

MINUTES OF THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF CHATHAM COUNTY, GEORGIA, HELD ON THURSDAY, APRIL 9, 2009, IN THE COMMISSION MEETING ROOM ON THE SECOND FLOOR OF THE CHATHAM COUNTY COURTHOUSE, LEGISLATIVE AND ADMINISTRATIVE BUILDING, 124 BULL STREET, SAVANNAH, GEORGIA.

I. CALL TO ORDER

Chairman Pete Liakakis called the meeting to order at 9:30 a.m., Thursday, April 9, 2009.

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II. INVOCATION

Commissioner Patrick Shay gave the Invocation.

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III. PLEDGE OF ALLEGIANCE

Commissioner Harris Odell led 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
 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

ABSENT: Dr. Priscilla D. Thomas, Vice Chairman, District Eight
 B. Dean Kicklighter, Chairman Pro Tem, District Seven

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

Commissioner Stone made a motion to excuse the absence of Commissioner Thomas and Commissioner Kicklighter. Commissioner Holmes seconded the motion and it carried unanimously.

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YOUTH COMMISSIONERS

Chairman Liakakis welcomed the following Youth Commissioners who were in attendance: Samantha Schikowski, a Sophomore at Johnson High School, and Shaniqua Purvis, a Senior at Groves High School.

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V. PROCLAMATIONS AND SPECIAL PRESENTATIONS

1. **PROCLAMATION DECLARING APRIL AS DONATE LIFE MONTH IN CHATHAM COUNTY. ANTHONY FULTON WILL BE PRESENT TO ACCEPT.**

Commissioner Holmes said, I want everyone to know that I am a organ donor. Commissioner Holmes then read the following proclamation into the record:



WHEREAS, one of the most meaningful gifts that a human being can bestow upon another is the gift of life. More than 100,000 men, women, and children await life-saving or life-enhancing organ transplants, of which nearly 2,800 reside in Georgia; and

WHEREAS, the need for organ, eye, and tissue donation grows daily as a new patient is added to the national waiting list for an organ transplant every 13 minutes. The critical donor shortage remains a public health crisis as an average of 18 people die daily due to the lack of available organs; and

WHEREAS, organ, eye, and tissue donation can provide families the comfort of knowing the gift of donated organs and tissue endows another person with renewed hope for a healthy life; and

WHEREAS, donating life through organ, eye, and tissue donation is the ultimate act of generosity and kindness we Chatham County citizens can perform; and

WHEREAS, LifeLink of Georgia is the non-profit, community service organization dedicated to the recovery of high quality organs and tissues for transplantation therapy; and

NOW, THEREFORE, I, Pete Liakakis, Chairman, on behalf of the Chatham County Board of Commissioners, do hereby proclaim April 2009 as:

DONATE LIFE MONTH

in Chatham County to honor all those who made the decision to give the gift of life, to focus attention on the extreme need for organ, eye, and tissue donation, to encourage all residents to take action and sign up on Georgia's Donor Registry at www.donatelifegeorgia.org, to discuss the miracle of transplantation as a family, and to make a family commitment to organ, eye, and tissue donation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of Chatham County, Georgia to be affixed this the 9th day of April, 2009.

ATTEST:

Pete Liakakis, Chairman
Chatham County Commission

Sybil E. Tillman, Clerk

Mr. Anthony Fulton said, good morning, Mr. Chairman and fellow Commissioners. My name is Anthony Fulton. I'm with Life Link of Georgia. We cover the entire State of Georgia, several counties in Florida, two counties in South Carolina and the Province of Puerto Rico. On behalf of all the Americans who are in need of a life-saving organ and life-saving tissue, I want to thank you for proclaiming April as National Donate Life Month in Chatham County.

Chairman Liakakis said, thank you very much, Anthony [Fulton]. We appreciate you representing that organization because that's really important and we can see thousands of lives over the years have been saved because we did

have citizens to donate an organ so that person that needed that could continue living, and I encourage all of the citizens of Chatham County if they will think about it and, of course, to donate an organ so that we can continue a life span for others in our community. Mr. Fulton said, thank you. Chairman Liakakis said, you're welcome.

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2. PROCLAMATION DECLARING APRIL AS FAIR HOUSING MONTH IN CHATHAM COUNTY. WAYNE DAWSON WILL BE PRESENT TO ACCEPT.

Chairman Liakakis said, Commissioner Patrick Shay will represent the County in this proclamation.

Commissioner Shay said, thank you, Mr. Chairman. Commissioner Shay then read the following proclamation into the record:



WHEREAS, the Federal and State of Georgia Fair Housing Laws prohibit discrimination in housing based on race, color, religion, sex, disability (or handicap), familial status or national origin; and

WHEREAS, the month of April has been designated by the U.S. Department of Housing and Urban Development as National Fair Housing Month; and

WHEREAS, April 11, 2009 marked the 41st Anniversary of the passage of Title VIII of the Civil Rights Act of 1968, the Federal Fair Housing Law; and

WHEREAS, the first housing discrimination court decision under the State of Georgia's Fair Housing Law was resolved in Chatham County; and

WHEREAS, Chatham County supports the efforts of local agencies, non-profits, the private sector, and individuals in ensuring compliance with the Federal Fair Housing Law; and

WHEREAS, Chatham County affirms the right of all citizens to choose where they wish to live without encountering discrimination; and

NOW, THEREFORE, I, Pete Liakakis, Chairman of the Board of County Commissioners of Chatham County, Georgia do hereby proclaim the month of April, 2009 as:

FAIR HOUSING MONTH

in Chatham County, Georgia and call upon all citizens of our city to participate in ceremonies and activities supporting the Federal Fair Housing Law.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of Chatham County, Georgia to be affixed this the 9th day of April, 2009.

ATTEST:

Pete Liakakis, Chairman
Chatham County Commission

Sybil E. Tillman, Clerk

Commissioner Shay said, thank you so much.

Mr. Wayne Dawson said, good morning. I'd like to really thank you for recognizing April as Fair Housing Month. In our community there continues to be a need for fair housing services in order to assist people with recognizing their equal housing rights. Nationally there continue to be 4,000,000 incidents of housing discrimination estimated per year — 4,000,000 estimated per year — and again these cover a variety of the protected classes: race, disability, familial status. Our organization has continued to serve Savannah and the Chatham County area in trying to make sure that everybody can choose where they live. I'd like to thank you for recognizing April as Fair Housing Month. Thank you very much.

Chairman Liakakis said, Wayne [Dawson], thank you for your leadership with Fair Housing in our community and, of course, the good job the Fair Housing Council has done in the last several years, especially assisting those that needed the help.

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VI. CHAIRMAN'S ITEMS

None.

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VII. COMMISSIONERS' ITEMS

1. REQUEST FROM SAVANNAH BICYCLE CAMPAIGN (COMMISSIONER SHAY AND COMMISSIONER STONE).

Chairman Liakakis said, this is an item for Commissioner Shay and Commissioner Stone for the request from Savannah Bicycle Campaign. So the members that are here, if you will come forward for the Savannah Bicycle Campaign, come forward, and I'd like to call on Commissioner Patrick Shay now to go over this along with Commissioner Stone.

Commissioner Shay said, I'm going to at the end of your presentation be calling on Pat Monahan to give us a little bit of a description about something that we talked about just a few minutes ago that may allow us to move forward, and by saying that I'm giving him time to get into the room. But really I think Commissioner Stone has shown a great deal of leadership on this subject. I know I've been invited to several meetings that she made me aware of that had to do with advocating for bicycle mobility in Chatham County, and also one of the most commonly — one of the common threads that ran through all the committees, I think, in the plan for the greening of Chatham County, prepared by the Chatham Environmental Forum, this issue is one that seemed to cut across all the lines and be something that was meeting all of those goals. So we, as a Commission, have resolved that we, you know, endorse that plan and we welcome you here today to tell us a little bit more about what's on your mind. If you want to —

Commissioner Stone said, I think pretty much you summed it up, but I would like to hear from our Assistant County Manager and then you all can give your presentation as well, but I think it's extremely important that we look at finishing and completing this project.

Commissioner Shay said, let them go first. Commissioner Stone said, alright. Commissioner Shay said, it's alright. They can go first because they brought it forward. It's their —

Chairman Liakakis said, okay. Identify yourself for the record, please.

Mr. Adam Currick [phonetic] said, certainly. My name is Adam Currick. I'm an officer of the Savannah Bicycle Campaign. I'm attending for Drew Wade, who could not be here this morning, and I have several members of our campaign with me. I'd like to thank you all for getting this on the agenda today. I'll take a minute to invite all of you to our Earth Day event on April 18th at Forsyth Park. It's a bike ride through the City of Savannah, ending up at the barbecue place, *Blowing Smoke*, for a party and some fellowship, and I know last year Commissioner Stone attended. We thank her for that. I think this year Pat Farrell and the Chairman are going to attend. So we look forward to having you. Last year Helen [Stone] probably noted that we had over 300 cyclists so it's a real good opportunity to the level of support and enthusiasm for cycling and non-motorized transportation in Savannah.

We've proposed that the Commission vote in favor of a resolution which would send Phase II of the Truman Lanier Park to the Georgia Department of Transportation for funding. We understand — what we understand of that process is that the County can demonstrate to the MPO, the project will be shovel ready I believe it is March 30, 2010, and if the MPO selects it as a priority for funding under the American Recovery and Reinvestment Act, then the DOT must accept it as a stimulus project and allow it to proceed.

I'd like to go over a few benefits of the trail —, the park. It would link several existing recreational facilities owned by both the City of Savannah and Chatham County, windfully constructed, 827 acres of existing park land in Bacon Park and Lake Mayer Park would be connected. The trail will provide a vital north/south route and will link to existing trails in both Daffin and Lake Mayer. From Daffin/Washington Avenue it leads into the existing linear trail on Lincoln Street and right into historic Savannah. The project is, I'm told, shovel ready and the funds can be

obligated by next year so we respectfully ask the Commission to indicate so to the MPO and get this in onto the Department of Transportation. Thank you.

Chairman Liakakis asked, any other member would like to speak? Okay, then we'll have Patrick [Monahan], our Assistant County Manager, to go over the process.

Mr. Monahan said, good morning. Past Commissions and this Commission have been highly supportive of this project. It's probably one of the — it is our highest trail — off-trail project. It is approximately 6.3 miles in length. That's the 4.8 miles that will be new trail and then, in addition, as some of you have inquired, it also includes an addition around the Julie Backus Smith Trail at Lake Mayer, which will be done of recycled rubber. We've already inquired about that. Where the project now stands is, we have obligated the local match. In addition, we have received Federal funding for it. The project does have a categorical exclusion so it's gone through probably the major milestone before it can be awarded for bid; however, during the public process — public hearing process, some of the residents in that area suggested a pedestrian bridge over DeRenne, which is not part of the categorical exclusion. We have added that as part of the scope of the project, but because it's not a part of the categorical exclusion, and so as not to slow it down, I think we're going to recommend that we just keep the crossing at DeRenne at grade and do away with the bridge and I think we should make the deadline. Where we are right now, the only thing we have not done is completed the — if you think of it as a road project, we've completed all the design, there are no utility relocations, of course, but there is the issue of the right-of-way acquisition. All of the properties are within public ownership, but those properties need to be platted and the County needs to obtain the necessary approvals from the City of Savannah, Chatham Area Transit Authority, both have concurred, the Georgia Department of Human Resources because of its proximity near Georgia Regional Hospital, and I believe that's all of them. So we are close. We think we will absolutely make the deadline. We should be ready to go with this project within the next 90 days.

Chairman Liakakis recognized Patrick Shay.

Commissioner Shay said, back in 1994 when I was a young Commissioner, I actually was the advocate for the Truman Linear Park and it's like the road itself, it's been a long and winding road. I know there's some frustration in the community that we don't always get all these projects as quickly as everybody would like. I'm also a member now of the MPO, and so I will be at that meeting on April 30th and capable of carrying forward the thoughts of Chatham Area Transit and this Commission. The obligated Federal funds apparently are not enough that we can move forward with the project fully funded unless we get sort of new money, or not? Mr. Monahan said, it will be close. If we can get — if we are fortunate to get competitive bids, then the project should be able to move forward without any additional Federal funds. The additional Federal funds would only be necessary with the pedestrian crossing across DeRenne Avenue.

Commissioner Shay asked, if we were able to get money allocated through the through the MPO prioritization process, could it offset and provide us with enough funding to proceed immediately with the whole plan, with an at-grade crossing and then perhaps move forward at a later date with the pedestrian overpass, or are we literally crossing that road forever? Mr. Monahan said, so as not to jeopardize the project, I think doing away with the pedestrian bridge would be the preferred way of going about it. Commissioner Shay asked, so if we do away with the pedestrian bridge for now, then it will be "shovel ready" and we would then be able to qualify for ARRA funding and we could move forward through the MPO with a request for some additional funding to make sure that we're not standing at this crossroads again a year from now or six months from now, and I would rely on you to help us determine what the appropriate ask is going to be at that April 30th meeting, but I would also like to hope that that doesn't foreclose us forever from being able to look at having some kind of a pedestrian overpass. As I learn about local government by reading our local newspaper more and more, it's my understanding that the DeRenne Corridor is being studied yet again and it seems to me that it would be wise for us to understand what the implications of the automotive aspects of the DeRenne Corridor would be before we design a bridge to go over it. So I hope that this is a way that we can move forward in a way that makes sense, make sure that we're no longer standing at the crossroads waiting for something to happen before the Truman Linear Park can proceed, but at the same time allow the possibility that once we know a little bit more about what DeRenne Corridor's ultimate configuration is going to be, that we might someday be able to have a pedestrian overpass. I don't like the idea ultimately of leaving us with inviting a whole lot of people to use the Truman Linear Park and then ask them to make a at-grade transition across a five-lane, you know, sort of an Indianapolis Motor Speedway.

Chairman Liakakis asked, any other? Chairman Liakakis recognized County Manager Abolt.

County Manager Abolt said, Mr. Chairman, with your permission I would like Commissioner Shay to comment and preface to introduce to you all what I refer to as the historical context of this project. Commissioner Shay has rightfully attributed in days gone by as the Commission he was on and the division of the Olympic Legacy did many things to put in place projects that would eventually brighten our jewel at Lake Mayer. It has always been the idea in an Olympic Legacy to eventually have a sports festival and complete access to Lake Mayer in all forms of transportation. I, in addition to crediting that then-seated County Commission, would like to recognize a gentleman who has since passed, George Lyons, and also Jim Golden who's vision is alive and well because the whole idea behind the Truman Parkway was to make it more than just a way to get automobiles north and south. The beauty of the canal, the access of conveniently to Lake Mayer, that sports complex, but now is not just a Memorial Stadium, Soccer Complex, a Weightlifting Center, the pool, Wright Stadium for Savannah State and for the community, that was all meant to be what I refer to as a cluster of venues to have what might be a week to week and a half sports festival. Having bike access or trail access to this beautiful sight, is so complimentary. I know patience is a virtue, but in this particular case because of the leadership of this Board and the citizens in front of you, we are very close and take credit for that. It takes a while to give birth to certain things, but once they're born we are very, very proud of them. I would also, even though Dr. Wade is not here, give recognition and I would do this possibly in concert with Commissioner Farrell, but under the leadership of Commissioner Farrell in response to citizens like Dr. Wade and Mr. Nagle, County staff and MPC staff is looking at what amounts to improved pedestrian and bike flow on both Wilmington and Whitmarsh Islands, and you are making a commitment that continues this legacy and for which in honor to be part of.

Chairman Liakakis said, okay. Thank you very much, Patrick [Monahan].

Mr. Monahan said, I did want to add one thing on what Commissioner Shay said. That was part of the 1993 SPLOST, and this is actually Phase II we're talking about. That SPLOST funded Phase I, which is an extension from Daffin Park to where it currently terminates at Truman Trail. So some work has been done, it's just — Commissioner Shay said, oh, I'm sorry. Mr. Monahan said, — not the completion of the trail from Daffin to Lake Mayer.

Commissioner Shay said, I wasn't being critical, it was a vision that was articulated a while back and some folk are frustrated because some how or another it takes government a while to wade through all of the rigamarole behind using Federal money. I'd like to make a motion, Mr. Chairman, that we table this matter until the next County Commission meeting and at that time that we would have an idea of what exactly to resolve in favor of so that we can carry that forward specifically to the MPO. There's a meeting on April 30th of the MPO that will be taking up the issue of how to prioritize the ARRA stimulus money and I would hope that at that point we would be able to carry forward a specific recommendation resolving in favor of the project, but with details.

Commissioner Stone said, I'll second that motion with the understanding that we need to get the details and everything ironed out before we move forward and know exactly what we're talking about doing. So we certainly want this to happen and this continuation is not to slow it down, it's to be exact on what needs to be done. But we're very much in support of it.

Chairman Liakakis recognized Youth Commissioner Samantha Schikowski.

Youth Commissioner Schikowski said, good morning. There's been talk of moving on with the MPO. What is that? County Manager Abolt said, Metropolitan Planning Organization. In this case, it's staffed by the Metropolitan Planning Commission. In each part of our country that is making itself eligible for major Federal funding for highways, which of course has been a generational requirement, the Federal Government requires that there be a regional look at planning for projects. It's referred to in Federal jargon as the Metropolitan Planning Organization and the evils it avoids is in the past, and this is a long, long time ago, when the Federal Government gave out a lot of money for projects to build roads, they found themselves giving out money for projects that conflicted so roads either would go nowhere or they would create problems with other roads the Federal Government was funding. Through the MPO the Federal Government is legitimately saying get your act together at the local level, and that's what the Metropolitan Planning Organization is.

Chairman Liakakis said, okay. Did you have another remark? Mr. Currick said, no. I just wanted to thank the Commission for keeping — to push this forward. Chairman Liakakis said, we do appreciate the bicycle campaign and all of the bicyclists because this is an ongoing thing. I remember on City Council those eight years pushing that the City should, as well as the County, to provide whatever resources necessary so that we could get more people riding bicycles because it helps in a lot of ways. It reduces the traffic congestion, it reduces pollution, and it's healthy for people too to ride bicycles, and I see that on the roads now, I see more and more people that are taking the Habersham route and some others within our community, but of course we need to expand all of those because it's good for the quality of life. So thank each and everyone of you again. I'll see you on the 18th and that was a great ride that we had last year with Earth Day. Mr. Currick said, at three o'clock on the 18th. Chairman Liakakis said, right. Thank you.

Commissioner Shay said, we made a motion to table to the next meeting.

Chairman Liakakis said, right. Let's go on the board. The motion carried unanimously. [NOTE: Commissioners Kicklighter and Thomas were out.] Chairman Liakakis said, the motion passes.

ACTION OF THE BOARD:

Commissioner Shay moved to table to the next meeting and at that time that we would have an idea of what exactly to resolve in favor of, so that we can carry that forward specifically to the MPO. Commissioner Stone seconded the motion and it carried unanimously. [NOTE: Commissioners Kicklighter and Thomas were not present.]

AGENDA ITEM: VII-1
AGENDA DATE: April 9, 2009

DATE: April 3, 2009
TO: R.E. Abolt, County Manager
FROM: Pat Monahan, Asst. County Manager
SUBJECT: Prioritizing Truman Trail Phase II

While I appreciate Dr. Drew Wade's initiative in presenting a resolution that the Board submit the Truman Trail project as a priority for federal economic stimulus funding (ARRA), and despite my sharing with him the project's many values, allow me to note the following:

1. I have previously submitted Truman Trail Phase II to the CORE MPO for consideration in seeking federal stimulus money (ARRA) in a sufficient amount to complete needed funding for the project (see Attachment). As you know, the federal government has provided \$1,008,000 in funding, and Chatham County has committed \$200,000 (Open Space, Green Space and Greenways) for the project, but the current available funding remains insufficient to completed the \$2,000,000 project. The project, which would

connect Lake Mayer and Daffin Park, stands "shovel ready," including a Categorical Exclusion through the NEPA process.

2. The CORE MPO reviewed and adopted projects, including Truman Trail II, totaling more than \$306 million for FY 2009 funding. Based on community priorities, the CORE MPO did not submit Truman Trail Phase II to GDOT for stimulus funding. I assume that the CORE MPO believes other community projects rated of higher priority. GDOT funded only \$7 million for projects in Chatham County.
3. The drawback in sending a resolution for Truman Trail Phase II would be identifying one project among all others from the CORE MPO list and submitting it to GDOT. This would by-pass the CORE MPO process, which evaluates and rates projects based on community priorities and available funding.
4. My concern does not discount other efforts to obtain funding for Truman Trail Phase II. The Chairman sent a letter to the members of the Congressional Delegation which represents Chatham County and identified Truman Trail II as a noteworthy project which met federal standards for shovel ready. He wrote the letter in hopes of a federal appropriation to complete the project.
5. The best option remains seeking funding through funding via the Transportation Enhancement Act (TEA). The County will submit an application in the next cycle.
6. Meanwhile, I have discussed with GDOT the possibility of breaking Truman Trail II into sub-phases so that work could start within available funds. This would enable an extension of the trail's current terminus at Police Memorial Trail or the start of work at Lake Mayer (new path from recycled rubber). It is being considered.

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CHATHAM AREA TRANSIT AUTHORITY

Upon motion made by Commissioner Stone, seconded by Commissioner Holmes and unanimously approved, the Board recessed as the County Commission at 10:05 a.m., and convened as the Chatham Area Transit Authority.

Following adjournment of the Chatham Area Transit Authority, the Board reconvened at 10:52 a.m., as the County Commission.

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VIII. TABLED/RECONSIDERED ITEMS

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

None.

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IX. ITEMS FOR INDIVIDUAL ACTION

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

1. **REQUEST BOARD APPROVE AN AGREEMENT WITH UNION MISSION TO PROVIDE SERVICES TO MENTAL HEALTH COURT.**

Chairman Liakakis recognized County Manager Abolt.

County Manager Abolt said, Mr. Chairman, Commissioner Stone and gentlemen, I really want to give an opportunity for Pat Monahan to receive recognition for what I view as a very creative way to solve a lot of issues that plague this community. Unfortunately, we're yet in a position to give you a contract that would consummate the direction you've given us in helping out Union Mission in their financial plight.. The overriding benefit here goes far beyond that though. Mr. Monahan in his creativity coupled with the leadership of Judge Freesemann are

looking at putting together a specific pact with Union Mission that would focus their counseling and skill sets with the needs in Mental Health Court. The type of innovation would result, Mr. Monahan believes and I certainly concur, in a substantial savings far beyond the \$200,000 to be invested in Union Mission by way of avoidance of jail costs. I think this is a truly unique and a very special approach. I do not apologize for the time that it takes because it's worth it, but I also want to let you and the community know that we have not backed off our need to work with Union Mission in a variety of fronts, and Mr. Monahan and Judge Freesemann are to be commended for what eventually will be a pact that we feel is very unusual, unique and beneficial.

Chairman Liakakis asked, any questions on that agreement that we were all, you know, it's in your pack? We need a motion on the floor —. County Manager Abolt said, no motion, this is just information. Chairman Liakakis said, — to approve. County Manager Abolt said, no sir. Commissioner Stone said, we don't have it yet. County Manager Abolt said, I'm just letting you know we're not ready for you to approve. I appreciate the support, but it's so significant I want you and the world to know that we have not turned our back on anyone. Chairman Liakakis said, okay.

ACTION OF THE BOARD:

Item submitted as information. No action was required.

AGENDA ITEM: IX-1
AGENDA DATE: April 9, 2009

DATE: April 7, 2009
TO: R.E. Abolt, County Manager
FROM: Pat Monahan, Asst. County Manager
SUBJECT: Update on Contracting With Union Mission

As an update on the \$200,000 service contract with Union Mission, I provide the following:

1. Based on Board approval, Union Mission would deliver specified services for payment of \$200,000 as a one-time contract. The plan would be to develop a one-time contract with Union Mission to assist in reviewing records of inmates with known mental health disorders, with approval of the inmate's attorney. Based upon certain criteria (type of crime, potential for treatment, community safety), the inmate would be placed into a community-based program for treatment.
2. Judge Penney Freesemann, who adjudicates the Mental Health Court, and I have attempted to schedule the meeting with all of those who will need to participate. We have been unable to schedule the necessary meeting due to conflicts. Those participating will be Sheriff Al St. Lawrence and Colonel McArthur Holmes, who manage the Detention Center; County Attorney Jon Hart; Michael Edwards, the Public Defender; and representatives from Union Mission.
3. The meeting is tentatively scheduled for Thursday, April 16.

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**2. A RECOMMENDATION TO ENACT A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN FORT STEWART/HUNTER ARMY AIRFIELD, THE MAYOR AND ALDERMEN OF THE CITY OF SAVANNAH, AND THE COMMISSIONERS OF CHATHAM COUNTY, GEORGIA. THE MPC RECOMMENDS APPROVAL.
MPC FILE NO. F-080107-37833-1**

Mr. Joe Hansen said, thank you, Chairman and members of the Commission. Chairman Liakakis said, identify yourself for the record. Joe Hansen with the MPC. I'm so used to standing here, I assume y'all know who I am. Mr. Chairman, this item as well as the next item on your agenda are very closely related. The first item is a request to enter into a Memorandum of Understanding between the Chatham County Commission, the Garrison at Fort Stewart, as well as Hunter Army Airfield, and with the City of Savannah. What this simply is, is to formalize a process whereby you agree to notify the military of any development that may impact their operations. They will notify you of any development on their post that may impact the City of Savannah and Chatham County.

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

Commissioner Stone said, I'll second but I have a couple of comments. Mr. Hansen, this would protect the operations at Hunter from any development that might be unfavorable around the facility, and I'll be more specific. A couple — a few years back there was a proposed, I think it was rezoning for multi-family in an industrial area, and the concern was the impact that that might have on the operations at Hunter with all things considered with all of the BRAC movements that were taking place. So I'm concerned that this will not in any way jeopardize the ability for Hunter to be able to indicate to the — or maybe this would enhance it — to the Commission of any development that they might see as potentially hazardous to their operations.

Mr. Hansen said, Chairman Liakakis, Commissioner Stone, you're absolutely correct. This will in fact enhance. In and of itself it will not prevent a development from occurring, but what this does is that it provides an avenue

whereby the military is going to be an active partner in the review and comment of any development. Certainly, you as the Commission have the ability to approve that sort of development which may occur in an around the Airfield, but this is to formalize what heretofore has been an informal agreement.

Commissioner Stone said, I'm certainly not in any way, shape or form against any development that might take place. I just want to make sure that it doesn't hinder any of the operations at Hunter or cause any problems. Mr. Hansen said, inappropriate development is really the concern. Commissioner Stone said, correct.

Chairman Liakakis said, Helen [Stone], what it does also, it give us prior information so it won't be sprung up like it did the last time where they wanted to build those residential areas over there and the presentation that are made, and all of the Commissioners looked at that and declined to have that happen over there.

Commissioner Stone said, correct, okay, but thank you very much.

Chairman Liakakis said, okay, we need a second for the motion. Commissioner Stone said, I seconded it. Chairman Liakakis said, okay, let's go on the board. The motion carried unanimously. [NOTE: Commissioners Kicklighter and Thomas were not present.] Chairman Liakakis said, the motion passes.

ACTION OF THE BOARD:

Commissioner Odell moved to approve a Memorandum of Understanding (MOU) between Fort Stewart/Hunter Army Airfield, the Mayor and Aldermen of the City of Savannah, and the Commissioners of Chatham County, Georgia. Commissioners Stone and Farrell seconded the motion and it carried unanimously. [NOTE: Commissioners Kicklighter and Thomas were not present.]

Related to AGENDA ITEM: IX-2
AGENDA DATE: April 9, 2009

DATE: April 6, 2009
TO: R. E. Abolt, County Manager
FROM: R. Jonathan Hart, County Attorney
SUBJECT: Memorandum of Understanding/City of Savannah/Chatham County and Fort Stewart Hunter Army Airfield

Russ, I have reviewed the Memorandum of Understanding, and clearly this is a policy issue for the Commission. As a practical matter, this Agreement requires that the County, City of Savannah and Fort Stewart Hunter Army Airfield agree to exchange agendas pertaining to zoning and land use matters for property adjacent to the military installation. Since most of the information would be considered of public record, I have no objections from a legal standpoint as to the Memorandum.

RJH/dc

AGENDA ITEM: IX-2
AGENDA DATE: April 9, 2009

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

LEGAL NOTICE/AGENDA HEADING:

A recommendation to Enact a Memorandum of Understanding (MOU) between Fort Stewart/Hunter Army Airfield, the Mayor and Aldermen of the City of Savannah, and the Commissioners of Chatham County, Georgia. The MPC recommends approval. MPC File No. F-080107-37833-1

ISSUE:

To establish a mutually beneficial communication and planning process that will avoid potential land use conflicts between Chatham County residents and military operations at Ft. Stewart/Hunter Army Airfield.

BACKGROUND:

In 2004, the Coastal Georgia Regional Development Center and the Office of Economic Adjustment (Department of Defense) contracted with EDAW to conduct a Joint Land Use Study (JLUS). The study was a cooperative effort between Fort Stewart/Hunter Army

Airfield and the six surrounding counties that are most affected by military operations. The purpose of the study was to develop guidelines for development around the military bases and to strengthen the civilian-military relationship¹. The study contained several recommendations intended to establish and maintain open communications between the military, local governments, and citizens.

FACTS AND FINDINGS:

1. The Hunter/Fort Stewart Mobile Platform includes the infantry installation, the airfield, and the port of Savannah. The combination of these three facilities makes the Fort Stewart/Hunter complex unique and increasingly critical to the military mission where rapid deployment and mobility are essential. The corridor defined by I-95 and the CSX/Norfolk Southern rail line links the three facilities and is as important as the facilities themselves. JLUS suggests that a Memorandum of Understanding be established between local government and the military wherein local government would advise the military of proposed development activities in the vicinity of the military installations or adjacent to the transportation corridor and that comments made by the military be considered in the evaluation process. Conversely, the military would advise local government of proposed development on the installation that may impact the civilian population.

ALTERNATIVES:

1. Take no action.
2. Execute a Memorandum of Understanding regarding development in and around the military installations.

POLICY ANALYSIS:

The Chatham County Commission and Savannah City Council value a cooperative relationship with Fort Stewart and Hunter Army Airfield. The local governments will take whatever actions are practical to support the mission of the military.

RECOMMENDATIONS: The MPC and Director of Building Safety and Regulatory Services recommend approval of the recommendation to Enact a Memorandum of Understanding between Fort Stewart/Hunter Army Airfield, the Mayor and Aldermen of the City of Savannah, and the Commissioners of Chatham County, Georgia.

1. Execute the attached Memorandum of Understanding.

PREPARED BY: Jim Hansen, AICP, Director
Development Services

March 3, 2009

Gregori Anderson, Director
BUILDING SAFETY AND REGULATORY SERVICES

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3. **DELETE SECTION 2(D) OF APPENDIX B (DEED DISCLOSURE REQUIREMENT) OF THE CHATHAM COUNTY-SAVANNAH COMPREHENSIVE PLAN, GUIDING PRINCIPLES FOR THE FUTURE DEVELOPMENT WEST OF HUNTER ARMY AIRFIELD. ALL OTHER PROVISIONS OF APPENDIX B SHALL REMAIN IN EFFECT. THE MPC RECOMMENDS APPROVAL.**

MPC FILE NO. F-080107-37833-2

Mr. Jim Hansen said, thank you, Chairman Liakakis and members of the Commission. This particular amendment request is to remove a portion of Appendix B that dealt with a requirement that there be deed restrictions placed on properties notifying potential homeowners, property owners, of noise issues related to development, particularly in the area west of Hunter Army Airfield. What we have discovered, in fact, is that these deed restrictions are not possible without an amendment to the State Constitution. In lieu thereof, what the MPC is recommending is an amendment to the plan to remove or delete that portion or rather instead we have prepared a series of maps, a series of overlays to be added to the general plan, which we feel is in fact more easily understood, more easily readable by the public, by the real estate community, as well as potential homeowners, and it will recommend that there be certain mitigation measures taken to alleviate noise standards. Now these measures will not be requirements. They are recommendations only, but they include such things as double-paned windows, additional insulation. In fact, the way that the restrictions — the way the regulations are crafted is such that if you simply build a structure with a roof on it, you have pretty much met the requirements to alleviate this particular noise. But again, the MPC is recommending to you that this particular amendment be approved.

Commissioner Stone said, so moved. Commissioner Odell said, I'll second if you'll make the motion, and I've got a question or two, if I might, Mr. Chairman. May I? Chairman Liakakis said, yes.

¹Fort Stewart Joint Land Use Study, September 2005

Commissioner Odell asked, how did MPC determine that the ordinance was unconstitutional? County Attorney Hart said, it's clearly unconstitutional. Commissioner Odell said, obviously, but how was that — it's on the books. How was that determination made? County Attorney Hart said, you've got me. You know, you can't go around when somebody else owns the property, you have no property interest in it to tell them they're going to put deed restrictions in their deed. That's why we have condemnation law. If they want the property so bad, they can buy it. Commissioner Odell said, I think this is a — and I'm going to vote to support it, but obviously this was on the books. At some point through some method MPC caught it, and I guess my concern is are there other rippling effects similar to this that have the same import and impact in our ordinance?

Mr. Hansen said, Mr. Odell, we certainly hope not. We have strived to diligently exam the comprehensive plan, all of your ordinances in fact to make sure that there are not conflicts. I will not stand here and tell you that we may not find something in the future, much as how this one occurred, but when we do discover them, we certainly will bring them to you to correct them.

Commissioner Odell asked, how was it discovered? Mr. Hansen said, actually from Mr. Hart. Commissioner Odell asked, our Jonathan? The greatest County Attorney in Chatham County. Mr. Hansen said, one and the same. Chairman Liakakis said, no, the greatest in the entire country. Commissioner Odell said, I stand corrected. You're right, Mr. Chairman.

Chairman Liakakis said, okay. Alright then, we need a motion on the floor — it's been seconded also. Let's go on the board. The motion carried unanimously. [NOTE: Commissioners Kicklighter and Thomas were not present.] Chairman Liakakis said, the motion passes.

ACTION OF THE BOARD:

Commissioner Stone moved to amend the Chatham County-City of Savannah Comprehensive Plan, Guiding Principles for Future Development West of Hunter Army Airfield by deleting Section 2(d) of Appendix B. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioners Kicklighter and Thomas were not present.]

AGENDA ITEM: IX-3
AGENDA DATE: April 9, 2009

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

LEGAL NOTICE/AGENDA HEADING:

A recommendation to Enact a Memorandum of Understanding (MOU) between Fort Stewart/Hunter Army Airfield, the Mayor and Aldermen of the City of Savannah, and the Commissioners of Chatham County, Georgia. The MPC recommends approval. MPC File No. F-080107-37833-1

ISSUE:

To establish a mutually beneficial communication and planning process that will avoid potential land use conflicts between Chatham County residents and military operations at Ft. Stewart/Hunter Army Airfield.

BACKGROUND:

In 2004, the Coastal Georgia Regional Development Center and the Office of Economic Adjustment (Department of Defense) contracted with EDAW to conduct a Joint Land Use Study (JLUS). The study was a cooperative effort between Fort Stewart/Hunter Army Airfield and the six surrounding counties that are most affected by military operations. The purpose of the study was to develop guidelines for development around the military bases and to strengthen the civilian-military relationship¹. The study contained several recommendations intended to establish and maintain open communications between the military, local governments, and citizens.

EXECUTIVE SUMMARY:

An important recommendation of JLUS was to provide information to prospective homeowners in areas where military operations might affect them. The most effective means of providing this information is by amending the Comprehensive Plan to describe those areas that may be affected.

The Comprehensive Plan Amendment is a refinement JLUS and describes specific types of operations that can be anticipated. These include:

¹Fort Stewart Joint Land Use Study, September 2005

- Helicopter Transition Routes
- Fixed-wing Take-off and Landing Route Area
- The Fort Stewart/Hunter Army Airfield Influence Area
- The Army Compatible Use Buffer

Mitigation measures for single family construction in the first three areas are installing window, door, and building insulation to meet Noise Reduction Level 25 (NLR 25) standard. With the current emphasis on energy efficiency and the requirement for air conditioning in this area, new homes routinely meet or exceed the NLR 25 standard.

The Army Compatible Use Buffer (ACUB) describes areas where conservation easements would provide the best long term protection of Army operations.

FACTS AND FINDINGS:

1. In accordance with JLUS, the Chatham County-Savannah Comprehensive Plan includes Appendix B, *Guiding Principles for the Future Development West of Hunter Army Airfield*². It reflects local governments' commitment to the future of the military mission in Chatham County.
2. Section 2(d) of Appendix B states:

Deed disclosures shall be provided to prospective land buyers prior to the sale of property to inform them that the land is in close proximity to Hunter Army Airfield, and may therefore be exposed to periodic noise and vibration as a result of military activities. The disclosure shall include a reference to the property being located within an Accident Potential Zone or Noise Zone II or III, where applicable, as well as other requirements for real estate disclosure cited in JLUS³

An opinion by Lisa G. Colbert, Assistant Chatham County Attorney, (Attachment I) states that unless Georgia State Law is revised to require deed disclosure for land in close proximity to military bases (similar to deed disclosures for landfills) a local ordinance requiring deed disclosure would be unenforceable and may be unconstitutional.

3. Further studies by Fort Stewart/Hunter Army Airfield and the Chatham County-Savannah Metropolitan Planning Commission have revealed other areas of the County that are critical to the military mission where aircraft noise and other military activities may affect the quality of life for residents if mitigating measures are not taken.

These areas may be classified as (1) Helicopter Transition Routes; (2) fixed-wing take-off and landing routes; (3) Fort Stewart Influence/HAAF Influence Area; and (4) the Army Compatible Use Buffer (ACUB).

(1) Helicopter Transition Routes are identified on Map 1 (orange/yellow/-black). They are routes followed by rotary-wing aircraft flying from Hunter Army Airfield to Fort Stewart. In the future, zoning may be amended to limit the height of towers and buildings along these transition routes. In addition, building design should incorporate Noise Level Reduction (NLR) of 25 decibels within the buffer shown in yellow on Map 1.

(2) Fixed-wing Take-off and Landing Route Area is shown on Map 2 Hunter AAF Category D Airplane Traffic Pattern (red). Residences in these areas may be affected by fixed-wing aircraft (particularly large cargo craft) taking off, landing, or circling the runway. Building design in this area should incorporate NLR of 25 decibels.

(3) The Fort Stewart/Hunter Army Airfield Influence Area shown on Map 3 (brown) coincides with a State-mandated 3000 foot buffer around each installation. Of particular concern is the noise generated in this area is from the firing of large weapons (20 mm or greater) at ranges that are adjacent to the Ogeechee River. Noise from weaponry in this area is between 57 and 62 decibels⁴. Table 1 below shows that the noise level would be roughly equivalent to an urban environment. While this level is likely to be annoying rather than dangerous, prospective residents may be advised to anticipate noise levels normally associated with a city rather than with a natural river corridor. The Chatham County Resources Protection Commission is working with Hunter/Fort Stewart to place as much of the Ogeechee River corridor as possible into a conservation/recreation classification to avoid conflicts with future residential development should the military mission change.

²Chatham County-Savannah Comprehensive Plan Community Agenda Report Appendix B, November 2006

³Ibid. Pg.A-6

⁴Figure 4 *Existing Large Arms Noise Contours*, Fort Stewart Joint Land Use Study, September 2005

TABLE 1: Day-Night Sound Level⁵

Day-Night Sound Level (DNL) is the A-weighted equivalent sound level for a 24 hour period with an additional 10 dB imposed on the equivalent sound levels for night time hours of 10 p.m. to 7 am. Examples of outdoor day-night average sound levels in dB measured at various locations:

Location	Ldn (dBA)
Apartment next to freeway	87
¾ mile from runway at major airport	86
Downtown with construction activity	79
Old urban residential area	59
Wooded residential	52
Agricultural crop land	44
Rural residential	39
Wilderness ambient	35

4. The blue area on Map 4 shows the Army Compatible Use Buffer (ACUB). The ACUB program is a partnership between Fort Stewart/Hunter Army Airfield, the Trust for Public Land, the Nature Conservancy, and the Georgia Land Trust to secure conservation easements or to purchase development rights from willing sellers of land within the ACUB boundary. The partnership, known as the Coastal Georgia Private Lands Initiative (CGPLI), will coordinate its efforts with the newly formed Chatham County Resource Protection Commission.
5. According to Chatham County and Savannah building officials, adopting a local ordinance to require construction meeting the NLR 25 standard in areas identified as Transition Routes, Fixed-Wing Routes, and within Noise Zone II may raise legal and enforcement questions. However, according to the JLUS Report, "Normal construction can be expected to provide a NLR of 20 dB, thus the reduction requirements are often stated as 5, 10, or 15 dB over standard construction and normally assume mechanical ventilation and closed windows year round."⁶ A cursory review of construction Sound Transmission Class (STC) ratings of building materials indicates that, with current emphasis on energy efficiency, window, door, and building insulation installed in new homes routinely meets or exceeds the NLR 25 standard.
6. Georgia law requires that multifamily buildings meet or exceed an STC rating of 50 which appears to exceed the NLR 25 standard.
7. Assistant County Attorney Colbert's legal opinion (Attachment 1) includes a quotation from Georgia law that requires Real estate brokers to disclose "adverse physical conditions...which could not be discovered by the tenant upon a diligent inspection of the neighborhood or through the review of reasonably available governmental regulations, documents, records, maps, and statistics." Therefore, the obligation of local government is to make the information regarding possible noise disturbance available to the public rather than to notify each prospective resident individually.

ALTERNATIVES:

1. Take no action.
2. Revise Tricentennial Comprehensive Plan to reflect new conditions.

POLICY ANALYSIS:

The Chatham County Commission and Savannah City Council value a cooperative relationship with Fort Stewart and Hunter Army Airfield. The local governments will take whatever actions are practical and legal to educate its citizens on the importance of the mission, to inform them of potential inconvenience resulting from the mission and to encourage tolerance of these inconveniences.

RECOMMENDATIONS: The MPC and Director of Building Safety and Regulatory Services recommend Approval of the following:

⁵The Engineering Toolbox (www.theengineeringtoolbox.com)

⁶Fort Stewart Joint Land Use Study, September 2005: Guidelines for considering Noise in Land Use Planning

1. Delete Section 2(d) of Appendix B (deed disclosure requirement) of the Chatham County-Savannah Comprehensive Plan, *Guiding Principles for the Future Development West of Hunter Army Airfield*. All other provisions of Appendix B shall remain in effect.
2. Insert MOU Maps 1 through 4 and the following Paragraphs 3 and 4 into Appendix B of the Chatham County-Savannah Comprehensive Plan:
 3. *Given the developed land use context east of Hunter Army Airfield, it is acknowledged that the level of land use compatibility that is sought for areas west of the runway is not practical. Therefore, it is recommended that zoning and development policies focus on limiting intensification of incompatible uses east of Hunter Army Airfield in the following way:*
 - a. *Within the Clear Zone, Accident Potential Zone I, Accident Potential Zone II, and Noise Zone II, discourage new development and redevelopment that would increase gross residential densities above current levels.*
 4. *The following areas are identified as requiring special attention in the siting and/or approval of commercial, institutional, and residential structures:*
 - a. *Helicopter Transition Routes and Annoyance Buffers (Map 1) where tall buildings and towers shall be sited so as not to interfere with safe air space operations and where NLR 25dB is recommended to be required for residential construction;*
 - b. *Hunter AAF Airplane Traffic Pattern (Map 2) where NLR 25dB is recommended to be required for residential construction;*
 - c. *The Fort Stewart/HAAF Influence Area (Map 3) where special consideration shall be given to any development that may impact or be impacted by military operations.*
 - d. *The Army Compatible Use Buffer (Map 4) where it is recognized that the common public interest dictates avoiding residential development when making decisions regarding extension of infrastructure, future land use plans, and zoning; and encouraging landowners to consider conservation easements and other instruments to preserve these areas in a natural state.*

PREPARED BY: Jim Hansen, AICP, Director
Development Services

March 3, 2009

Gregori Anderson, Director
BUILDING SAFETY AND REGULATORY SERVICES

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4. CNT MONTHLY REPORT GIVEN VERBALLY BY COMMANDER HARRIS.

Chairman Liakakis said, we'll have Commander Harris, the Director for the Drug Squad CNT, giving us a report.

County Manager Abolt said, Mr. Chairman, Commissioner Stone and gentlemen, as the Commander Harris comes up I want to recognize — I would like to take advantage of this presentation by Commander Harris in all sincerity to recognize that this gentleman is approaching his second year anniversary as Commander of CNT and is a gentleman through his leadership has gathered around him the quality of people you want working in the field of narcotics enforcement. He is a man of great skills. He's a man that through his leadership and the support of Chief Berkow I am pleased to announce that for the first time in memory CNT is fully staffed. That is done certainly with a great deal of travail, and I appreciate what the percussions have done to make it happen, but I put at the top of that list of professionals Commander Roy Harris.

Commander Harris said, Mr. Chairman, Roy Harris with CNT for the record, sir. I'm glad to be here with you Commissioners this morning and Mr. Abolt took my first item off the agenda there that I was going to tell you about. We are certainly very happy to be at full staff at CNT and we are with that staffing initiating a new process with Metro Police Department to do a total focus type operation in Precinct 3, an area where we have the greatest number of shots fired and other violent crimes to see if we can have some impact on that in a joint drug enforcement and street enforcement type operation. So we're going to be able to do that initiative because of the staffing..

You have the report in front of you, which is basically self-explanatory, but I want to mention just a couple of things. You will see where we worked with Immigrations & Customs Enforcement in the month where we did the operation where illegal identifications were being made. These were social security cards and what we commonly refer to as green cards for immigrants to be here in the country to have work release. This was a fairly large scale operation and I'm glad to say as we look back at the stats for 2008 we conducted 40 investigations with other agencies such as GBI, ICE, DEA, which was an issue that you ladies and gentlemen brought to me when I arrived here on this job

to improve in that area, and I think we have certainly done that. During the year we took 101 weapons off the street and seized about \$1.7 million worth of drugs. So I think all in all it was a very successful year. You will see that in our recap coming up on the County digest.

If you have any questions about any of these particular items on here, I will be glad to try to go over them, but in the interest of time here I know that some of you have other obligations and I will keep this very short.

Chairman Liakakis said, okay. Anything else specifically you want to talk about, Roy [Harris]? Commander Harris said, no sir. Chairman Liakakis said, okay. Any questions for the Commander? On behalf of the Chatham County Commission, Roy [Harris], we really appreciate you. You've done an outstanding job as the CNT Director and working with all of the other law enforcement entities. They have a great relationship with all of them now. I know you're working specifically with a number of programs with the Metropolitan Police Chief and some other areas. We really appreciate that because we can look at these statistics and see, you know, what a good job that the drug squad is doing. So thank you again on behalf of the Chatham County Commission. Commander Harris said, thank you, Mr. Chairman.

ACTION OF THE BOARD:

Commander Harris gave a update report on the work of the Counter Narcotics Team.

Chatham~Savannah
Counter Narcotics Team
Monthly Report
February 2009

SIGNIFICANT EVENTS

1. On 02-09-2009, Investigations and DEA (Jacksonville) located and arrested a fugitive at his residence in Savannah, in reference to a joint Title III operation. The suspect had an outstanding felony arrest warrant from Liberty County for possession of a vehicle with a hidden compartment.
2. On 2/11/2009, Investigations along with ICE agents executed a search warrant on Highway 21 in Port Wentworth, Georgia. This was the culmination of a joint investigation involving suspects manufacturing fraudulent immigration identification cards and social security cards. Upon executing the search warrant, agents found several high end computer printers, computers, monitors, approximately \$740 in currency (in addition to \$140 of CNT buy money), and saved computer programs where the identifications were created. In addition, agents seized shredders, numerous boxes of laminating plastic and other items used in the manufacturing process. Also, agents found several hundred shredded and discarded cards that had been previously made. Two subjects were arrested and charged with forgery and were also found to be in the United States illegally.
3. On 2/12/2009, Investigations assisted ICE with a Federal Search of a business located on West Bay Street (Top of the Line Fashions), Savannah, Georgia. This was a follow up investigation involving counterfeit merchandise (mainly Nike shoes). Investigations had executed a search warrant at the same business the week prior and arrested two subjects for possession with the intent to distribute marijuana and observed suspected counterfeit merchandise. Agents provided photographs of the suspected items and ICE secured a Federal search due to the fact that the owner of the store was on Federal supervised release out of New York from a previous conviction involving counterfeit merchandise. Upon executing the search warrant, agents assisted in the removal of several thousand pairs of counterfeit shoes, DVD's, and other merchandise from the store.
4. On 02/23/2009, Investigations went to the Jesup area and met with investigators from GBI and the Jesup Police Department in reference to executing felony arrest warrants on five subjects. This was a follow up investigation from 01/14/2009 involving several subjects from the Jesup area that were traveling together to Savannah purchasing pseudo ephedrine with the intent to manufacture methamphetamine. As a result, four of the five subjects were located and arrested without incident. During post arrest interviews, all four subjects admitted their involvement and stated that they were being paid \$5 per box.
5. On 02/26/2009, Investigations, along with SCMPD, Swat executed a search warrant on West 39th Street, Savannah, Georgia. As a result, two subjects were arrested and charged with possession with the intent to distribute crack cocaine and possession of drug objects. The target of the investigation was currently on bond from a previous drug arrest and has numerous other drug convictions. A follow up investigation was conducted and agents identified the source of supply and made contact with him on the Oaks at Brandlewood.

The suspect fled on foot at the sight of agents and jumped into a nearby pond in an effort to destroy what was approximately one ounce of crack cocaine in his pocket. Agents retrieved the suspect and also received written consent to search his residence and a rental car he was driving. This led to the seizure of approximately \$1,200 in currency, over 70 more grams of crack cocaine, and digital scales. The suspect was on probation from a previous drug conviction and was a 4th amendment waiver. NOTE: The suspect had a DEA debriefing report depicting sensitive information inside the residence. CNT has dealt with this suspect in the past; seizing over twenty three thousand dollars from him in 2006. The case will be forwarded to DEA for possible federal prosecution.

6. Agent Jack Frost, of the Richmond Hill Police Department, was named Officer of the Year at his home Department. He has been assigned to the CNT for 14 months.

UNDERCOVER AGENT / CONFIDENTIAL INFORMANT BUYS

Buys	Number
Undercover (Agent) Buys	10
Confidential Informant Buys	26

SHORT – LONG TERM NARCOTICS INVESTIGATIONS*

Investigations	Number
Investigations Initiated During the month	21
Active Joint Investigations with other agencies (DEA, AFT, IRS, etc.)	5
Total Number of Investigations Cleared (Arrest, E.C., Unfounded)	8

* Not including on-view arrests

DRUGS SEIZED

Drug Type	Value	Approx. Weight	Approx. Total Value
Powder Cocaine	\$100 per gram*	315.50 Grams	\$31,550.00
Crack Cocaine	\$100 per gram*	281.7 Grams	\$28,170.00
Methamphetamine	\$100 per gram**	.10	\$10.00
Marijuana	\$140 per ounce*	26 Ounces	\$3,640.00
Heroin	\$250 per gram*	N/A	N/A
Ecstasy	\$25 Dosage Unit	357 D/U	\$8,925.00
Misc. Pills	Various	90 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

WEAPONS SEIZED

Firearms (including hand guns and long guns)	4
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PERSONS ARRESTED*

Powder Cocaine – Possession	2
Powder Cocaine – Possession with Intent to Distribute / Manufacture / Sale	6
Powder Cocaine – Trafficking	5
Crack Cocaine – Possession	4
Crack Cocaine – Possession with Intent to Distribute / Manufacture / Sale	6
Crack Cocaine – Trafficking	2
Marijuana – Possession	13
Marijuana – Possession with Intent to Distribute / Manufacture / Sale	4
Marijuana – Trafficking	0
Heroin – Possession / Sales	0
Methamphetamine – Possession / Manufacture / Sale / Trafficking	1
Hallucinogenic Possession / Sale	0
Prescription Drugs – Fraud / Forgery / Possession / Sale	6
MDMA / Ecstasy Sales / Possession / Trafficking	1
Synthetic Drugs (LSD) Sales / Possession / Possession with Intent	0
Possession of a Controlled Substance – Criminal Attempt	1
Possession of Drug Related Objects	1
Non-Drug Related Offenses**	8
Total Arrests	60

* Characterized by the highest charge filed, **NOT** total charges.

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

ASSET FORFEITURES

US Currency Seized (Initiated forfeiture proceedings)	\$31,578.00
US Currency Awarded	\$8,188.00
Motor Vehicles Seized (Initiated forfeiture proceedings)	2005 Ford F150
Motor Vehicles Awarded	1998 Ford Econoline
Real Property Seized (Initiated forfeiture proceedings)	N/A
Real Property Awarded	N/A
Personal Property Seized (Initiated forfeiture proceedings)	N/A

ADOPTION CASES FROM OTHER AGENCIES

DATE	AGENCY	OFFENSE
39848	SCMPD Precinct 5	Trafficking cocaine
39848	SCMPD Precinct 1	Possession Methamphetamine
39848	SCMPD Precinct 4	Trafficking cocaine

DRUG COMPLAINTS INVESTIGATED

Drug Complaints	Received	Assigned
Project Log/Official Complaints	1	1
Hot Line / Call-In Complaints	8	7
Green Sheets/ Outside Agencies	0	0
Crime Stopper Complaints	16	8

COMMUNITY MEETINGS

Sergeants and/or agents attended the follow Community Meetings:	
<p>1. On 02-04-2009, The Command Staff attended a drug advisory board meeting held at CNT.</p> <p>2. On 02/10/2009, Commander Harris attended a Town Hall meeting for the City of Savannah at the Savannah Civic Center.</p> <p>3. On 02/11/2009, Commander Harris and Lieutenant Mitchell briefed the Grand Jury about current drug trends and answered questions.</p> <p>4. On 02/12/2009, Commander Harris attended the Mayor's Briefing held at City Hall.</p> <p>5. On 02/13/2009, Captain McBurney attended a SCMPD badge pinning ceremony held at SCMPD.</p> <p>6. On 02/17/2009, Commander Harris attended a welcome reception for the new Savannah Technical College president held at the college.</p>	<p>7. On 02/19/2009, Captain McBurney and agent Khaalis attended a drug mapping strategy meeting held at Memorial Hospital. Commander Harris attended a Saint Patrick's Day strategy meeting held at SCMPD.</p> <p>8. On 02/20/2009, Commander Harris attended an SCMPD retiree reception held at the Savannah Civic Center.</p> <p>9. On 02/26/2009, Commander Harris and Captain McBurney attended a CLEO Intelligence meeting held at SCAD.</p> <p>10. On 02/27/2009, Commander Harris briefed the Chatham County Commissioners on CNT's monthly report for January 2009.</p>

TRAINING STATISTICS		
Course Title	Agents Trained	Course hours per Agent
Physical Surveillance	3	40

DRUG INVESTIGATION

HOURS WORKED BY ZONE

SCMPD – West Chatham Precinct	356
SCMPD – Downtown Precinct	233
SCMPD – Central Precinct	623
SCMPD – Southside Precinct	189
SCMPD – Islands Precinct	140
TOTAL	1541

Garden City	148
Port Wentworth	41
Bloomington	7
Pooler	27
Thunderbolt	3
Tybee Island	21
TOTAL	235

Out of County (Task Force Operations, etc.)	80
Assistance Rendered to Outside Agencies	66
Training	120
Court Hours	77
TOTAL	343

Total Hours Worked 2119

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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, we have Items 1 through 9 and under Item 9 we have Items A through H. Do we have any specific items that you — any Commissioner would like to withhold? Yes, Patrick [Shay]. Commissioner Shay said, Mr. Chairman, I'd like to withhold Item #7 and ask that that matter be tabled until I can get further information and briefing. Chairman Liakakis okay. You make that in the form of a motion now? Commissioner Shay said, that is a motion, sir.

Chairman Liakakis said, okay, do we have a second? Commissioner Farrell said, second. Chairman Liakakis said, alright. We have a motion on the floor under Item 7 to table that until more information concerning this project is distributed and discussed by the County Commission, and hopefully can we have that, Mr. County Manager, or close to that?

County Manager Abolt said, yes sir. I believe Mr. Monahan can provide it forthwith to Commissioner Shay and to y'all.

Chairman Liakakis said, okay. We have all of those items that I just mentioned except withholding and tabling Item 7. Let's go on the board. The motion carried unanimously. [NOTE: Commissioners Kicklighter and Thomas were not present.] Chairman Liakakis said, the motion passes.

ACTION OF THE BOARD:

Commissioner Shay moved to approve Items 1 through 9-H, except table Item 7 until the Commissioners receive more information and briefing. Commissioner Farrell seconded the motion and it carried unanimously. [NOTE: Commissioners Kicklighter and Thomas were 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 MARCH 27, 2009, AS MAILED.

ACTION OF THE BOARD:

Commissioner Shay moved to approve the minutes of the regular meeting of March 27, 2009. Commissioner Farrell seconded the motion and it carried unanimously. [NOTE: Commissioners Kicklighter and Thomas were not present.]

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2. CLAIMS VS. CHATHAM COUNTY FOR THE PERIOD MARCH 19, 2009, THROUGH APRIL 1, 2009.

ACTION OF THE BOARD:

Commissioner Shay moved to authorize the Finance Director to pay the claims against the County for the period March 19, 2009, through April 1, 2009, in the amount of \$6,405,077. Commissioner Farrell seconded the motion and it carried unanimously. [NOTE: Commissioners Kicklighter and Thomas were not present.]

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**3. REQUEST FROM DAVIS ENGINEERING, ENGINEER FOR THE DEVELOPER, SMITH AND HERRIN CONSTRUCTION, INC., FOR THE COUNTY TO ACCEPT THE DEDICATED IMPROVEMENTS AND RELEASE THE FINANCIAL GUARANTEE FOR TABBY VILLAGE, PHASE 1.
[DISTRICT 3.]**

ACTION OF THE BOARD:

Commissioner Shay moved to approve the request from Davis Engineering, engineer for the developer, Smith and Herrin Construction, Inc., for the County to accept the dedicated improvements and release the financial guarantee for Tabby Village, Phase 1. Commissioner Farrell seconded the motion and it carried unanimously. [NOTE: Commissioners Kicklighter and Thomas were not present.]

**AGENDA ITEM: X-3
AGENDA DATE: April 9, 2009**

TO: Board of Commissioners
THRU: R. E. Abolt, County Manager
FROM: Suzanne Cooler, P.E., Senior Engineer

ISSUE: To accept the dedicated improvements and release the financial guarantee for Tabby Village, Phase 1.

BACKGROUND: The engineer, Davis Engineering, for the developer, Smith and Herrin Construction, Inc., requests the County accept the dedicated improvements and release the financial guarantee for Tabby Village, Phase 1.

FACTS AND FINDINGS:

1. Tabby Village is a new subdivision located on Norwood Avenue. Phase 1 of Tabby Village consists of 16 lots on 4.8 acres. Drainage improvements will be maintained by the Tabby Village Homeowners' Association. Paving, water and sanitary sewer will be owned and maintained by Chatham County.
2. Construction of the required improvements is complete. The improvements have been inspected and found to be satisfactory.
3. Streetlights will be owned and maintained by the Tabby Village Homeowners Association.
4. The developer has submitted a letter of credit issued by The Savannah Bank in the amount of \$163,537.00, which is 50% of the cost of the improvements. Upon acceptance, this letter of credit will be returned to the owner.

ALTERNATIVES:

1. To accept the dedicated improvements and release the financial guarantee for Tabby Village, Phase 1.
2. Do not approve the request.

POLICY ANALYSIS: This action is consistent with the subdivision regulation regarding the creation of lots through plat recording.

RECOMMENDATION: That the Commissioners adopt Alternative No. 1.

District 3

PREPARED BY: Nathaniel Panther

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4. REQUEST FOR NEW BEER, WINE AND LIQUOR POURING AND OF SUNDAY SALES OF BEER, WINE, LIQUOR POURING LICENSE FOR 2009. PETITIONER: LOAN KIM TRAN, D/B/A ELE RESTAURANT, INC., LOCATED AT 7815 US HIGHWAY 80, EAST. [DISTRICT 4.]

ACTION OF THE BOARD:

Commissioner Shay moved to approve the petition of Loan Kim Tran, d/b/a Ele Restaurant, Inc., located at 7815 US Highway 80 East, for new beer, wine and liquor pouring and Sunday sales of beer, wine, liquor pouring license for 2009. Commissioner Farrell seconded the motion and it carried unanimously. [NOTE: Commissioners Kicklighter and Thomas were not present.]

AGENDA ITEM: X-4
AGENDA DATE: April 9, 2009

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

ISSUE

Request for approval of new beer, wine and liquor pouring and of Sunday sales of beer, wine, liquor pouring license for 2009, Loan Kim Tran, d/b/a Ele Restaurant, Inc, located at 7815 US Highway 80, East, Savannah, GA 31410.

BACKGROUND

Ms. Tran requests approval for new beer, wine and liquor pouring and Sunday sales of beer, wine and liquor pouring license in connection with a new restaurant. The business at this location meets the requirements of the Chatham County Alcoholic Beverage Ordinance.

FACTS AND FINDINGS

1. The application was reviewed by the Police Department for compliance of the applicant and site distance requirements and approved.
2. The returned application was reviewed by Regulatory Services. The County Fire Marshal inspected the site for compliance with the commercial kitchen requirements and approved the facility.
3. This application is in compliance with all requirements.
4. The applicant has been notified of the hearing date and time.

RECOMMENDATION

The Savannah-Chatham Metropolitan Police Department and Building Safety 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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5. REQUEST FOR RENEWAL OF SUNDAY SALES OF BEER, WINE AND LIQUOR POURING LICENSE FOR 2009. PETITIONER: THOMAS E. WHITE, D/B/A GRAND LAKE LODGE & SPA, LOCATED AT 815 SOUTHBRIDGE BOULEVARD. [DISTRICT 7.]

ACTION OF THE BOARD:

Commissioner Shay moved to approve the petition of Thomas E. White, d/b/a Grand Lake Lodge & Spa, located at 815 Southbridge Boulevard, for renewal of Sunday sales of beer, wine and liquor pouring license for 2009. Commissioner Farrell seconded the motion and it carried unanimously. [NOTE: Commissioners Kicklighter and Thomas were not present.]

AGENDA ITEM: X-5
AGENDA DATE: April 9, 2009

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 for renewal of Sunday sales of beer, wine and liquor pouring license for 2009, Thomas E. White, d/b/a Grand Lake Lodge & Spa, located at 815 Southbridge Boulevard.

BACKGROUND

Mr. White, requests approval for renewal of Sunday sales of beer, wine and liquor pouring license in connection with an existing fitness club facility at Southbridge. The business at this location meets the requirements of the Chatham County Alcoholic Beverage and Sunday Sales Ordinance.

FACTS AND FINDINGS

1. The applications were reviewed by the Police Department for compliance of the applicant and site distance requirements and approved.
2. The returned applications were reviewed by Regulatory Services. The County Fire Marshal inspected the site for compliance with the commercial kitchen requirements and approved the facility.

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

RECOMMENDATION

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

District 7

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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6. REQUEST FOR RENEWAL OF SUNDAY SALES OF BEER AND WINE POURING LICENSE FOR 2009. PETITIONER: AMANDA N. KECK, D/B/A BASIL'S PIZZA & DELI, LOCATED AT 216 JOHNNY MERCER BOULEVARD. [DISTRICT 4.]

ACTION OF THE BOARD:

Commissioner Shay moved to approve the petition of Amanda N. Keck, d/b/a Basil's Pizza & Deli, located at 216 Johnny Mercer Boulevard, for renewal of Sunday sales of beer and wine pouring license for 2009. Commissioner Farrell seconded the motion and it carried unanimously. [NOTE: Commissioners Kicklighter and Thomas were not present.]

AGENDA ITEM: X-6
AGENDA DATE: April 9, 2009

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 for renewal of Sunday sales of beer and wine pouring license for 2009, Amanda N. Keck, d/b/a Basil's Pizza & Deli, located at 216 Johnny Mercer Boulevard.

BACKGROUND

Ms. Keck requests approval for renewal of Sunday sales of beer and wine pouring license in connection with an existing restaurant. The business at this location meets the requirements of the Chatham County Alcoholic Beverage and Sunday sales Ordinance.

FACTS AND FINDINGS

- 1. The applications were reviewed by the Police Department for compliance of the applicant and site distance requirements and approved.
- 2. The returned applications were reviewed by Regulatory Services. The County Fire Marshal inspected the site for compliance with the commercial kitchen requirements and approved the facility.
- 3. The applications are in compliance with all requirements.
- 4. The applicant has been notified in writing of the date and time of the hearing.

RECOMMENDATION

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

District 7

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 BOARD AUTHORIZE AN AGREEMENT WITH THE CITY OF SAVANNAH TO INITIATE PLANNING AND PRELIMINARY ENGINEERING SERVICES ON THE I-16 FLYOVER PROJECT.

ACTION OF THE BOARD:

Commissioner Shay moved to table to the next meeting the request for an agreement with the City of Savannah to initiate planning and preliminary engineering services on the I-16 Flyover Project until the Commission has more information and briefing. Commissioner Farrell seconded the motion and it carried unanimously. [NOTE: Commissioners Kicklighter and Thomas were not present.]

AGENDA ITEM: X-7
AGENDA DATE: April 10, 2009

TO: Board of Commissioners
THRU: R.E. Abolt, County Manager
FROM: Patrick Monahan, Asst. County Manager

ISSUE:
To authorize an agreement with the City of Savannah to initiate planning and preliminary engineering services on the I-16 Flyover project.

BACKGROUND:
The 2008-2014 SPLOST includes \$1 million for a CUTS (Chatham Urban Transportation Study) project to remove the I-16 Flyover across Martin Luther King, Jr. Drive. Based on the sales tax revenue cash flow schedule and legal requirements that the first \$109 million must be dedicated to the Detention Center, the project could not begin until 2011. Because of community interest in revitalizing the Martin Luther King Drive, Jr., area, the City of Savannah agrees to upfront \$250,000 to the MPC to accelerate the project's start this year as long as the city would be reimbursed when SPLOST distributions begin in 2010.

- FACTS & FINDINGS:**
1. The SPLOST 2008-2014 includes \$30 million for CUTS projects. Among the designated projects, the CUTS category includes \$1 million for the I-16 Flyover project. The project would remove the I-16 overpass over Martin Luther King, Jr., Drive, which would eliminate the exit on Montgomery Street. Traffic would be redistributed along other roadways north of I-16, which would assist in revitalizing the area and promote redevelopment of Martin Luther King, Jr., Drive and the area between Martin Luther King Jr., Drive and Boundary Street.
 2. The SPLOST resolution and intergovernmental agreement require that the Detention Center expansion must be fully funded before sales tax distributions begin on any other projects. Based on the cash flow analysis, SPLOST distributions for city and county projects other than the Detention Center will begin in July 2010; however, as sales tax revenues decline, this target will likely slide.
 3. The City of Savannah has offered to up-front \$250,000 to the MPC for the planning and preliminary engineering analysis for the project. The City would be repaid \$250,000 when SPLOST distributions begin after SPLOST collections reach \$109 million for the Detention Center expansion. The City expects this will

be July 2010, but with the decline in sales tax collections, it may be later in the year.

4. The County will include in the agreement that the project planning, design, and right of way acquisition must comply with the Planned Development Process in order to receive federal/state transportation funding.

FUNDING:

The City of Savannah would up-front \$250,000 to the MPC for the I-16 flyover project. The County would be obligated to reimburse the City of Savannah \$250,000 sometime in late 2010 or early 2011 from SPLOST 2008-2014, which includes \$1 million for this project.

ALTERNATIVES:

1. That the Board approve an agreement to reimburse the City of Savannah \$250,000 in January 2011 for the City's up-fronting funds to the MPC for preliminary planning and engineering expense for the I-16 Flyover project as designated in the 2008-2014 SPLOST.
2. That the Board take no action and defer start of the I-16 Flyover project until 2010 or later based on actual revenues from SPLOST 2008-2014.

POLICY ANALYSIS:

Nothing in the proposed plan to accelerate the schedule on the I-16 Flyover project would be contrary to Georgia law and specifically Special Purpose Local Option Sales Tax section. The determination remains solely within the Board of Commissioners whether to select a project to accelerate its time schedule based on the City of Savannah's offer.

RECOMMENDATION:

That the Board adopt Alternative 1.

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8. REQUEST FROM THE TAX COMMISSIONER FOR THE BOARD TO APPROVE REFUND OF \$126.15 FOR OVERCHARGE IN AD VALOREM TAXES ON A 2005 TOYOTA CAMRY TO JAMI ELIZABETH CLEMENTS.

ACTION OF THE BOARD:

Commissioner Shay moved to approve the request from the Tax Commissioner for approval to refund \$126.15 for overcharge in ad valorem taxes on a 2005 Toyota Camry to Jami Elizabeth Clements. Commissioner Farrell seconded the motion and it carried unanimously. [NOTE: Commissioners Kicklighter and Thomas were not present.]

AGENDA ITEM: X-8
AGENDA DATE: April 9, 2009

To: Board of Commissioners
Thru: R. E. Abolt, County Manager
From: Daniel T. Powers, Tax Commissioner

ISSUE:

Refund in the amount of \$126.15 for overcharge in Ad Valorem taxes on a 2005 Toyota Camry #32347 to Jami Elizabeth Clements. This amount represents the overcharge for tax years 2005 and 2006.

BACKGROUND:

My office overcharged Ad Valorem taxes beginning in tax year 2005 at each annual renewal of the registration of the 2005 Toyota. My office has already issued refunds for tax years subsequent to 2006.

FACTS AND FINDINGS:

Ms. Clements was charged Ad Valorem taxes based on the situs of the vehicle being located in the City of Savannah. Ad Valorem taxes should have been charged based on the vehicle being located in the County tax district.

FUNDING:

Monthly disbursement of motor vehicle tax collections made by the Tax Commissioner's Office.

ALTERNATIVES:

1. Approve request to refund \$126.15 to Jami Elizabeth Clements.
2. Provide staff other direction.

POLICY ANALYSIS: It is consistent with Board policy to approve refunds where a clerical error has resulted in an overcharge to the taxpayer.

RECOMMENDATION: Staff recommends approval of Alternative 1.

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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. Access Control Server with one (1) year maintenance	I.C.S.	Entre Solutions (MBE) (State Contract)	\$16,404	General Fund/M&O - I.C.S.
B. Change Order No. 1 to the lot maintenance contract to increase man hours for property on Waters Avenue	Public Works	Complete Lawn Care	\$600	Water and Sewer
C. Change Order No. 3 to the annual contract for fire extinguisher service for the add scope of work for the Frank G. Murray Community Center	Parks and Recreation	Hendrix Fire Protection	Not to Exceed \$389	General Fund/M&O - Frank G. Murray Community Center
D. Final renewal option to an annual contract to provide electrical maintenance and repair services and recognize a pricing increase	Various	All Electric and Specialty Company (WBE)	Varies by service	•General Fund/M&O - Various •SSD - Various •CIP - Various
E. Purchase and installation of plywood panels and painting on the interior walls of the altosand mixing building	Mosquito Control	U.S. Mechanical Contractors, LLC	\$10,770	General Fund/M&O - Mosquito Control
F. Professional services task order contract to provide for geotechnical services	Engineering	WPC, Inc.	Not to Exceed \$250,000	•SPLOST - (1985 - 1993), (1998 - 2003), (2003 - 2008) •Land Bank Account •Capital Improvement Program (CIP)
G. Landscape Placentia Canal	SPLOST	Savannah Tree Foundation	\$85,318	SPLOST 1998-2003
H. Contract to provide a comprehensive multi-jurisdictional pre-disaster plan as required by FEMA and CEMA	CEMA	James Lee Witt Associates	\$37,250	Pre-Disaster Mitigation Grant

ACTION OF THE BOARD:

Commissioner Shay moved to approve Items 9-A through 9-H, both inclusive. Commissioner Farrell seconded the motion and it carried unanimously. [NOTE: Commissioners Kicklighter and Thomas were not present.]

AGENDA ITEM: X-9
AGENDA DATE: APRIL 9, 2009

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 of the \$16,404 purchase of a CISCO Access Control Server (ACS) with one year software and maintenance agreement, off the State of Georgia Contract, from Entre Solutions (MBE firm), of Savannah, GA for ICS.

BACKGROUND: The current version of ACS that Chatham County uses will not be supported by the manufacturer after 28 August 2009.

FACTS AND FINDINGS:

1. The CISCO ACS integrates with the County's current network access infrastructure to provide a more robust mechanism for users access control. Along with strengthening the current access control method used by the County, it also uses many features that are only available in a product such as ACS. The following is a list of features that are currently being used and is controlled by the ACS:

- Device Administration
- Remote Access
- Wireless Authentication
- Network administration control (will be implemented this year)

2. The CISCO LAN Management Solutions (LMS) is management software that allows the County to administer, monitor, and troubleshoot Cisco networks. +Through the use of this software, staff can configure all 130 network infrastructure devices from one (1) central location. It monitors all ports on all 130 devices and reports if there is a problem.
3. Entre Solutions (MBE firm) quoted staff a total cost of \$16,404. Staff believes this cost to be fair and reasonable.

FUNDING: General Fund/M&O - ICS
 (1001535 - 52.22001)

ALTERNATIVES:

1. Board approval of the \$16,404 purchase of a CISCO Access Control Server (ACS) with one year software and maintenance agreement, off the State of Georgia Contract, from Entre Solutions (MBE firm), of Savannah, GA for ICS.
2. Provide staff other direction.

POLICY ANALYSIS: It is consistent with Board policy to provide the necessary computer equipment to maintain technical compliance throughout the using departments.

RECOMMENDATION: Staff recommends approval of Alternative 1.

I.C.S. APPROVAL _____
 LEWIS LEONARD

BUDGET APPROVAL _____
 GLORIA SAUGH

ITEM B

ISSUE: Request Board approval of Change Order No. 1, in the amount of \$600 per year, to the annual contact with Complete Lawn Care to add to the scope of services an

increase in man hours to provide ground maintenance for Public Works and Park Services.

BACKGROUND: On 16 January 2009, the Board awarded a contract for Lot Maintenance with Complete Lawn Care, of Savannah.

FACTS AND FINDINGS:

1. Chatham County recently acquired the property at 7220 Waters Ave from the City of Savannah and it has been cited for lot maintenance.
2. Complete Lawn Care has agreed to assume the property into the contract for an additional \$600 per year.
3. Contract history is as follows:

Original Contract Amount (01-16-09)	\$ 9,660/Year
Change Order No. 1 (Pending)	\$ 600/Year
Revised Contact Amount	\$10,260/Year
4. Staff believes the price to be fair and reasonable.

FUNDING: Water and Sewer
(5054400 - 52.39001)

ALTERNATIVES:

1. Board approval of Change Order No. 1, in the amount of \$600 per year, to the annual contact with Complete Lawn Care to add to the scope of services an increase in man hours to provide ground maintenance for Public Works and Park Services.
2. Provide staff other direction.

POLICY ANALYSIS: It is consistent with Board policy to issue Change Orders to essential service contacts 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 of Change Order No. 3, in the amount not to exceed \$389 per year to the annual contract with Hendrix Fire Protection to provide fire extinguisher service to the Frank G. Murray Community Center.

BACKGROUND: On 09 February 07, the Board approved an annual contract for fire extinguisher services with Hendrix Fire Protection.

FACTS AND FINDINGS:

1. The Frank G. Murray Community Center was inadvertently omitted from the scope of service on the original bid solicitation.
2. Hendrix Fire Protection quoted staff an additional cost not to exceed \$389 per year to add services to the location listed above. This will include \$178 for twice yearly service on the Guardian Hood Fire Suppression System and service to three (3) fire extinguishers.
3. Contract history is as follows:

Original Contract Amount (02-09-07)	\$28,709/Year
Change Order No. 1 (10-05-07)	\$ 156/Year
Change Order No. 2 (04-11-08)	\$ 248/Year
Change Order No. 3 (Pending)	\$ 389/Year
Revised Contract Amount	\$29,502/Year (Not to exceed)
4. Staff believes the total cost not to exceed \$389 to be fair and reasonable.

FUNDING: General Fund/M & O - Frank G Murray Community Center
(1005530 - 52.22001)

ALTERNATIVES:

1. Board approval of Change Order No. 3, in the amount not to exceed \$389 per year to the annual contract with Hendrix Fire Protection to provide fire extinguisher service to the Frank G. Murray Community Center.
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 scope of services.

RECOMMENDATION: Staff recommends approval of Alternative 1.

BUDGET APPROVAL

RUSHEDA ADESHINA

ITEM D

ISSUE: Request Board approval of Change Order No. 1, to increase the established fixed hourly rates, to the annual contract with All Electric & Specialty Systems, Inc.(WBE), of Savannah, for electrical repair services at various departments and agencies of Chatham County.

BACKGROUND: On 15 April 2005, the Board approved an annual contract with four (4) automatic renewals to All Electric & Specialty Systems as the secondary vendor for electrical repair services which cannot be handled by "in-house" maintenance personnel.

FACTS AND FINDINGS:

1. The contract is entering into the fourth and final renewal option and All Electric & Specialty Systems, Inc. has requested a labor rate change because of their operating agreement (see attached compensation schedule on page 10), with Local Union 508. Due to the increase in equipment rental prices the special equipment rate has also increased by six (6) percent.
2. All Electric & Specialty Systems, Inc. has held their contract labor and equipment rates without increases since the contract was awarded. The current contract will expire 15 April 2010, at which time a new solicitation will be issued.
3. Staff believes the requested labor rates and equipment rates to be fair and reasonable.

FUNDING: General Fund/M & O - Various
SSD - Various
CIP - Various

ALTERNATIVES:

1. Board approval of Change Order No. 1, to increase the established fixed hourly rates, to the annual contract with All Electric & Specialty Systems, Inc. of Savannah, for electrical repair services at various departments and agencies of Chatham County.
2. Direct staff to rebid for the final renewal year.
3. 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 labor rates.

RECOMMENDATION: Staff recommends approval of Alternative 1.

BUDGET APPROVAL _____

READ DEHAVEN

ITEM E

ISSUE: Request Board approval of the \$10,770 purchase and installation of plywood panels on the interior walls of the Altosand mixing building from U.S. Mechanical Contractors, LLC of Port Wentworth, GA, for Mosquito Control.

BACKGROUND: Altosand is used by Mosquito Control to control immature mosquitoes in the aquatic stages. Sand and Hi-Sil, components of Altosand, are dusty by nature and the mixing process creates a high level of airborne particles. The dust particles are mildly corrosive and some components of the metal Altosand mixing building are beginning to rust. The walls need to be sheeted and painted to prevent the steel structure from deteriorating.

FACTS AND FINDINGS:

1. Altosand, a mixture of sand, Hi-Sil and liquid Altosid® is the primary material used to control immature mosquitoes.
2. Fine particles of sand and Hi-Sil become airborne during the mixing process and settle on the metal beams of the Altosand mixing building.
3. Periodic cleaning of the building is necessary to prevent metal deterioration, but the process is labor intensive because of the many exposed steel beams whose surfaces are hard to reach. Also, the building insulation is exposed and eventually will become contaminated if left uncovered.
4. The cleaning process increases staff’s exposure to air borne contaminants. Installing paneling will protect the insulation, stop deterioration of the metal components, decrease cleaning time by 75%, and reduce staff’s exposure to dust particles.
5. Environmental controls are always the best way to reduce exposure to hazardous conditions.
6. Staff solicited quotes from contractors to panel the interior walls of the Altosand mixing building and paint the panels after installation. Quotes from qualifying companies were received as follows:

U.S. Mechanical Contractors, LLC Port Wentworth, GA	\$10,770
Alloy Industrial Contractors Savannah, GA	\$18,960
E & D Contracting Services, INC. Savannah, GA	\$19,600
MacAljon Mechanical Contractors Savannah, GA 31418-7090	Non-responsive

FUNDING: General Fund/M&O - Mosquito Control
(1005144 - 52.22001)

ALTERNATIVES:

1. Board approval of the \$10,770 purchase and installation of plywood panels on the interior walls of the Altosand mixing building from U.S. Mechanical Contractors, LLC of Port Wentworth, GA, for Mosquito Control.
2. Provide staff with other direction.

POLICY ANALYSIS: It is consistent with Board policy to support safe, cost effective, and environmentally responsible operations.

RECOMMENDATION: Staff recommends approval of Alternative 1.

BUDGET APPROVAL

RUSHEDA ADESHINA

ITEM F

ISSUE: Request Board approval to authorize a professional services task order contract for an amount not to exceed \$250,000 with WPC, Incorporated for geotechnical services.

BACKGROUND: There are numerous design projects that can be done by a variety of professional engineer and technical services companies that are either pre-qualified by the Georgia Department of Transportation or have demonstrated their capability to accomplish quality and timely work for the County. WPC, Inc. has provided solid services over the past two years on an existing task order contract.

FACTS AND FINDINGS:

1. This contract will be managed by task orders for specific tasks with deliverables for either lump sum or not to exceed amounts (e.g. time and materials).
2. WPC, Inc. is a local engineering firm with demonstrated ability to provide quality and timely geotechnical services for County projects, such as soil surveys for the Dean Forest Road widening, Ogeechee Farms Phase II drainage, crack monitoring on LaRoche Avenue projects, pavement surveys for Whitefield Avenue Widening Project and groundwater survey for the Detention Center.

FUNDING: SPLOST (1985-1993), (1998-2003), (2003-2008), (2008-2014)
Capital Improvement Program (CIP)
Land Bank Account

ALTERNATIVES:

1. Board approval to authorize a professional services task order contract in an amount not to exceed \$250,000 with WPC, Inc. for geotechnical services.
2. Provide staff other direction.

POLICY ANALYSIS: It is consistent with Board policy to authorize task order contracts when it is in the best interest of the County.

RECOMMENDATION: Staff recommends approval of Alternative 1.

BUDGET APPROVAL _____
ESTELLE BROWN

ITEM G

ISSUE: Request Board approval of the \$85,318 funding to the landscaping project for the Placentia Canal Tidegate area via Savannah Tree Foundation by The Nelson Group.

BACKGROUND: In February 2007, the Board approved a contract with the Savannah Tree Foundation (STF) to manage various landscape projects under a pilot program. As project manager, STF follows Chatham County purchasing policy in soliciting contracts and provides construction administration services, including a three-year grow-in period with warranty. STF successfully served as project manager and contractor for Mother Mathilda Beasley Park.

FACTS AND FINDINGS:

1. The Placentia Canal Tidegate drainage improvement project included plans for beautifying the area as part the natural setting of the Bonaventure area. Savannah Tree Foundation reviewed the plans and worked with landscaping companies to refine the plans and develop a planting scheme consistent with the Bonaventure area's natural beauty.
2. STF solicited proposals from five (5) landscape companies and received four (4) bids, which included materials and labor and a three (3) year maintenance plan with warranty. These included Tanner Landscaping, Earthscapes, Aborganics and The Nelson Group. Based on an evaluation of the plans for sustainability, suitability and attractiveness, STF recommends The Nelson Group.
3. Total price, including STF's administrative fee, will be \$85,318.
4. Staff has reviewed the process STF used to select The Nelson Group and reviewed the pricing for consistency with the project estimate and concurs.

5. Public Works and Parks Services, which maintains the Placentia Canal Tidegate, reviewed the plan to ensure there were no conflicts with maintenance requirements.

FUNDING: SPLOST (1998 - 2003) - Placentia Canal Drainage
(3224250 - 57.30101 - 32280170)

ALTERNATIVES:

1. Board approval of the \$85,318 funding to the landscaping project for the Placentia Canal Tidegate area via Savannah Tree Foundation by The Nelson Group.
2. Provide staff other direction.

POLICY ANALYSIS: As a purchase, the County’s Purchasing Ordinance and Procedures Manual requires Board approval.

RECOMMENDATION: Staff recommends approval of Alternative 1.

BUDGET APPROVAL _____
ESTELLE BROWN

ITEM H

ISSUE: Request Board approval of a \$37,250 contract with James Lee Witt Associates of Atlanta, GA, to provide a comprehensive Multi-Jurisdictional Pre-Disaster Plan as required by the Federal Emergency Management Agency (FEMA) and Chatham Emergency Management Agency (CEMA).

BACKGROUND: On 8 October 2008, the Board received notification of an award of a Pre-Disaster Mitigation Grant in the amount of \$50,000 from FEMA. The Federal share of \$37,500 and local share of \$12,500 was approved, and a Grantee-Sub-grantee agreement with GEMA was entered on December 19, 2008 with a signature by Chairman Liakakis.

FACTS AND FINDINGS:

1. A Scope of Work was developed and Requests for Proposals were properly advertised and mailed to several contractors; four (4) proposals were received and three (3) contractors were interviewed. Proposals were received and opened on 26 March 2009. Proposals were received from:

Firm Name	Total Score	Fees
Michael Baker Group Atlanta, GA	82.74	\$ 37,500
James Lee Witt Atlanta, GA	91.00	\$ 37,250
URS, Corporation Atlanta, GA	80.37	\$ 45,225

2. The proposals were evaluated and candidates were interviewed; James Lee Witt Associates was determined to be the most qualified contractor for the job. After staff analysis, it was determined that the James Lee Witt Associates proposal offers the best value to the County. (See matrix on the attached page 11)

FUNDING: Pre-Disaster Mitigation Grant
(PDM-PL-04-GA-2008-002)

ALTERNATIVES:

1. Board approval of a \$37,250 contract with James Lee Witt Associates of Atlanta, GA, to provide a comprehensive Multi-Jurisdictional Pre-Disaster Plan as required by the Federal Emergency Management Agency (FEMA) and Chatham Emergency Management Agency (CEMA).
2. Provide staff other direction.

POLICY ANALYSIS: It is consistent with Board policy to award a contract in the best interest of the Chatham County.

RECOMMENDATION: Staff recommends approval of Alternative 1.

BUDGET APPROVAL _____
READ DEHAVEN

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. **AMENDMENT TO THE COUNTY SUNDAY SALES ALCOHOLIC BEVERAGE ORDINANCE TO CLOSE A LOOPHOLE IN THE TIMING OF LICENSE TRANSFERS.**

ACTION OF THE BOARD:

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

AGENDA ITEM: XI-1
AGENDA DATE: April 9, 2009

TO: BOARD OF COMMISSIONERS

THROUGH: R. E. ABOLT, COUNTY MANAGER

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

ISSUE

Amendment to the County Sunday Sales Alcoholic Beverage Ordinance to Close a Loophole in the Timing of License Transfers

BACKGROUND

The Sunday Sales provisions of the Alcoholic Beverage Ordinance allows the sale of alcoholic beverages on Sundays provided that at least 50% of the annual sales be obtained from the sale of food in conjunction with a restaurant, or the renting of rooms in conjunction with an Inn.

FACTS AND FINDINGS

- 1. Applicants for a Sunday Sales Alcoholic Beverage license must submit a Sunday Sale affidavit documenting the percentage of food sales or room rentals for the preceding twelve (12) months of operations.
- 2. The current ordinance provisions indicate that if the ownership of the establishment remains the same and changes the name of the license holder, a transfer of licensee is required by the ordinance.
- 3. The current ordinance provisions requires the transfer licensee to submit an affidavit documenting food sales or room rentals after twelve (12) months of operation under the new licensee.

FUNDING

Not Applicable

ALTERNATIVES

- 1. Approve proposed ordinance amendment
- 2. Disapprove amendment
- 3. Provide direction to staff

POLICY ANALYSIS

The current ordinance provision allowing transfer licensees to operate the establishment for twelve (12) months before an affidavit for renewal is required to be submitted, has created a loop-hole in the process. The establishment owner can change the licensee, who may be a manager or employee each year and never be required by the ordinance to submit an affidavit.

The proposed amendment closes the loop-hole by requiring the establishment owner to submit an affidavit whether the licensee changes or not. The transfer provisions of the proposed ordinance amendment apply to the licensee and the owner when they are not the same.

RECOMMENDATION

Alternative # 1, approve proposed amendment

STATE OF GEORGIA)
)
COUNTY OF CHATHAM)

An ordinance to amend Chapter 17, Article I, §§ 114 and 115 of the Code of Chatham County regulating the sale of alcoholic beverages and the sale of alcoholic beverages on Sunday; to provide the procedures connected therewith; to repeal conflicting laws; and other purposes. All other provisions of Chapter 17, Article I shall remain as written in full force and effect.

Section 17-114, subparagraphs 2 and 3, entitled "License Application Classifications" are repealed in their entirety and the following language is substituted in lieu thereof as the affected language of the ordinance:

- 2. Application at existing location shall mean an application for a Sunday sales license at a location which has an alcohol beverage license under the same ownership and licensee, or the previous business ownership and licensee within the previous license year.
- 3. Application at existing location with alcohol and Sunday Sales license, transfer and/or renewal shall mean a transfer or renewal of a Sunday Sales license by the current owner and former licensee or new licensee of an existing licensed location, licensed within the previous licensed year.

Section 17-115, subparagraphs 1, 2 and 3, entitled "Licensing and Procedures" are repealed in their entirety and the following language is substituted in lieu thereof as the affected language of the ordinance:

- 1. An applicant for a "New Location" as defined above shall include an affidavit by the applicant certifying to the intent to meet the requirements of Section 17-113. Each new applicant, after having operated for a period for twelve (12) months, must provide to the Department of Inspections an affidavit as discussed in the third paragraph of this section.
- 2. An applicant for an existing Location" as defined above shall include an affidavit by the applicant certifying to the intent to meet the requirements of Section 17-113.
- 3. An applicant shall include for a "Transfer or Renewal" license as defined and shall submit an affidavit to be attached to said application for each yearly license attesting to the accuracy of financial information supplied by applicant, and that the gross revenue for the last twelve (12) months of business under the present and previous ownership and licensee comprise at least fifty (50%) percent of the business' gross revenues from food or in the case of an "Inn", room rental.

In the absence of this data, the business owner will not be considered for Sunday liquor sales until such time as an affidavit is submitted for the twelve (12) months preceding the time the application for Sunday Sales license. The same applicant at the same location who fails to review its license shall not reapply for a license for a period for twelve (12) months.

These amendments to Chapter 17, Article I §§ 114 and 115 of the Code of Chatham County were adopted this ____ day of _____, 2009.

CHATHAM COUNTY, GEORGIA

BY: _____
Pete Liakakis, Chairman
Board of Commissioners

ATTEST: _____
Sybil E. Tillman
Clerk of Commission

SEAL

=====

2. AMENDMENT TO THE COUNTY WELL ORDINANCE TO STRENGTHEN AND DESCRIBE THE PROCESS FOR CAPPING WATER WELLS AND BOREHOLES.

ACTION OF THE BOARD:

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

AGENDA ITEM: XI-2
AGENDA DATE: April 9, 2009

TO: Board of Commissioners

THROUGH: R. E. Abolt, County Manager

FROM: Gregori S. Anderson, Director, Building Safety & Regulatory Services

ISSUE

Amendment to the County Well Ordinance to strengthen and describe the process for capping water wells and boreholes.

BACKGROUND

Uncapped or improperly capped water wells and boreholes represent pathways for contamination into the aquifer. The proposed amendment provides strength to the existing provisions and identifies an acceptable method for capping wells and boreholes, thus reducing the potential for aquifer contamination.

FACTS AND FINDINGS

1. The proposed amendment introduces a well abandonment report form that must be completed by the well driller.
2. The well abandonment report form documents the address and ownership of the property that contains an abandoned well. The form must also be submitted along with a permit application for a replacement well.
3. The amendment also identifies an acceptable method to cap wells and boreholes. The method has been reviewed and approved by a few local well drillers.

FUNDING

Not Applicable

ALTERNATIVES

1. Approve proposed ordinance amendment
2. Disapprove amendment
3. Provide direction to staff

POLICY ANALYSIS

The proposed ordinance amendment will strengthen the current provisions for the capping of water wells and boreholes. The capping method provides a uniform specification for closing abandoned wells and boreholes. The introduction of the well abandonment report form will provide a tool to identify and track the capping of wells and boreholes. The report will be submitted by the well drillers in conjunction with

replacement well permit applications and on property that has been identified with an uncapped well or borehole. The amendment has been reviewed by a few local well drillers and has their support.

RECOMMENDATIONS

Alternative # 1, approve proposed amendment

STATE OF GEORGIA)
)
COUNTY OF CHATHAM)

An ordinance to amend Chapter 15, Article VI §§ 612, 614 and 615 of the Code of Chatham County regulating the citing, construction, operations, maintenance and abandonment of wells and boreholes; connection of water uses to community water systems if government owned; to provided for the procedures connected therewith; to repeal conflicting laws; and other purposes. All other provisions of Chapter 15, Article VI shall remain as written in full force and effect.

Section 15-612, subparagraph 4, entitled "Variances and Appeals" is amended by deleting this section in its entirety and the following language is substituted in lieu thereof as the affected language of the ordinance:

- 4. In cases where an owner is seeking a permit to replace an existing well which has been abandoned and is no longer capable of producing potable water or becomes contaminated as defined herein, such owner may further appeal to the Board of Commissioners for a variance. An abandonment report form must be completed by the well driller and submitted to Chatham County.

Section 15-614, subparagraph 1(a)(6)(k), entitled "Standards for Wells and Boreholes" is repealed in its entirety and the following language is substituted in lieu thereof as the affected language of the ordinance:

- 1.(a)(6)(k) Any existing abandoned well or borehole shall be filled, sealed and plugged by the present owner. An abandonment report form must be completed by the well driller and submitted to Chatham County.

Section 15-614, subparagraphs 6(a), 6(b) and 6(k) entitled "Standards for Wells and Boreholes" is repealed in its entirety and the following language is substituted in lieu thereof as the affected language of the ordinance:

- 6. Abandonment requirements for wells and boreholes
 - (a) A water well shall be considered as temporarily abandoned when its use has been interrupted for a period of more than one year and not more than three years. Such a well shall be sealed and the well maintained whereby it is not a source or a channel of contamination or pollution when not in service. Temporarily abandoned wells shall be registered through the administrator.
 - (b) A water well shall be considered as permanently abandoned when its service has been interrupted for a period of more than three years or it meets the definition of abandoned well as defined in this part. Such a well shall be filled, sealed and plugged. An abandonment report form must be completed by the well driller and submitted to Chatham County.

...

- (k) Abandoned wells and boreholes shall be filled, sealed and plugged under the direction of a registered professional geologist or registered professional engineer or in the following method:

The length of the underground well casing from the bottom of the well to the open borehole shall be filled in its entirety with concrete. The area from the top of the well casing or the beginning of the open of the borehole, shall be filled with number 3 pea gravel (NSF approved) to ground grade level.

Section 15-615, Article VI, subparagraph 2, entitled "County Requirements for Water Wells and Boreholes " is repealed in its entirety and the following language is substituted in lieu thereof as the affected language of the ordinance:

- 2. Well and Borehole Abandonment shall be accomplished as provided for in Section 15-614 of the Ordinance and the state licensed contractor or professional licensed engineer or geologist shall provide the administrator a sealed letter certifying that the well was abandoned in accordance with the provisions of this Ordinance and O.C.G.A. § 12-5-134.

These amendments to Chapter 15, Article VI §§ 612, 614 and 615 of the Code of Chatham County were adopted this ____ day of _____, 2009.

CHATHAM COUNTY, GEORGIA

BY: _____
Pete Liakakis, Chairman
Board of Commissioners

ATTEST: _____
Sybil E. Tillman
Clerk of Commission

SEAL

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- 3. **AMENDMENT TO THE RIGHTS OF WAY ENCROACHMENT ORDINANCE EXPANDING THE REQUIREMENT FOR OWNERS OF UTILITIES OR FACILITIES TO RELOCATE THEIR ENCROACHMENTS LOCATED WITHIN ANY COUNTY RIGHT OF WAY WHEN THE COUNTY MUST MAKE IMPROVEMENTS OR PERFORM MAINTENANCE, ADDING A REQUIREMENT THAT WORK DONE IN COUNTY RIGHT OF WAY BE PERFORMED BY LICENSED CONTRACTORS, ADDING LANGUAGE ALLOWING EMERGENCY REPAIR WORK TO PROCEED PRIOR TO ISSUANCE OF A PERMIT, AND TO MAKE MINOR GRAMMATICAL CORRECTIONS.**

ACTION OF THE BOARD:

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

AGENDA ITEM: XI-3
AGENDA DATE: April 9, 2009

TO: Board of Commissioners
THRU: R. E. Abolt, County Manager
FROM: Robert W. Drewry, Director of Public Works and Park Services
A. G. Bungard, P.E., County Engineer

ISSUE: To approve an amendment to the Rights-of-Way Encroachment Ordinance expanding the requirement for owners of utilities or facilities to relocate their encroachments located within any County right of way when the County must make improvements or perform maintenance, adding a requirement that work done in County right of way be performed by licensed contractors, adding language allowing emergency repair work to proceed prior to issuance of a permit, and to make minor grammatical corrections.

BACKGROUND: As it currently reads, the Rights-of-Way Encroachment Ordinance does not require relocation of utilities and other facilities at the owner's expense when the County needs to make improvements to water systems, sanitary sewer systems or storm sewers, ditches and canals that are within County right of way.

FACTS AND FINDINGS:

- 1. By the way of example of the need for the revision, the County must often make drainage improvements to ditches and canals that cross roadways on the perpendicular and continue onward to an eventual outfall that is some distance from the roadway.

These improvements are often impeded by utilities (e.g. water, sewer, electrical) that are within the drainage right of way. The cost to move these utilities to accommodate the County's work should not be the taxpayers' expense.

2. Utility system owners at times need to make repairs to their facilities under emergency situations where there is not sufficient time to submit a rights-of-way encroachment permit application. Re-establishing existing utility service should have priority over the permit application paperwork.

3. To ensure work performed by a utility within County rights of way is performed to high quality standards, it should be accomplished by contractors licensed by the State of Georgia in their respective professions (e.g. underground utility work, plumbing, electrical).

4. The proposed amendment to the Rights-of-Way Encroachment Ordinance is attached.

5. The County Attorney has reviewed the proposed amendment and concurs.

ALTERNATIVES:

1. To approve an amendment to the Rights-of-Way Encroachment Ordinance expanding the requirement for owners of utilities or facilities to relocate their encroachments located within any County right of way when the County must make improvements or perform maintenance, adding a requirement that work done in County right of way be performed by licensed contractors, adding language allowing emergency repair work to proceed prior to issuance of a permit, and to make minor grammatical corrections.

2. To not approve the ordinance amendment.

FUNDING: No funding is required.

POLICY ANALYSIS: That the Board action is required to amend the County Code.

RECOMMENDATIONS: That the Board approve Alternative #1.

Districts: All

Prepared by W. C. Uhl

DRAFT AMENDMENT

CHAPTER 12

Motor Vehicles, Roads, Streets and Highways

ARTICLE XI

Rights-of-Way Encroachment

§12-1101 Title and Jurisdiction. This Rights-of-Way Encroachment Ordinance shall apply to the unincorporated area of Chatham County, Georgia, and to all public and private utilities, and to any person who desires to gain access to or locate a structure within any right-of-way within the County. (Amended September 10, 1999)

§12-1102 Definitions.

8. Rights-of-way - means property owned or controlled by Chatham County including but not limited to roads, streets, alleys, bridges, pedestrian walkways, **ditches, storm sewers**, and canals within the unincorporated areas of Chatham County. (Amended September 10, 1999)(Amended TBD)

§12-1103 Establishment of Encroachment Permit. An encroachment permit shall be required in conformance with the provisions of this Ordinance prior to the commencement of any construction activity within a **public** right-of-way. **Emergency repairs made to existing facilities shall be allowed prior to issuance of a permit provided that the permittee/owner applies to the County for an encroachment permit within 2 working days of commencing the work. Construction activities that must be permitted include but are such as but** not limited to the following: (Amended September 10, 1999)(Amended TBD)

§12-1104 Compliance. No utility company, public utility agency, public agency, or person may hereafter construct, install or pave any structure within the public right-of-way, or physically enter or alter any ~~public road~~ right-of-way without being in full compliance with the terms and requirements of this Ordinance and other applicable regulations, codes and ordinances of Chatham County. **(Amended TBD)**

§12-1105 Work Standards/Specifications.

1. Quality of Work. The work shall be performed in a workmanlike manner **by contractors licensed by the State of Georgia in their respective professions (e.g. underground utility work, plumbing, electrical) unless specifically allowed otherwise as a condition of the permit.** All ~~and all~~ installations shall be done by the permittee/owner in such a way as to leave free flows in drainage ditches, pipes, culverts or other surface water drainage facilities of the roadway or its connections. No part of any installation shall be attached to any portion of a bridge, culvert or other structure of the roadway without special authorization of the Chatham County Engineer after detailed information is furnished as he may require. **(Amended TBD)**

§12-1106 Minimum Conditions for a Permit

2. Liability for Future Relocation Lies with Owner. In case Chatham County should, in the future, **desire to** make construction and/or maintenance improvements to any part of ~~a the~~ County road, water system, sanitary sewer system, **or drainage system**, or appurtenance thereof, including, but not limited to, widening, **relocating relocation, reconstructing drainage**, etc., Chatham County reserves the right to require the owner to take up and relay those sections of the facility within the right-of-way as may be necessary to accommodate said improvements; the taking up and relaying to be at the expense of the owner. This work shall be completed within thirty (30) working days after notification by Chatham County, or within such other time as may be approved in writing by the County. (Amended May 26, 2006)**(Amended TBD)**

Should owner upon notification by Chatham County fail to remove **and/or take up and relay** any property encroaching in the right-of-way within 30 days, then Chatham County shall have the right to remove the obstruction or encroachment with all cost and expenses plus \$500 charged to owner in constituting a lien against the property. (Amended May 13, 2005)**(Amended TBD)**

5. Restoration of ~~Road~~ Facilities upon Moving or Removing of Encroachment. If, and when, the encroachment contemplated herein shall be moved or removed, either on the demand of Chatham County or at the option of the permittee, the roadway, **water, sanitary sewer, storm sewer, ditch and/or canal and all other existing and** facilities shall immediately be restored to their original condition at the expense of the permittee.**(Amended TBD)**

7. Public Convenience and Safety.

a. The ~~permittee/owner developer, his agents, and/or contractors~~ shall at all time conduct the permitted work within the right-of-way according to the Manual for Uniform Traffic Control Devices (MUTCD) and in such a manner as to provide for and insure the safety and convenience of the traveling public and the residents along and adjacent to the road, street or highway and to offer the least practicable obstruction to the flow of traffic. (Amended September 10, 1999)**(Amended TBD)**

b. The ~~permittee/owner developer, his agents, and/or contractors~~ shall not close to traffic any bridge, culvert, or any portion of the road, street or highway until permission has been granted by the Administrator or his designee and notice published with map (if required by the Administrator) in the local newspaper for three consecutive days immediately prior to closing and during construction if road is closed for more than one day. The permittee shall notify each abutting occupant at least 24 hours prior to when a driveway will be cut or blocked for any length of time. (Amended September 10, 1999)**(Amended TBD)**

c. The ~~permittee/owner developer, his agents, and/or contractors~~ will maintain the roadway and adjacent driveways in a safe and passable condition at all times and will take immediate corrective action to remedy any and all problems called to his attention by the County or local residents/property owners.**(Amended TBD)**

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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 as information.

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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 as information.

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EXECUTIVE SESSION

Upon motion being made by Commissioner Stone and seconded by Commissioner Odell, the board recessed at 11:10 a.m. to go into Executive Session for the purpose of discussing litigation, land acquisition and personnel.

Following adjournment of the Executive Session, the meeting of the Board of Commissioners was reconvened at 12:50 p.m.

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ITEMS FROM EXECUTIVE SESSION

- 1. **REQUEST BOARD APPROVE SETTLEMENT REGARDING THE THREE SISTERS PERMITTING ISSUE (JONATHAN HART).**

ACTION OF THE BOARD:

Commissioner Shay moved to approve the settlement of the claim regarding the Three Sisters permitting issue in the amount of \$16,250.00. Commissioner Gellatly seconded the motion and it carried unanimously. [NOTE: Commissioners Odell, Kicklighter and Thomas were not present.]

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2. REQUEST BOARD APPROVE SETTLEMENT OF CHATHAM COUNTY V. ADOLPHUS SAMS (JONATHAN HART).

ACTION OF THE BOARD:

Commissioner Shay moved to approve settlement of *Chatham County v. Adolphus Sams* for an additional \$500.00. Commissioner Holmes seconded the motion and it carried unanimously. [NOTE: Commissioners Odell, Kicklighter and Thomas were not present.]

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

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ADJOURNMENT

There being no further business to be brought before the Commissioners, the Chairman declared the meeting adjourned at 12:55 p.m.

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APPROVED: THIS _____ DAY OF _____, 2009

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

SYBIL E. TILLMAN, CLERK OF COMMISSION