2' x 75' lane line	Aquatic Center	Kiefer & Associates	\$7,933	General Fund/M&O - Aquatic Center
One (1) Dell computer, one (1) Dell multi-media projector and ceiling mount for training classroom at the Detention Center	I.C.S.	Dell Marketing (State Contract)	\$6,156	General Fund/M&O - Detention Center
Two (2) security cages with fenced top at CNT	Special Projects	Randy's Fence	\$6,250	Land Bank Authority
Cut and remove damaged trees, hanging limbs and grind stumps at Lake Mayer	Public Works	Sharp Tree Service	\$3,750	SSD - Public Works
Install temporary by-pass for Red Fox Drainage Improvement Project	Engineering	City of Savannah	\$9,400	SPLOST (1998-2003) Fawcett Canal
Material and labor to install security doors at Runaway Point Park	Parks and Recreation	Youmans Mobile Welding	\$3,265	General Fund/M&O - Parks and Recreation
Annual rental of copy machine	Purchasing	Alford Leasing Company	\$7,188	General Fund/M&O - Purchasing
Cut/remove large water oak damaged by storm at the intersection of Shipyard/Ferguson	Public Works	Sharp Tree Service	\$2,575	SSD - Public Works
Upgrade to network automated controls of temperature setting for pool	Aquatic Center	Johnson Controls	\$2,515	General Fund/M&O - Aquatic Center
Mailing and postage for September 2008 tag renewals	Tax Commissioner	World Marketing	\$6,133	General Fund/M&O - Tax Commissioner
One (1) cut/remove large oak, one (1) cut/remove limbs from oak hanging over house, road and wires due to 06/19/08 storm damage	Public Works	Sharp Tree Service	\$3,550	SSD - Public Works
22,000 dog/cat tags	Building Safety	Ketchum Manufacturing (Sole Source)	\$2,828	Building Safety and Regulatory Services

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**EXECUTIVE SESSION**

Upon a motion duly made by Commissioner Farrell, seconded by Commissioner Odell and unanimously approved, the Board recessed at 12:15 to go into Executive Session for discussion of litigation, land acquisition and personnel.

Following adjournment of the Executive Session, the Board reconvened as the County Commission at 1:10 p.m.

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**ITEMS FROM EXECUTIVE SESSION**

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

**ACTION OF THE BOARD:**

Commissioner Shay moved to authorize the Chairman to execute an affidavit that the Executive Session was held in compliance with the Open Meetings Law. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioners Stone, Holmes and Kicklighter were not present.]

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**APPOINTMENTS**

- 1. CEMA DIRECTOR**

**ACTION OF THE BOARD:**

Commissioner Farrell made a motion to submit to the Governor of Georgia the name of Clayton Scott to serve as the CEMA Director. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioners Stone, Holmes and Kicklighter were not present.]

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- 2. ECONOMIC OPPORTUNITY AUTHORITY**

**ACTION OF THE BOARD:**

Commissioner Odell made a motion to reappoint Commissioner Priscilla D. Thomas to the Economic Opportunity Authority with a term to expire December 31, 2012. Commissioner Shay seconded the motion and it carried unanimously. [NOTE: Commissioners Stone, Holmes and Kicklighter were not present.]

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- 3. ECONOMIC OPPORTUNITY AUTHORITY**

**ACTION OF THE BOARD:**

Commissioner Thomas made a motion to appoint Brenda Stokes to the Economic Opportunity Authority with a term to expire December 31, 2013, as a public school instructor to comply with the requirements of the United States Health and Human Services. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioners Stone, Holmes and Kicklighter were not present.]

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- 4. CHATHAM COUNTY TREE COMMISSION**

**ACTION OF THE BOARD:**

Commissioner Shay made a motion to appoint Julie White to the Chatham County Tree Commission as the representative of the Savannah Tree Commission, which term will expire April 1, 2012. Commissioner Gellatly seconded the motion and it carried unanimously. [NOTE: Commissioners Stone, Holmes and Kicklighter were not present.]

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**ADJOURNMENT**

There being no further business, the Chairman declared the meeting adjourned at 1:12 p.m.

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**APPROVED:** THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2008

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

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