

MINUTES OF THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF CHATHAM COUNTY, GEORGIA, HELD ON FRIDAY, SEPTEMBER 25, 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 9:20 a.m., Friday, September 25, 2009.

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II. INVOCATION

Commissioner Patrick Shay gave the Invocation.

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III. PLEDGE OF ALLEGIANCE

Commissioner Dean Kicklighter 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
 Dr. Priscilla D. Thomas, Vice Chairman, District Eight
 B. Dean Kicklighter, Chairman Pro Tem, District Seven
 Helen L. Stone, District One
 James J. Holmes, District Two
 Patrick Shay, District Three
 Patrick K. Farrell, District Four
 Harris Odell, Jr., District Five
 David M. Gellatly, District Six

Also present: R. E. Abolt, County Manager
 Jonathan Hart, County Attorney
 Barbara Wright, Acting County Clerk

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V. PROCLAMATIONS AND SPECIAL PRESENTATIONS

- 1. **PRESENTATION OF A CHECK TO THE SPECIAL OLYMPICS AND A PLAQUE TO THE SHERIFF'S DEPARTMENT. (DEPUTY BRENDA SHERMER WILL BE PRESENTING THE CHECK AND ALLISON KACZENSKI, DIRECTOR OF SPECIAL EVENTS, LAW**

ENFORCEMENT TORCH RUN LIAISON, SPECIAL OLYMPICS GEORGIA, WILL BE PRESENTING THE PLAQUE.)

Chairman Liakakis said, what we're going to have this morning under Proclamations and Special Presentations, a check to the Special Olympics and a plaque to the Sheriff's Department. Deputy Brenda Shermer will be presenting the check and Allison Kaczenski, Director of Special Events, Law Enforcement Torch Run Liaison, Special Olympics of Georgia, will be presenting the plaque this morning. I ask all of them to come forth at the podium please.

Deputy Brenda Shermer said, good morning. How are you? Chairman Liakakis said, identify yourself for the Clerk. Deputy Shermer said, I'm Deputy Brenda Shermer, Chatham County Sheriff's Department. We're here this morning — thank you for having us — to present Special Olympics with a \$51,016 check that our department collected for Law Enforcement Torch Run for Special Olympics. With that \$51,016 made us number one in the State of Georgia, which is unbelievable for us. Once we got over the tears and the [inaudible], we know that our department has worked. Once again thanks to our Sheriff. He allowed me to do this and I am just so blessed that he lets us do this. We make dreams come true. Without our help and all the other law enforcement agencies, it wouldn't happen. We change lives especially with athletes. My nephew said — he is challenged — he said to me, "Aunt Brenda, will you make dreams come true?" And he's right. We all make dreams come true. On behalf of myself and the department, we're just so thrilled with Aerial Savannah coming out and supporting us. Twenty-four thousand dollars with cops on top. The Commission was there, Pete Liakakis. We appreciate you, all you should. A lot of them showed up. The Sheriff can take off. We're just so thrilled that we were able to do this. We thank the Commission, we thank Chatham County, we thank the Sheriff's Department, we thank you.

Sheriff Al St. Lawrence said, well, I can't say enough about the employees. It ain't just — it's about Special Olympics today, but we just kicked off United Way the other day. These employees are dedicated to helping other people. The Special Olympics certainly was significant this year because I was told last year by Deputy Shermer that they would be number one in the State this year, and they accomplished that by raising \$51,000 and that's a lot of money going to Special Olympics. We appreciate you recognizing them here today.

Chairman Liakakis said, well, I think that's really important and, Deputy Shermer, thank you and all of the Sheriff's Department personnel because y'all do a great job, and being number one in the State of Georgia shows a lot because our Sheriff's Department we can see that many times they have raised more money for United Way than any other department. We've got great departments and they work hard, you know, and we can see about the outreach programs that you have, Special Olympics and many other things, and that makes a difference in our community because not only doing law enforcement, but also helping in civic and charitable things in our community. We thank you, Sheriff for your leadership and to all of the others, and you'll be presenting the check this morning. Go ahead.

Deputy Shermer said, the Sheriff and I are presenting the check. Chairman Liakakis said, alright. Deputy Shermer said, Special Olympics of Georgia, \$51,016 signed by Al St. Lawrence.

Ms. Allison Kaczenski said, I'm Allison Kaczenski. I am the Special Olympics of Georgia Law Enforcement Torch Run Liaison, and I have the pleasure of working not only with Chatham County Sheriff's Department, but law enforcement agencies across the entire State of Georgia, and this year we were able to raise over \$620,000 for our athletes across the entire State. With the dedication of Deputy Shermer, she definitely put in countless hours coordinating donut shops, bagging for tips and many other fund-raisers that she does, and I would like to take this opportunity to present a surprise — nobody knows about this — but the Executive Council of the Law Enforcement Torch Run this year voted to elect Deputy Shermer into our Hall of Fame for the Torch Run for the State of Georgia. We review applications and nominations are submitted from agencies across the entire State, and due to her five-plus years of commitment to our program and her over 600+ personal hours that she puts in year round, she really goes day in and day out January through December for us, so this is the highest honor that we have, and it's my pleasure to be able to present it to her. Thank you.

Chairman Liakakis said, thank you. Sheriff St. Lawrence said, and Brenda Shermer is the leader in this group, but there's more employees involved besides what's here today that volunteered their time to help on this fund-raiser. Chairman Liakakis said, excellent. Thank you again.

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2. PROCLAMATION FOR HEATHER FERGUSON ON HER RETIREMENT FROM MOSQUITO CONTROL.

Chairman Liakakis said, I call on Commissioner Stone for the presentation, and we'd like heather [Ferguson] and anybody else, if she has family members or friends also, to come to the podium also.

Commissioner Stone said, thank you, Mr. Chairman, for this opportunity. Commissioner Stone then read the following proclamation into the record:


The County of Chatham
Georgia
Proclamation

WHEREAS, Chatham County is privileged to have employees of high caliber that take great pride in their duties and responsibilities, and in that regard, we commend Heather B. Ferguson; and

WHEREAS, Heather B. Ferguson began her employment with Chatham County on June 8, 1984, as a Mosquito Control Operator for the Chatham County Mosquito Control Commission; on February 25, 1985 she was promoted to Medium Equipment Operator; on October 21, 1985 she was promoted to Ground Adulticiding Supervisor; and on May 3, 2007, she graduated from the Carl Vinson Institute of Government Management; and

WHEREAS, for twenty-five years, she took great pride in her duties and was a dedicated and valuable member of Mosquito Control. She implemented and supervised the Catch Basin Scooter Patrol Program which became an integral part of Mosquito Control operations. She kept a positive attitude and strived to meet any challenges that were placed upon her. She responded well to the increasing and continuous workload placed upon her.

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

HEATHER B. FERGUSON

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

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of Chatham County, Georgia to be affixed this the 25th day of September 2009.

Pete Liakakis, Chairman
Chatham County Commission

ATTEST:

Sybil E. Tillman, Clerk

Commissioner Stone said, congratulations.

County Manager Abolt said, ladies and gentlemen, we're always proud of those employees who've reached a point in their life that Heather has, but I want to tell you about my experience with this employee, and it's a lasting experience that centers around her responsibility as hit-man on the Adulticide Program of Dr. Lewandowski. I know all of you have had, as I had, the chance to go to public expositions where the Mosquito Control trailer, very much tricked out, very impressive for all generations is here, and to see the scooters roll out. It looks like something out of A-Team. This young lady was the driving force behind it and really the first time I really got a chance to know her when I saw that twinkle in her eye as she talked about what was in that trailer showed me and it's truly a commitment to her professionalism. Remember please with the threat of mosquito-borne infections, particularly West Nile, that it is incumbent upon Dr. Lewandowski and his professional staff to do all they can to combat that. It was found early on catch-basins throughout the County became a harborage for these type of mosquitos. It was through the innovation of this employee, Dr. Lewandowski and support staff that they came up with this scooter program where employees would be coming down the street and put a packet in the catch-basin with timed-release adulticide that would kill these mosquitos. She can tell it better than I, but she's a killer and we'll miss her.

Ms. Ferguson said, thank you. It's been a pleasure for the last 24 years. I started it — 25 years. I started here when I was 24 years old, a young kid just graduated from high school, and the County made gave me the

opportunity to grow into a young adult. Thank you so very much. Thank you for the education that you have given me and the experiences, the achievements, the certificates I have. I could go on and on I have so many, but I would like to thank you very much for allowing me to work under your umbrella, and thank you again.

Dr. Henry Lewandowski said, Heather, I want to thank you and tell you how much we're very proud of you and on behalf of Chatham County present this beautiful lamp to you.

Chairman Liakakis said, Heather, when you turn that on, just remember the light of Chatham County is there with you. Ms. Ferguson said, thank you, sir. County Manager Abolt said, it doesn't attract bugs. Commissioner Kicklighter said, that's what I was thinking. Commissioner Odell said, the reason it doesn't attract bugs is that we don't give them a lightbulb. Commissioner Farrell said, you'll have to attract your own bugs, I guess.

Dr. Lewandowski said, finally in a few words, I would like to say how proud we are of Heather and that we'll miss her. Heather is a real fighter. She came to us, as you've heard, over 25 years ago. She's literally dug ditches, operated heavy equipment, became a supervisor of our scooter program and she was the innovator of this program after we had a very bad season with West Nile Virus in 2003. She hounded me for four months. I said, "Heather, how would the use of scooters — it's not safe, it's expensive, how is this going to work?" And she kept coming at me and coming and said I will make this work, and she showed me how to make it work, how it would work. She brought it in budget and she's made it a very successful program. So we're all very proud of her. Heather, thank you and congratulations.

Chairman Liakakis said, Heather, on behalf of the Chatham County Commission we want to wish you well in your retirement. We thank you for all of your hard work and, of course, those things that you did. You helped the taxpayers save money in the innovative things that you did. We thank you very much for your dedication and all of your hard work and may God speed you in many areas in the future. Ms. Ferguson said, thank you.

Commissioner Odell said, and before you go, introduce your family.

Ms. Ferguson said, this is my sister, Mary Florence — she recently got married — and my uncle, Edward Smith. Commissioner Odell said, thank you. Ms. Ferguson said, thank y'all so much.

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3. PROCLAMATION FOR SERGEANT ROBERT POOLE ON HIS RETIREMENT FROM THE SHERIFF'S DEPARTMENT AFTER OVER 30½ YEARS OF SERVICE.

Chairman Liakakis said, next we have a proclamation for Sgt. Robert Poole on his retirement from the Sheriff's Department, where he has worked over 30½ years. We ask the Sheriff and anyone with the Sheriff's Department to come forth to the podium.



Chairman Liakakis read the following proclamation into the record:

WHEREAS, Chatham County is privileged to have employees that take great pride in their duties and responsibilities, and in that regard we commend Sergeant Robert Poole; and

WHEREAS, Sergeant Robert Poole began his employment with Chatham County on September 5, 1978 as a Senior Deputy with the Municipal Court Sheriff's Office. On February 10, 1981, Sergeant Poole was transferred to the State Court Sheriff's Office as a Senior Deputy. On March 10, 1984, Sergeant Poole was promoted to the rank of Deputy Sheriff within the State Court Sheriff's Office. On March 9, 1984, Sergeant Poole was promoted to Corporal within the State Court Sheriff's office. On August 22, 1989, Sergeant Poole was then promoted to Sergeant with the Chatham County Sheriff's Department and has worked in all areas of the Enforcement Bureau, having outstanding knowledge of its operations as a seasoned and productive member of the department; and

WHEREAS, his duties at the Chatham County Sheriff's Department provided him the opportunity to work in an environment that allowed him to touch the lives of many individuals in a positive manner in an effort to provide service to the citizens of Chatham County; and

WHEREAS, Sergeant Robert Poole took great pride in the uniform that he wore, the principles that he represented and the profession that he embraced, meeting the many challenges placed upon law enforcement officers each and every day as carriers of its high standards.

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

SERGEANT ROBERT POOLE

upon his retirement and express our sincere appreciation for over thirty and a half years of dedicated service to the citizens of Chatham County and extend best wishes for a long, happy, and healthy retirement.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of Chatham County to be affixed this the 25th day of September 2009.

Pete Liakakis, Chairman
Chatham County Commission

ATTEST:

Sybil E. Tillman, Clerk

Chairman Liakakis said, and I'd like to present this proclamation to Robert, and I've known him for a number of years because having to go to the Courthouse in my business for many things and seeing him there and other places too. He's done an excellent job. I congratulate him and thank him very much for all the work he has done. Sgt. Poole said, thank you.

Sheriff St. Lawrence said, well, we always hate to lose good employees, but you know everybody knows when they're time is coming they want to retire, and it's their choice to do so. But after 30 years in this business, I guess he certainly deserves retirement. And I thought that Harris Odell was kidding a minute ago about the lightbulbs. I looked in that lamp and you were right. It must be tough economic times — there's no lightbulb in there.

Sgt. Poole said, I retired back in June but I'm not used to getting up this early. I'm a little nervous. I'm really afraid that — it's a little overwhelming. I did not expect this. I have a few notables. I'll try not to be too long. I'll make it quick. Like all good Chatham County employees, I came and I left and I came and I left and about the third time I came back I decided to stay, but I remember sitting at Grayson Stadium — I think they were a Braves Minor League Team — and Frank Downing was there. It was about '77, somewhere about the third time I came back to work for Chatham County, and I always had a keen eye for important individuals and I knew Frank was an important person and I went and sat with him, and he was very kind to me and he was very instrumental in securing permanent employment for me with Chatham County, and that was 30½ years ago. So I truly thank Frank from the bottom of my heart.

As they mentioned in the proclamation, I worked with Magistrate Court. You might remember Judge Mullings and John Murray. John Murray's still with the department. He retired as a Major a few years ago. I thank them. And there was Walter Mitchell and Bobby Patton, State Court. I thank them, and then I was very privileged and honored to have worked under St. Lawrence, who I consider my boss for the most part of the 30 years that I've

worked because I pretty much worked for him for 30 years, and you have a Major Wilcher and Major Enoch, Captain Powell, Harris Odell, who I consider a friend. I've known him for over 30 years and I told him I was going to single him out, and Harris has been very kind to me and I appreciate all you've done for me, Harris, over these 30 years. Van Johnson, remember a little problem I had about 15 years ago and Van was very kind and he's a great leader and I have high expectations for Van, wherever you are. I did mention Major Enoch, he's here, Captain Powell, Major Wilcher is not here, but most of all I want to thank Al St. Lawrence and Donny Anderson and without them it would not have been possible. I told Russ [Abolt] I had a little something for him and I hesitated, but you know when I first started with Chatham County I made about \$7,000 a year. We remember those days you know, and thanks to people like Russ, I still make \$7,000. County Manager Abolt said, we'll get him a lightbulb.

Sgt. Poole said, but, I mean, I just can't believe I've made the money that I've made. You guys are great. I can't imagine — I've talked to death — from other states and other counties all over this country, I've met them all, and I'm telling you, we're really taken care of and it's to your credit. It's the way that you take care of us and you've taken care of me, and it's been a great life and I would do it all over again. Dean [Kicklighter], I thank you, Ms. Thomas, I've been to your house, and Pete Liakakis and Ms. Stone and everybody, and this great attorney here. I've hit on all of you and you've dragged me across the finish line and I thank you from the bottom of my heart.

This is my wife, Elizabeth, and we had a few tense moments getting here this morning. She just bought a new Mustang convertible, so it's hard for me to keep up with her. I want to thank Captain Coughlin. I worked under him and I appreciate everything everybody's done. Do you want to say something, Elizabeth? No? Okay.

County Manager Abolt said, if I may, you know, if you've watched TV very much, you will see a very impressive recruiting video of the Sheriff and the department's put together, but beyond that I think you've heard the finest testimony to why a career in law enforcement in Chatham County is so rewarding. This man symbolizes and for that we very much appreciate it. Sgt. Poole said, thank you.

Sheriff St. Lawrence said, on behalf of Chatham County I want to present this lamp to you, and I will get you a bulb. Sgt. Poole said, I'd really rather have a car. I drove a County car for 31 years. A County car — what's the price of gasoline now? I haven't bought gasoline in 31 years. But I thank you. I have matching lamps and it means the world to me and you guys mean the world to me. Thank you. Sheriff St. Lawrence said, thank you.

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CHATHAM COUNTY YOUTH COMMISSIONERS

Chairman Liakakis said, what I'd like to do before we start with the rest of the agenda, to recognize some Chatham County Youth Commissioners that we have at the table here, at the desk this morning, is Kristen Palmares, who is the Youth Commissioner for Calvary Baptist, Jazmine Ellis who represents Groves High School and Tilly Isaacson who is representing Savannah Arts Academy and is the Chairperson this year for the Chatham County Youth Commission. We thank each and every one of you for coming today and your participation in the Youth Commission.

Youth Commissioner Isaacson said, thank you, Chairman Liakakis, for having us today. We really appreciate it. Chairman Liakakis said, thank you.

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VI. CHAIRMAN'S ITEMS

1. REQUEST TO MOVE UP ITEM IX-2 EARLIER IN THE AGENDA.

Said, we'll go to Item VII at this time and then we'll come back to the Chairman's Items.

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Chairman Liakakis said, go back to Item VI. We need a vote to request to move up Item IX-2 earlier in the agenda.

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

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

[NOTE: Item IX-2 was moved to this point on the agenda.]

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VII. COMMISSIONERS' ITEMS

1. CONSTRUCTION MANAGER AT RISK (COMMISSIONER THOMAS).

Chairman Liakakis recognized Commissioner Thomas.

Commissioner Thomas said, thank you, Mr. Chairman, ladies and gentlemen. I appreciate the fact that you allowed me to have this placed on the agenda this morning to discuss further the CM and [sic] at Risk for Chatham County. As I told you in the pre-meeting, I did some research and asked a lot of questions and the main thrust of all of this is to make sure that we have the best method of dealing with the Detention Center. I do have some handouts that I will pass out to each person, and my main thrust is to try to give you some facts in terms of the CM at Risk. We know that the County does not have a policy. The mere fact of the written RFP stated that counties desire to include local subcontractors and local WMBE subcontractors, and this includes as point value attached to it like all RFP's do. Every company that comes to the table will be scrambling to include a local partner.

Fact Number Two: CM at Risk gives the County an opportunity to select the most responsive and responsive team.

Fact Number Three: CM at Risk subjects to far less change orders on a project of this size.

Fact Number Four: CM at Risk allows for shorter completion time on a project of this size.

Fact Number Five: CM at Risk gives the owner, which is the County, the ability to negotiate the fee for services with the selected team.

Fact Number Six gives the County an avenue to evaluate the team that they are selecting and its inclusion of the local market as to suppliers and subcontractors. And I have two more facts.

Fact Number Seven: CM at Risk allows the County to evaluate the methodology and a committed plan on how to — how a team plan to be inclusive of this entire community, not only with its suppliers and subcontractors, but with its hiring practice, and I think that's one of the sticking issues here is to make sure that the community is included in this particular project.

Fact Number Eight: A project of this size at its highest peak will generate some 150 to 200 temporary jobs that is but in — as we all know, in this economy these jobs will most likely be filled by legal citizens of this country — I mean, of this County.

Like I said, my main idea and thrust on this, as we discussed the other facts about the design/bid project method, some of the things that I have looked at that was a little different from the other one — say, for instance, in Fact Number Four, we will be getting the lowest price of the day, but then we also stand for greater risk of a lot of major change orders that's always coming along on projects that we have. No matter what kind of project we have, it seems as though after everything takes place, there is a request for a lot of change orders, which amounts to more money that the County has to put out.

So those are some of the grave concerns that I have and all I'm saying is that, you know, to give it an opportunity to look at it. I know Mr. Abolt is going to be — and his staff — is going to be looking at this, but we want to make sure that you understand where we're coming from as far as the community is concerned.

County Manager Abolt said, that's wonderful. We'll make sure that in our report to you at your next meeting, we'll address each of those issues. Thank you very much. Commissioner Thomas said, thank you. So that's where I am, Mr. Chairman.

Commissioner Odell said, I've got some comments. Are we finished on that. Chairman Liakakis said, go ahead on this. Commissioner Odell said, as Dr. Thomas said, there are a variety of advantages, but I think historically we need to look at what other places have used the — it's really Construction Management at Risk, and Bartow County has, Gwinnett County, Cobb County and Clayton County are just some of the counties that have used this system regarding jail detention centers. Ultimately, what we want to do, I would presume to speak for everyone, is to — we're going to spend between 90-plus million dollars on this facility. We want to keep as much of the money in the local community as possible, as practical. We have an obligation to do that. This contract is going to be a large contract. You're going to have national and international companies bidding on this contract, and the problem is that we had the Trade Center, and not knocking the Trade Center, but I was on the Commission when we constructed it and we had a guaranteed maximum price, which to me being an attorney meant that they guarantee what it's going to cost, but I think we paid substantially more. Am I right, Pat [Monahan]? County Manager Abolt said, yes. Commissioner Odell said, for the record our illustrious Assistant County Manager just nodded in the affirmative. But the problem was that we are a community, and a community is that if a large company gets this

contract and they bring in a company from Memphis, then Memphis, Tennessee, should hold a news report and say, yippee and cheer. But a lot of companies potentially will get the contract, bring in their subs and they will not be subcontractors locally. Commissioner Thomas said, right. Commissioner Odell said, and that's a concern for me. We should not just be putting folk in jail.

This is an opportunity that we can help be a stimulus to the economy locally. This is a major project. You're talking about \$90,000,000, you're talking about a lot of money. We need to make certain within the bounds of the law that we keep as much of that money locally as possible. I'm not one of those people who believe that we have to go elsewhere to get things done. Savannah because of its historic beauty has attracted some of the best minds anywhere in the world, and I just point to my Commission and for those of you who did not know it, we have elected Pat Shay as our brain trust. We did that last night when he left the meeting. We were going to get Stone, but she stayed longer.

But on a serious side, there's several other places who've used it. The State of Georgia has used it, the Board of Education, Chatham County, are now using it for the school in Dean's area. Commissioner Kicklighter said, right. Commissioner Odell said, and I had the opportunity to meet with like 65 contractors and they are small business people. Whatever we think, we were cheering about Mitsubishi or whatever the company moving here. More jobs are created by small companies, like the ones that Pat Shay, Pat Farrell and Harris Odell run. I would have said Mr. Liakakis, but he's big business. He's a major company. But Pat Farrell — the two Pats, we are small business people, but we hire people, we pay taxes. Our people buy houses here and live. I guess the point being is that I'd like for us to look at this, and there will be those who will say, "Well, in a traditional program you have designed, then you bid it and then you build." We are just about through the design phase. Hopefully, the Construction Management at Risk would take over the bid part of it. Not the design function of it. Commissioner Thomas said, right. Commissioner Odell said, and this does not mean that we are reducing standards or reducing quality. That is a misnomer. If it was not true, if that was true, I think Gwinnett County would not have looked at it, Cobb County would not have looked at it, Bartow County would not have looked at it. Georgia Southern University, when they built their biology building, looked at this system. So to say that it has no merit is inconsistent with logic, reason and truth. It's not logical, it's not reasonable, it's not truthful.

What I'd like for us to do in that time grows nigh, and picking back up on what our Vice Chairman Dr. Thomas has said, when we say look at this there is a couple of ways that you can do that. You can look at it and that's it, or you can look at it and come back within a specified time period with a recommendation and an analysis, and I want us to not do what psychologists call steering, and psychologists call that steering young people of the Youth Commission simply because you direct a decision. It's kind of like my mother would tell me, if you're not in by eleven o'clock, when I was in high school, if you're not in by eleven o'clock, then someone will carjack you — I lived in Nashville, Tennessee — will rob you, and because you don't pray, you'll go to Hell and live with Satan. See, that was a major motivator for me to be there by eleven o'clock. That's called steering. She did that really well. Let's give this a fair look and I know we will and I —

County Manager Abolt said, if I may, sir. It's also called group think, and you'll notice from the team that we put together, we have I hope balanced it. If we don't, you'll bring it to our attention. But in addition to our Engineering staff, who have built a great deal of understanding of what we're looking at, I have Mike Kaigler, and Mr. Kaigler is one of the most balanced thinkers on the team and provides that type of insight, and if we don't do it right, in two or three weeks he'll tell us and we'll do it again. The consequence of this decision is too far-reaching. It affects too many lives in so many ways. This will be — will be — the largest dollar-wise construction project this County has ever let, and so regardless of one's believe as to how many beds we should need, it's definite that we need this number of beds. I promise to you we'll deliver it as quickly as possible, and I've also made a kind of sidebar commitment to the Sheriff that as soon as possible we'd get this out and get those jail beds open. But I also understand the passion in which this Board has set forth your goals for inclusion.

Commissioner Odell said, inclusion of local folk. Commissioner Thomas said, exactly. Commissioner Odell said, and that is not limited to people who look like me. There are people who look like Pat Shay who don't get a part of the pie. Commissioner Thomas said, exactly. Commissioner Odell said, and what I want to see is more of the sub-contractors smaller companies being included, and however we achieve that so that we can keep funds here, because I think that's the building blocks of our community, and I did not want to infer that the County staff would just not do due diligence. Nobody has a higher opinion for Russ Abolt, Pat Monahan and Mike Kaigler and the staff than I do. We have an excellent staff, a fair and objective staff, and because we've had Liakakis to come on board as Chairman, I really believe because you all are in so many places at so many times, that they are cloning people. I see Mike Kaigler too often for it just to be one person. And, Mr. Chairman, with that James Holmes told me to shut up and be brief.

Chairman Liakakis recognized Commissioner Shay.

Commissioner Shay said, I'll be very brief. A guaranteed maximum price, just so you understand, it's a term of art. I mean, it's something that in a CM format was saying is a target price, just like there is if you hard-bid a project. If it's a guaranteed maximum price, it's subject to change order just like the other numbers. And I think the reason it's a term of art is that a lot of people make the mistake of assuming that that means that it can't go over that number. If you don't — and so I, you know, I'm not saying that that makes CM at Risk better or worse than design, bid/build, but I just want to make sure that people understand that the term of art, guaranteed maximum price just means it sets a price at the time that you enter the contract. It doesn't mean that the price can't change or go over it. As a matter of fact, it's just as much subject to change and going over it as if you hard-bid the project. That's all.

Commissioner Odell asked, because of the scope, Patrick [Shay]? Commissioner Shay said, yeah. I think an example might be the City of Savannah just did an underground parking garage that was an incredibly complicated project. It had a guaranteed maximum price, and I believe that at least some of the members of City Council believed that that meant that it could not possibly go over that number, but when you did the hole that deep and you find out that there are things down there that you didn't anticipate, there can still be claims and there can still be change orders. So I just don't want there to be any, you know, confusion about that term of art, that's all.

Chairman Liakakis recognized Commissioner Kicklighter.

Commissioner Kicklighter said, I just want to thank you because we had this discussion before, Commissioner Odell, and Dr. Thomas and all of us. As a white guy I sometimes feel excluded, so when you put local subcontractors and WMBE to be included, I think that's what white men be included is what that means? So I appreciate that. We're in a county that, I believe, we're close to 50/50 on race and — I believe — and I believe the City of Savannah is actually more populated African-American than white, so when we're talking this stuff in this

area of the country, I think the key is what you'll hit on very much so is keeping the jobs local. Commissioner Odell said, that is the —. Commissioner Kicklighter said, and if the local, because we are pretty evenly divided, that's going to put money in white people's



pockets and black people's pockets here, and that's what we need to do. Honestly, joke aside, I know what WMBE means, but if we constantly, consistently hit on the local, that's going to all wash, and so this is good to look at this and go in that direction of keeping everything local. Thank you.

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2. PROCLAMATION FOR THE SAVANNAH CHAPTER OF THE LINKS FOR THEIR SUPERB PARTNERSHIP WITH SUMMER BONANZA (COMMISSIONER THOMAS).

Chairman Liakakis recognized Commissioner Thomas.

Commissioner Thomas said, thank you, Mr. Chairman. Members of the Commission, Mr. Abolt and his staff, and to the Chatham County Youth Commission, thank you so very much. I'm going to ask Ms. Virginia Edwards, who is the former Superintendent of the Chatham County Public School System and who is now the President of the Retired Teachers Association and a number of other things, and I thought it would be very fitting at this time to let you know what a superb job The Links has done over the years with the Summer Bonanza Program. Too often we do not say publicly thank you for all the hard work that a person does, and I want you to know that the countless hours that Ms. Edwards and her organization has put into the Summer Bonanza Program is beyond, and they have also taken the responsibility of assisting me because it was really getting a little heavy dealing with 200 children. We're not only just work with those children during the Summer, keeping them out of, you know, negative stuff, but we follow them up throughout the school year to make sure that they are on task and et cetera because they have stepped up to the plate and agreed that they will help me go into the schools and also monitor all of these children throughout the year. So thank you so much for that.

So today I would like to present on behalf of the Chatham County Commissioners, as well as the citizens of Chatham County, this proclamation to The Links, and it reads as follows:

WHEREAS, the Savannah Chapter of The Links, Incorporated, chartered November 3, 1956, is a public service non-profit organization of African American women dedicated to the mission of serving the needs of local and surrounding communities through educational, cultural, and civic activities and projects; and

WHEREAS, this distinguished organization has sponsored various activities all for the enhancement of our community including, just to mention a few, health and education fairs, self-esteem sessions for disadvantage youth, tutorial services, annual juried art exhibition for middle and high school students, academic scholarships for students attending a local university or college, voter empowerment workshops and walk-a-thons for health and hunger and sickle cell anemia.

WHEREAS, for the past five years, the Savannah Chapter of The Links has been a strong supporter of Chatham County's Summer Bonanza Partnership, Inc., and three years ago the President, Virginia Edwards, initiated the partnership with Summer Bonanza and its Executive Director, Dr. Priscilla Thomas and has since worked with the youth participants in support of literacy. They have dedicated countless hours serving as mentors not only during summer months, but throughout the school term. They purchased reading material, school supplies, and spearheaded the Summer Bonanza Reading Literacy Program.

NOW, THEREFORE, Pete Liakakis, Chairman, on behalf of the Chatham County Board of Commissioners, do hereby salute express our sincere appreciation to:

THE SAVANNAH CHAPTER OF THE LINKS

for their unwavering commitment to public service in our community in donating unselfishly of their time to enhance the lives of the citizens of Chatham County.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of Chatham County, Georgia to be affixed this the 25th day of September 2009.

ATTEST:

Pete Liakakis, Chairman
Chatham County Commission

Dr. Priscilla D. Thomas, Vice Chairman
Chatham County Commission

Chairman Liakakis said, thank you so very much, and it's signed by the Chairman Pete Liakakis and the Vice Chairman, yours truly. Congratulations and thank you so much and we —.

Ms. Virginia Edwards said, good morning, Chairman and Commissioners. Thank you for this opportunity. The Savannah Chapter Links, we are pleased to have the opportunity to work with Dr. Thomas and the children in her program Summer Bonanza. One of the things we believe is that we're here to serve and to invest in the young people in the community because one day we hope that they will replace us and be where Mr. Liakakis is, Commissioner Odell and all the other Commissioners. So to Dr. Thomas we say thank you for the opportunity. We'll continue to be a partner with Summer Bonanza, and we feel an obligation and a duty to work with the children in this community and hopefully build a better future for them. So thank you.

Chairman Liakakis said, Virginia [Edwards], thank you very much because, you know, you continue doing great things being a community activist because you've served the education system of our County and City for many, many years and was also Superintendent of the Schools, but even with your retirement we can see a lot of things that you're doing, so we thank you very much for your participation in helping in many areas of our community.

Commissioner Odell said, and I think she's getting younger, too.

Ms. Edwards said, let me hasten to say this too, but I'm accepting this proclamation on behalf of 36 members, 36 ladies and some of them are not with me today because we are working at Thunderbolt Elementary School. So I will dismiss myself after this presentation to join The Links at Thunderbolt Elementary School. So we are working today.

Youth Commissioner Isaacson said, I'd like to say the Chatham County Youth Commission has had the honor of working with Summer Bonanza and it is truly a wonderful organization helping so many young people, and congratulations to the Savannah Chapter being involved and we had the opportunity to [inaudible] last night to discuss the importance of being a part of the youth organization and they really are making a difference. Thank you very much.

Ms. Edwards said, well, when you look at these young people it's worth the time and effort. Thank you.

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VIII. TABLED/RECONSIDERED ITEMS

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

1. * **REQUEST BOARD APPROVAL OF AN AGREEMENT WITH CHAIN BASEBALL TO MANAGE THE JIM GOLDEN COMPLEX AT SCOTT STELL COMMUNITY PARK AS A PILOT PROJECT TOWARD MANAGING ALL OF THE PARK IN THE FUTURE. Item was tabled at the August 28, 2009, meeting.**

Chairman Liakakis said, Commissioner Holmes made that request to table it and do —.

Commissioner Holmes said, I asked to table it until I meet with the other [inaudible]. Commissioner Farrell asked, so leave it on the table?

Chairman Liakakis said, let's leave it on the table. Okay, we'll move on. Let me ask you, when — let's set up a meeting —.

Commissioner Holmes asked, Mr. Monahan, can you arrange another meeting with Chain Baseball and the staff? Mr. Monahan said, yes sir.

Commissioner Kicklighter asked, is delaying it until the next meeting going to hurt anything? Is that okay? Mr. Monahan said, yes sir. The improvements are continuing. Commissioner Kicklighter said, okay.

Chairman Liakakis said, okay. So, Pat [Monahan], make sure that that meeting is set up as soon as possible. Thank you.

ACTION OF THE BOARD:

This item was not placed before the Commissioners for action.

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IX. ITEMS FOR *INDIVIDUAL* ACTION

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

1. **TO REQUEST APPROVAL OF THE FOLLOWING BUDGET TRANSFERS AND AMENDMENTS: 1) GENERAL FUND M&O TRANSFER \$100,000 FROM UNION MISSION DEBT SERVICE TO UTILITIES, 2) SALES TAX I TRANSFER \$1,300,000 FROM RESERVE FOR SPECIFIED PROJECTS TO TRUMAN PARKWAY PHASE 4, 3) SALES TAX IV AMEND DRAINAGE AND BOAT RAMP PROJECTS AS OUTLINED ON THE ATTACHED CORRESPONDENCE FROM THE COUNTY ENGINEER AND SUMMARIZED ON THE SCHEDULE IN ATTACHMENT I, AND 4) CAPITAL IMPROVEMENT PROGRAM FUND TRANSFER \$20,000 FROM GENERAL M&O CONTINGENCY TO THE MARINE PATROL PROJECT.**

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

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

Chairman Liakakis said, we have a motion on the floor and a second. Let's go on the board. Chairman Liakakis and Commissioners Holmes, Shay, Farrell, Odell, Gellatly and Thomas voted in favor of the motion. Commissioner Kicklighter voted in opposition. The motion carried by a vote of seven to one. [NOTE: Commissioner Stone was not present.]

ACTION OF THE BOARD:

Commissioner Farrell moved that the Board approve the following budget transfers and amendments: 1) General Fund M&O transfer \$100,000 from Union Mission Debt Service to Utilities, 2) Sales Tax I transfer \$1,300,000 from

Reserve for Specified Projects to Truman Parkway Phase 4, 3) Sales Tax IV amend drainage and boat ramp projects as outlined on the attached correspondence from the County Engineer and summarized on the schedule in Attachment I, and 4) Capital Improvement Program Fund transfer \$20,000 from General M&O Contingency to the Marine Patrol Project. Commissioner Holmes seconded the motion. Chairman Liakakis and Commissioners Holmes, Shay, Farrell, Odell, Gellatly and Thomas voted in favor of the motion. Commissioner Kicklighter voted in opposition. The motion carried by a vote of seven to one. [NOTE: Commissioner Stone was not present.]

AGENDA ITEM: IX-1

AGENDA DATE: September 25, 2009

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

ISSUE: To request approval of the following budget transfers and amendments: 1) General Fund M&O transfer \$100,000 from Union Mission Debt Service to Utilities, 2) Sales Tax I transfer \$1,300,000 from Reserve for Specified Projects to Truman Parkway Phase 4, 3) Sales Tax IV amend drainage and boat ramp projects as outlined on the attached correspondence, and 4) Capital Improvement Program Fund transfer \$20,000 from General M&O Contingency to the Marine Patrol Project.

FACTS AND FINDINGS:

1. Based upon an analysis of historical data, the adopted budget for the Utilities Department needs to be increased by \$100,000 to fund anticipated expenditures. Since the debt service on the Union Mission bond issue will not start until fiscal 2010, a budget transfer of \$100,000 from the debt service account to Utilities Department is requested.
2. The County Engineer has requested a Sales Tax I transfer of \$1,300,000 from Reserve for Specified Projects to Truman Parkway Phase 4. Correspondence is attached.
3. The County Engineer has requested amendments to drainage and boat ramp projects in Sales Tax IV. The amendments will decrease Chatham County Drainage \$1,900,000, and County Boat Ramps \$1,550,000. Corresponding increases will be to Queensbury Drainage \$500,000, Quacco Extension \$1,000,000, Old Quacco Canal West of US17 \$400,000, Bells Landing \$1,000,000, and King's Ferry \$550,000. A transfer of \$50,000 from Drainage Program Reserve to Dundee Canal is also requested. These adjustments are outlined on the attachments.
4. The Board of Commissioners previously approved an appropriation of Confiscated Funds for acquisition and transport of a motorized barge for the Metropolitan Police Department. Due to the nature of the equipment and its intended use, Capital Improvement Program (CIP) funds are a more appropriate funding source than Confiscated Assets. A transfer of \$20,000 from CIP General M&O Contingency to the Marine Patrol Project is requested.

FUNDING: Funds are available in the General Fund M&O, the Sales Tax I Fund, the Sales Tax IV Fund, and the Capital Improvement Program Fund adopted budgets for the transfers.

ALTERNATIVES:

- (1) That the Board approve the following:

GENERAL FUND M&O

Transfer \$100,000 from Union Mission Debt Service to Utilities.

1985-1993 SPLOST FUND

Transfer \$1,300,000 from Reserve for Specified Projects to Truman Parkway Phase 4.

2003-2008 SPLOST FUND FY2010

- a) decrease Chatham County Drainage \$1,900,000, and increase Queensbury Drainage \$500,000, Quacco Extension \$1,000,000, and Old Quacco Canal West of US17 \$400,000,
- b) decrease County Boat Ramps \$1,550,000 and increase Bells Landing \$1,000,000 and King's Ferry \$550,000,
- b) transfer \$50,000 from Drainage Program Reserve to Dundee Canal.

CAPITAL IMPROVEMENT PROGRAM FUND

Transfer \$20,000 from CIP General M&O Contingency to the Marine Patrol Project.

(2) Amend or deny the request.

POLICY ANALYSIS: State law grants the Board authority to amend the budget during the year as it deems necessary.

RECOMMENDATION: That the Board approve Alternative 1.

Prepared by: Read DeHaven

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2. BOARD CONSIDERATION OF POTENTIAL FUNDING OF REVENUE SOURCES FOR THE SPECIAL SERVICE DISTRICT THAT MIGHT BE ACHIEVED BY LEGISLATIVE ACTION. ALSO, INCLUDED FOR CONSIDERATION BY THE COMMISSION IS AN EARLY DRAFT OF 2010 LEGISLATIVE AGENDA.

County Manager Abolt said, Mr. Chairman, Dr. Thomas, gentlemen, we have an occasion now before you for which we appreciate taking it in advance because of a schedule conflict of Mr. Hughes, but I just want to introduce it by saying and requesting and begging your indulgence and patience. The reason being is that this can be confusing just in reading the staff report, but it is driven by a desire to accomplish two things. One and the first goal was from the conclusion of your budget sessions last June and July to come back to you with a discussion on revenue options that might improve the financial lot of the Special Service District and then also realizing that the next Legislative Session is fast approaching. So in addition to the SSD options, which can be a tad confusing unless we go through them in detail, we also have the legislative program, general legislative program for the next session. The intent would that after we get direction from you today as to what your preference might be on each of the choices, that then sometime after the November special election and early on in November, you would have an opportunity to sit down with the delegation, at which time you would go over the general legislation, but this time for the first time focus in on Special service district issues. Lee [Hughes]?

Mr. Lee Hughes said, good morning, Mr. Chairman and Commissioners. I'll just go right to the memo. Chairman Liakakis said, identify yourself for the Clerk. Mr. Hughes said, Lee Hughes. I'm the Legislative Liaison for Chatham County. The County Manager did a great job of explaining what the purpose of this was. I'm going to go right into the facts and findings here, and you have some memos in your packet that you can refer to that the County Attorney's office and the Assistant County Manager were very helpful in providing.

The first one is of the ideas that we came up with. This is throughout the staff to help defray the costs of the Special Service District. Most of them require a change in the State law, which as we know is a tougher hill to climb them doing something locally.

The second point was that there are very few Special service districts in the State. I don't know the exact number, but as a result we would have very few legislative allies and we would have a lot of municipalities and counties who may be at cross purposes of our efforts and might be opposed to some of these things if we tried to pursue them at a State level.

Option #1: The County Attorney provided input on that, and one of the things, one of his concerns was this could create some unintended financial consequences because of the way it is set up it defrays some costs that we would otherwise incur.

Fact and Finding #4: Add-on fees are referenced as penalties under State law and counties are precluded from imposing additional penalties to State laws. So that's another problem with that option of creating add-on court fees.

Option #3 is to raise wholesale taxes on wine, beer and liquor for the first time in 25 years, but if successful there's no guarantee that the revenue would be available to county governments. It's relevant that it's been since 1974 since those taxes have been raised, but even if the counties work together to raise that, we don't know that we would be able to harness those funds for our purposes.

Fact and Finding #6: Option #4 is probably not a plausible option because the Sate law preempts local taxes and that is really creating local cigarette taxes.

Option #5 attempts to correct a problem created by a law passed in 2009. This is one that I think we should go to ACCG about and ask that they advocate for this change. Sheryl Snider brought this to our attention and it's — I believe it's an unintended consequence of the new law, but nevertheless we would have to — it would require a change in the State law, and that is related to property evaluation. I think you're all familiar, if you live next door to a house that has been foreclosed on, now they can count foreclosures in the property evaluation process. But some of those properties are short-sold at a higher rate and that's not accounted into the new formulas.

Our Option #6 for generating new revenues was to revise Georgia law to allow unincorporated Special service districts to collect utility franchise fees. Pat Monahan provided a very thorough memo outlining that, that you can reference. It would be opposed by the Municipal Association of the State and it would require a change in the State law.

Option #7 was require periodic renegotiation of landfill fees. This would require a change in the State law and that State law is included — that portion of the State law is included in your packet. The dollar per ton fee or tax is set by Georgia law and it's one passed on to the customers by the waste collectors. It should also be pointed out that the County Attorney may want to comment on this, that was attempted to be — it was implemented by the County several years ago, but it was overturned when Republic Industries sued the County successfully and the County actually not only had to stop collecting that fee, but they had to pay it back to that vendor. So that's not a good option.

Number 8 was revise County homestead exemptions. There are no homestead exemptions provided because of local law, so again that would be a change to the State law and, based on the way things have gone at the legislature the last couple of years with Republican leadership, it's not likely they would be in favor of that.

Option #9 was to revise laws to make it easier to processes of annexation and incorporation. Again, Pat Monahan did a very thorough analysis of this and most of the obstacles to that have been removed. At one point there was a — you were precluded from — at one point there was a specific aspect of that law that applied to coastal communities that would make it difficult for some of the islands in Chatham County to incorporate, but that's been removed. So if those communities wanted to go that direction, there is an avenue for them to pursue that.

Commissioner Farrell asked, so the three-mile limit is abolished for islands or for all throughout the State?

Mr. Hughes said, Commissioner, there was a clause in there and the County Attorney can help me remember this, that said the three-mile limit was — did not apply if it crossed a body of water. And that was initially put in to — that actually made it difficult if not — it made it impossible for like Skidaway Island, for example, to incorporate before that law or after — before that law and that has been changed so that it's now possible for them to incorporate if that's what they wanted to do.

Commissioner Farrell asked, and what year did they do that, do you recall? Recently? Mr. Hughes said, I don't remember. I wasn't paying attention to that. Commissioner Farrell asked, last two or three year? Mr. Hughes said, maybe four. Commissioner Farrell said, okay.

Mr. Hughes said, I've suggested here under Alternatives that you can include one or more of the options provided as part of the County's legislative agenda or you could — or not. My recommendation is that we try to pursue #5, again getting the rest of the counties in the State to add that to the ACCG agenda. I think there's a — that's an unintended consequence and there's an equity issue there. I'm not saying that it's going to be easy to do in an election year to change a State law that the leadership was very proud to pass this year, but it's worth putting on the agenda.

Chairman Liakakis said, there's a problem we're not going to be able to get it on the ACCG agenda because all of the committees for the ACCG agenda for their legislative action will be voted on this coming week. They will be there, I think, the 8th and 9th of October, and I know Patrick Farrell and some of the other Commissioners are going there, but they are only going to take what the committees are recommending to the executive body of ACCG. So I don't think it's possible unless it's some emergency thing, but I'm not familiar with anything to be able to include it this year. I mean the consideration can go for next year by ACCG, you know, recommend to them through that committee so that if the executive board decides to do that, they can add that to their action group.

Mr. Hughes said, and that might be best anyway since I don't think they would do it, stand much chance this year.

Chairman Liakakis said, yeah. Okay, any comments? Patrick [Shay].

Commissioner Shay said, thanks for a great report and also to Pat Monahan, the report about various implications of incorporation and annexations. It was good reading. I enjoyed it. I certainly know a lot more about it than I did before reading those memos. When these subjects come up, I think it's real important for us to be careful about our nomenclature because most people in Chatham County, most people in the media in Chatham County don't understand when we're up here talking about SSD's and M&O's and that terminology. There are many, many special service districts in the State of Georgia. There are many, many special service districts in Chatham County. A lighting district is a special service district. If we wanted to draw a circle around this building, we could make a special service district out of it. What we're talking about is, and we have to learn to be disciplined on this, the unincorporated area special service district. And when we call it the SSD, we lose 90% of the people that are out there. They just don't have any clue as to where SSD is. Many don't even know what unincorporated area is, but that's pretty easy by zero sum game. You can say, "Do I live in Thunderbolt or Savannah?" No. Okay, well, then you're in the unincorporated area SSD, and I think we have to be very careful about this going forward on these topics because many, many of our constituents and in the media folk are confused about it when we talk about SSD and M&O. I think this is informative, it's not particularly helpful to understand that, you know, our unincorporated area SSD is hemmed in geographically and financially by State law in just about every direction. About the only avenue that I can see for us to pursue is through ACCG because unless we get the support of a whole lot of other county commissioners and a whole lot of other counties, it's very unlikely that they're going to be

able to bring enough pressure on enough legislators from all over the State to change these State laws, and that's a mountain to climb. I will freely admit that I am the most lax among all the Commissioners about attending ACCG meetings. Commissioner Stone and Commissioner Farrell and others have shown great leadership in this regard, but the fact is that our unincorporated area Special Service District is experiencing very difficult financial times and has some very rough sailing ahead. So as Commissioners we need to do whatever we have to do to enlist the support of other counties and our legislative delegation, but more importantly legislative delegations in Habersham County and 10 other or maybe 100 other counties in order to address these particular issues.

Mr. Hughes said, or if we could find a way to change State law to where it didn't necessarily apply in other areas. Just like when they had the preclusion for annexation or incorporation because of a body of water. Well, that's not going to affect somebody in Tift County. If there's a way that we can change State law where other people are not affected throughout the State, then we don't worry about having to pull the whole load ourselves.

Commissioner Shay asked, and how is — if I may continue? How does one go about learning how to draw such a bill and get it to be entered? I'm not a legislator. You're up there in Atlanta, you understand a lot more about how the process goes. Do we — should we go enlist somebody from the Carl Vinson Institute or somebody to come down here and, you know, tell us how to word that?

Mr. Hughes said, there are some ways like you can tie legislation to certain populations and then, you know, it only applies to certain counties, but it's very difficult. The other point I just want to make, Mr. Chairman, was one of the pages in your packet is a proposed legislative agenda for 2010 for discussion. It's premature for us to get into it at this point. The County Manager referenced the election in November. We'll have a changed legislative delegation, but certainly if you have issues, whether it's related to special service district, the unincorporated Special Service District, or other issues that you want to add it to that, please bring it to the table so we can discuss it.

Chairman Liakakis recognized Commissioner Farrell.

Commissioner Farrell said, a couple of brief comments. I share the concern for the unincorporated Special Service District. I would like to point out that the unincorporated Special Service District is the recipient of an unusual challenge in that they're asked to be self-supporting to supply their own city-type services without the benefit of city-type funding, such as the benefit of franchise fees and a portion of the LOST sales tax, and I'm sure there are some other fees that we could bring up here. So in essence they're being asked to act like a city and pay for themselves like a city; however, you're not eligible for the benefits of some of the funding streams that cities are eligible for. So it's a difficult situation and as I learn more about this, it makes sense to me why you say there's very few special service districts in the State of Georgia because not too many counties are going to encumber a certain portion of the county to a higher standard of revenue receiving, you know, going back to just property taxes, and they tend to just have one tax and they cover the whole county, and in you're unincorporated then you're covered, which would be our Maintenance and Operations. So if some of these other ideas that we're trying to come up with to help the — to fund the Special Service District don't pay out over a period of time, consideration could be given to one possible idea of doing like almost all the other counties in the State of Georgia and to have one budget, and when you talk about the County budget, you have one budget that covers all of — under one umbrella all the different expenses that would be encumbered. Just a thought.

Chairman Liakakis said, okay. Thank you. Russ [Abolt]?

County Manager Abolt said, if I may just to capture this discussion. What staff is doing is trying to share among our sisters from the standpoint of budget travail, example the City of Savannah, Garden City, issues which they wish to put forward to help their budget needs. For example, the utility franchise — I mean, utility rain tax where, in effect, through looking at the effect of drainage in a community, you would create a charge for a property owner. This has a mutual benefit and the way we're handling it is you commissioned and we'll be coming to you shortly with the idea of this tax program or charge program, and I've instructed staff that we'll meet with the City of Savannah and also with Garden City. City of Savannah is at about the same stage we are in posturing themselves to propose a tax like that. Obviously, it would be of benefit to both the City of Savannah and the second largest city, the unincorporated area, to do that in concert, and also we have Garden City, which already has this. So that's one way. Something though that we're on the horns of the dilemma has been captured by both Commissioners Shay and Farrell. It's the Special Service District. If it were an issue now before you to create or not create a special service district, I as your Manager would recommend in the negative for the very reasons we've experienced.

Many, many years ago, long before I got here, the Special Service District was thought to be a way of lessening double taxation, but over time it's become what I attribute to parallel in the zoning code with the R-A, Residential-Agricultural. It's a holding area. It's waiting for something to happen and that something is not meant to be permanent but over time it's become permanent. And then if you look at our \$550,000,000 budget that Commissioner Shay has reminded us repeatedly that we spent weeks of discussion time, your time, valuable time going over that spending plan concentrating on about \$27,000,000–\$28,000,000 with the rest of the budget being in reasonably good shape, and we've also acknowledged that some of our stress points with municipalities have not focused on 530 or \$20,000,000 out of the County budget, but that \$28,000,000. So my time, your time, staff time, by and large when it comes to stress and moments of contention, focus around the second largest city in Chatham County.

Commissioner Odell asked, how can we end this? County Attorney Hart said, you can decide to do that today, if you want to. Commissioner Odell said, yeah, and the only reason why I say that is that it would be nice if some of

the municipalities that cherry-pick the unincorporated area, they'll say I want this parcel, but won't take the road because they'll have to have to keep the road. How do we for once put this to an end? How do we correct it, terminate it, Jon [Hart]? County Attorney Hart said, you asked the question that's wrestled with by every county in the State and asked for the last 25 years. The only way to address that issue is through legislation, and the annexation portion of the Code has three methods of annexation. The one that is used most commonly in this area is 100% method — 100% of the people vote to go into a municipality. Most of that is occurring in an area where you're having new development, and most of that is due to the fact that water and sewer services are only provided by municipalities. Therefore, if you want to develop your piece of property, you will go into the municipality to get water and sewer; otherwise, you will do without. And that is just a fact of life. The County is not in the water and sewer business so we do not have anything to offer in that regard. So that's the economic motivator of why you're seeing the annexations the way you are and why you see little pieces reached out because usually it's a developer that owns 100% of the property that can go through that method. There is another method by which you can annex and there's a lot of rules about what you have to do to annex, okay, which makes it what I would call a responsible annexation. The other method of annexation, which has been done on many occasions, is you simply go through the State Legislature.

I think if you want to solve, you know, if you want to dissolve SSD, you created that Special Service District and there are procedures by which you can terminate that Special Service District if this body, selected body, decides to do that. Under the Home Rule Doctrine of the Georgia Constitution you were permitted to form a Special Service District and with that gives you the power to terminate the Special Service District. And, you know, if you're interested in that, I can certainly provide you a very short memo.

Commissioner Odell said, there's another way and it's not annexation. If our unincorporated areas were all lumped in one little area, the solution almost could be simple, but because they're chipped and Farrell got some; Pat [Shay], you got a little; James [Holmes], I don't think you have any; Stone got some; Dean [Kicklighter] got the most; Doc [Thomas] got a little; you got just a little; I got a little. The resolution for that would be — let me back up first. The benefit that we're not deriving is that because the unincorporated area does not receive certain funding that municipalities are able to receive, and because of their inability to receive that funding, it's constantly being subsidized by the M&O budget. If we were to take, say, just Farrell and Stone's area because they're right together, that unincorporated population, and created a municipality, that financial problem has been resolved. Now that municipality, and it could be a flow-through like Vernonburg. Vernonburg has no police, has no this, has no that, but people are not cherry-picking Vernonburg. I like that street, I want that street but I don't want across the street. They've been able to maintain the community's integrity. Our goal, and I know this is a roundabout way, but I think it's a little bit more direct, is to convince these areas that are together in sizeable population to become small municipalities for the financial benefit that they would get from the SPLOST and the LOST, and many services contract water. I mean, maybe, Lee [Hughes], that to me is a lot quicker than getting someone up in North Georgia, who has no — really this is not their problem and they're not overly sympathetic to it and they're more concerned about the unintended consequence of them voting on a statewide legislation that there is a particular thing which might come up and bite them, so there could be some opposition simply out of self preservation. This way it doesn't rock the boat and what we want to achieve is the funding source.

Chairman Liakakis said, there's a problem with that also, too, because under the State law, isn't that correct, that the people in that particular area have to vote on it also, and a number of them don't want to do it because they figure if they get incorporated, that they're going to have to pay taxes for their municipalities to get additional services, so see there is a problem in that area.

Commissioner Odell said, I agree. It's not a perfect solution, but none of the solutions are perfect. It should be listed as an option to be evaluated. Not a perfect solution, but it is an option.

Mr. Hughes said, Commissioner Odell, and I know you want to talk about this with the County Attorney at some point, there — I forget the exact number, but in order to create a municipality you have to offer three out of a list of five services or four out of six or —. Commissioner Shay said, three out of six. Mr. Hughes said, — three out of five. Is that right? Commissioner Odell said, no, it's three out of six. Mr. Hughes said, one thing for you to be cognizant of is that you actually can't compare it to Vernonburg and existing municipalities because they were grandfathered in, so the law for creating new municipalities that bar is set a little bit higher than it is for some of the existing ones.

County Attorney Hart said, Sandy Springs did this up in Atlanta a few years ago and they had to have a lot of legislative changes. It is essentially, you know, over a process of time they were [inaudible]. The biggest difference I see in trying to do that in Chatham County versus Sandy Springs is that in Sandy Springs you had, you know, a real nice geographic area where everything was contiguous to everything else. Of course, Chatham County has been around for a long time and you've got a bunch of municipalities in Chatham County, so the remaining portion of unincorporated Chatham County is sort of octopus-like. You know, it's got tentacles and branches, and as far as trying to provide services to the area it obviously creates challenges. It's something I would certainly, if you choose to, I would be glad to provide a memo on it.

Commissioner Odell said, I'm not married to the idea. It's just a thought for consideration. If our problem is looking at a business model now, if we have to do the SSD now, we would not do it, then that means that if we could get rid of it, we would get rid of it. So there are ways of doing it. Forming municipalities is a way to get rid of it. It's not the best way, it's not the only way, but it is a way which I'd like to see looked at. Not a — this is not a trap by catching you and saying what do you think about this kind of thing. I'm not trying to do that. What I'm saying is that if we're

just brainstorming, and I'm not married to the idea, because quite frankly it has no impact on my district. There will be no one in my district that it will be upset with me about this. Whatever is done because it has no — I am city-owned. The City of Savannah owns my district, but I would like to see us think about it at least. County Attorney Hart said, I will be glad to prepare a report —. Commissioner Odell said, don't spend a lot of time on it. If you come to the first bridge and you say this is an idiot idea because of this reason, don't burn up — you've got tons of stuff to do. County Attorney Hart said, well, I think what I'll try to do is try to do a paper dealing with SSD and the municipality concept as you mentioned, Commissioner. At that point I'd need to give it to the County Manager because operations is sort of out of my bailiwick and make sure that it would function properly.

Chairman Liakakis recognized Commissioner Shay.

Commissioner Shay asked, did you want to speak first?

County Manager Abolt said, I'd just like to say I appreciate the collegial way in which we're discussing this and we're not being committed to anything. The pragmatic way is to just dissolve SSD and then instruct staff to give you, before you make that decision, what the tax rate variation would be. You immediately would give, you know, a tax break of three something mills, or three dollars and something of taxable value to 77,000 people, and you'd have to turn around if that would be your choice and increase M&O, and that's what the majority of counties do in the United States, and that solves your problem.

Commissioner Farrell asked, if I can speak for a second? I like both ideas. I think they both have merit, but — and if we're going to do a presentation, I think we should analyze both options. If we do the — if we dissolve the SSD, the first — the first thought that's going to come through some people's heads is, oh, that certain people are getting a free ride, but I would like when you're doing your budgetary calculations to do the calculations that when you subtract the current SSD millage and then there's a subsequent increase of some degree of M&O, but also tract with the 70 or 80,000 people what they're not receiving currently — LOST, SPLOST, franchise fees, and that sort of thing — so that we have a real — a more comprehensive look at the financial ramifications of that particular scenario.

Chairman Liakakis recognized Commissioner Shay.

Commissioner Shay said, it's a big thing that we're discussing here and it's important, and one of the problems with the unincorporated area Special Service District government as it's currently constructed is that it relies on the benevolence to some extent of a bunch of City Commissioners, for lack of a better description, because we vote on that SSD budget, even though Commissioner Odell has no constituents that are affected directly by it. I have a few, but not that many. Most of the people that live in the unincorporated area Special Service District of my Commission district don't even know they live in the SSD — my shorthand. They think they live in the City of Savannah and they call me and complain about the fact that they don't get exactly the same level of services; that nobody comes around and sweeps their streets and that they don't have a City Marshall that comes around and cites people for not cutting their grass. If we abolish the unincorporated area SSD, let's not pretend as a zero sum game here that it's automatic that those of us who represent municipal taxpayers are going to fund the level of services that people in the unincorporated area Special Service District receive today. We might very well decide that's very good; you're not paying any additional millage rate for these services, then you might not get the services. So let's think that through as well because just like it would be difficult for some of the Commissioners on this Board to vote for an increase in the unincorporated area Special Service District tax millage rate, it might be even harder for those of us that represent the outstanding majority of our citizen taxpayers who live in the City of Savannah, it might be even harder — in fact, I would positively — it would be harder for us to vote to raise their taxes when they are getting nothing in return.

Commissioner Farrell said, that's why I wanted to point out the fact that some consideration has to be given to the fact that there's an enormous funding stream that the SSD is positively locked out of. Commissioner Shay said, absolutely. Commissioner Farrell said, and because they're locked out of it, that enhances the funding stream of every municipality in this County, and that has to be reconciled budgetarily and on paper as we go forward to look at these decisions. Commissioner Shay said, I agree. Commissioner Farrell said, there is some —.

Chairman Liakakis said, let me make a suggestion. This is really involved and it gets into many, many areas about being fair or not fair to people in our community, and I would like to direct the staff that you bring us all alternatives, all the information, all the laws and all of that, and then what we'll do, we'll have a special meeting of the Commissioners to do that because this could go on and on because there are a lot of areas in here that haven't even been discussed at this particular point.

Chairman Liakakis recognized Commissioner Kicklighter.

Commissioner Kicklighter said, yeah, I'd like to just state because I have actually five cities in my district, including the fastest growing portion of the City of Savannah, and I also have the largest unincorporated area around, so just to the people out there that would be mad no matter what, relax. Nothing's happening at this point. This is a discussion. If anything were to take place, it would be something fair that would hopefully benefit everyone in the cities and everyone in the unincorporated area. I can see the headlines now about this discussion. This is a better discussion to take place with possibly mayors and people, community leaders from homeowners associations of unincorporated areas, and to feel it out, I know that certain municipalities have presentations that they've put together to court neighborhoods in the unincorporated areas, so there's a lot that could be learned as far as getting

together a meeting with all of the local leaders, as well as homeowners associations and all, because it is very complicated. I mean, areas could choose to go into Garden City and actually receive just a huge tax reduction. They could go into the City of Pooler and their taxes would pretty much be a wash because it's about the same as the SSD portion. Bloomingdale, a reduction. I believe they have no taxes. There would be a reduction going into Port Wentworth. There would be an increase should Savannah take areas — certain areas in, and that's things that they would need to all know. So I just encourage anyone watching, I'll bluntly encourage you back there writing for the newspaper this is so not the thing that should be the headlines. This is kind of in my opinion talking out loud that we could have done hopefully, you know —. Commissioner Thomas said, I agree. Commissioner Kicklighter said, it's just very — yeah. Commissioner Shay said, Mitsubishi, Mitsubishi. Commissioner Kicklighter said, I mean, it's — nothing is going to happen at this moment. It's just the beginning of exploring things that will make the County better for everyone and every City also.

Chairman Liakakis asked, Jazmine [Ellis], do you have a question?

Youth Commissioner Ellis said, yes sir. I was wondering, what is the Special Service District? County Manager Abolt said, the Special Service District was set up many years ago to provide a level of service like to a city and to deal with the problem of what they perceive as double taxation. In most counties throughout the United States, for example, either through the sheriff or their own police department, you have the unincorporated area, the non-city, receiving a level of public safety services for which all citizens pay, whether they live in the unincorporated area or not. So it would not be uncommon if you travel across the country and if you're talking to property owners there, they're paying, if they live in the city, for a police department and they're also paying for a sheriff's operation. The sheriff's operation patrols the streets in the non-city portion, so those taxpayers pay twice for it and the intent here was to come up with a situation of equity, but then as you've heard in testimony from people like Commissioner Farrell, that equity has been deluded, if not eliminated, by other things in State law that created this incentive for the taxpayers within those special service districts because they don't get the benefit of their sisters and brothers who live in cities.

Commissioner Kicklighter said, and if I may, and I'll be quick, and that's the non-mentioned part of the solution, simply take and do what's done in most counties throughout the country, initiate the process, and two years from now the sheriff will start patrolling the unincorporated areas, we'll save millions of dollars, and everybody lives happily ever after, and that solves it there also. We can continue cutting grass and cleaning streets and providing police service for the unincorporated areas and no one has to experience a major tax increase anywhere. That's the easy, simple solution, but maybe not the politically explainable solution because for whatever reason the media never really seems to put the true — not the true, but the whole story out there as far as how much monies the unincorporated areas are subsidizing with police fighting in our larger city here. So that would be a pretty simple way to correct a lot of problems with SSD budget.

Chairman Liakakis said, it's more involved and, Mr. County Manager and Mr. County Attorney, get together with your staffs and do a presentation when you have all of that informative, all the alternatives. Then I'll call a special meeting of the County Commission and we can sit in the Green Room and go over all of these aspects in there. Thank you very much. Appreciate it.

ACTION OF THE BOARD:

Mr. Lee Hughes enumerated the options of 2010 Legislative Agenda and discussion was held on potential funding of revenue sources for the Special Service District that might be achieved through legislative action, incorporation of unincorporated areas, or dissolving SSD. The County Manager and County Attorney were requested to prepare documents outlining all alternatives and submit it to the Chairman to call a special meeting for discussion of the options.

AGENDA ITEM: IX-2
AGENDA DATE: September 25, 2009

TO: Board of Commissioners
THRU: R. E. Abolt, County Manager
FROM: Lee Hughes, Legislative Liaison

ISSUE:
Consideration of potential funding of revenue sources for the special service district that might be achieved by legislative action. Also included for consideration by the Commissioners is an early draft of 2010 legislative agenda.

BACKGROUND:
During discussions by the Commission of the Special Service District Commissioner Shay encouraged staff to develop options for generating funding for the special service district. This memo and the presentation to the Commission on Friday will be a response to that directive.

FACTS AND FINDINGS:

1. Most of the options brought forth by staff for consideration would require a change in state law.
2. Since there are very few special service districts in the state, Chatham County would have few allies in any attempts to address funding for SSDs and many adversaries as municipalities would oppose anything that drained funding from them.
3. According to the County Attorney, option #1 may create some expensive unintended consequences.
4. According to the County Attorney, add-on fees are referenced as "penalties" under state law and counties are precluded from imposing additional penalties to state laws. (See memo from County attorney)
5. Option #3 seeks to raise wholesale taxes on wine, beer and liquor for the first time in 25 years, but if successful there is no guarantee that the revenue would be available to county governments.
6. According to the County Attorney, option #4 is probably not a plausible option because state law pre-empts local taxes.
7. Option #5 attempts to correct a problem created by a law passed in 2009 and may be worth pursuing with the authors of the legislation, but will require a change to state law and will be perceived by some as a rollback of a pro-consumer tax policy.
8. Option #6 could generate significant revenue for the SSD, but will be opposed by the GAM and would require a change to state law.
9. Option #7 suggesting periodic renegotiating of landfill fees would require a change to state law since the \$1 per ton fee/tax is set by Georgia law and is one passed on to customers by the waste collectors.
10. Option #7 was implemented by the County many years ago, but it was overturned when Republic Industries objected and successfully sued the County. The County was required to pay back all fees collected from Republic and their competitors.
11. There are no homestead exemptions provided because of local laws. Option #8 would require a change in state law that would be perceived as the rollback of a tax break and would be very difficult to pass.
12. Option #9 led to a thorough review of the laws related to incorporation of SSD areas and annexation of SSD areas and most of the obstacles to either have been removed.

ALTERNATIVES:

1. Include one or more of the options provided as part of the County's legislative agenda.
2. Do not pursue legislative solutions for funding the special service district.

FUNDING:

No funding required.

POLICY ANALYSIS:

It is the policy of the Board of Commissioners that the County will seek to block any and all unfunded or underfunded mandates by the state.

RECOMMENDATION:

Legislative Liaison recommends that the Board adopt a legislative agenda that include seeking revisions to the new law requiring that foreclosures be included in the assessment of home values (Option #5).

**Review of options for funding the Special Service District
September 22, 2009**

1. Create add-on court fees to cover the cost of District Attorney representation in municipal courts. (See memo from County Attorney as attachment 1.)
2. Change law to provide that unincorporated area qualifies for LOST revenue just as any municipality does. (See memo from County Attorney as attachment 1.)
3. Increase taxes on beer, wine and liquor.
4. Create local cigarette taxes. (See memo from County Attorney as attachment 1.)
5. Revise property valuation law to exempt foreclosed property that has been sold from the factors to be considered when assessing property

6. Revise Georgia law to allow unincorporated special service districts to collect utility franchise fees. (See memo from Assistant County Manager as attachment 2.)
7. Require periodic renegotiating of landfill fees. (See attachment 3.)
8. Revise County homestead exemptions.
9. Revise laws to make easier the processes of annexation and incorporation. (See memo from Assistant County Manager as attachment 4.)

**DRAFT 3 FOR DISCUSSION
Proposed Chatham County 2010 Legislative Priorities
September 22, 2009**

1. Request reimbursement rate for prisoners in County Detention Center to cover the actual cost of housing inmates.
2. Support creation of new Transportation Infrastructure Funding Policies
3. In concert with the City of Savannah, urge the legislature and the Governor to fully fund the Green Energy Innovation Center at Savannah Technical College
4. Pass legislation to raise the fees associated with NPDES permits to more adequately cover actual administration costs
5. Support development of law that allows local governments to bid out collection of sales taxes to third parties
6. Revise Coastal Marshlands Protection Act to exempt political subdivisions in certain circumstances related to road and drainage improvements

Attachment 1

DATE: September 21, 2009
 TO: R.E. Abolt, County Manager
 FROM: R. Jonathan Hart, County Attorney
 SUBJECT: Inquiries Related to Possible Legislation

In response to inquiries contained in your September 17th memo and as set forth below regarding possible County legislation, I offer the following:

1. What does the County or the State legislature need to do to provide the unincorporated areas of the County to qualify for LOST and SPLOST revenue as would any municipality?

As for SPLOST, it appears that the amendments to the County Special Purpose Local Option Sales Tax statutory scheme, codified at 48-8-110, et seq. were accomplished via general legislation.

As for LOST, which is codified at O.C.G.A. 48-8-80, et seq, in order for the unincorporated areas of the County to qualify for LOST revenue, the statute would have to be amended to change the definition of "qualified municipality." O.C.G.A. § 48-8-80 provides that "qualified municipality" means only those incorporated municipalities which impose a tax other than the tax authorized by this article...." Because this LOST act and the amendments thereto are general legislation, the State legislature would have to amend the statute in order to make the unincorporated areas of the County eligible for LOST revenue.

2. Is there a way to add on support fees for Recorder's Court and local municipal courts to cover the cost of providing the district attorneys and public defenders in these courts?

The answer is probably no. There is a Peace Officer, Prosecutor and Indigent Defense Funding Act ("Act") codified at O.C.G.A. § 15-21-70 et. seq., that provides for

add-ons to fines imposed by the various courts, including the Recorders' court. The Act specifically provides that a portion of the add-ons collected will be remitted to the State and 50 % will be remitted to the local governing authority. O.C.G.A. § 15-21-73.

The express legislative intent of the Act is "to provide funding for the training of law enforcement and prosecutorial officers and to make funds available for funding state indigent defense programs." O.C.G.A. § 15-21-72. Based upon the forgoing, the County may be preempted from enacting an ordinance to take on additional fees to cover the cost of providing public defenders. See Ga. Const. of 1983, Art. III, Sec. VI, Para. IV(a) (laws of general nature shall have uniform operation throughout state and no local or special law shall be enacted in any case for which provision has been made by existing general law, except that General Assembly may by general law authorize local governments by local ordinance or resolution to exercise police powers which do not conflict with general laws).

In addition, the Home Rule provisions of the Georgia Constitution preempts county governing authorities from taking action affecting eight matters specifically enumerated and "other matters which the General Assembly by general law has preempted") Ga. Const. Of 1983, Art. IX, Sec. II, Para. I(c). Included in those matters is "Action defining any criminal offense or providing for criminal punishment." Id. The provisions regarding municipal or recorder's court add-ons in the Peace Officer, Prosecutor and Indigent Defense Funding Act, refers to the funding add-ons as an "additional penalty." O.C.G.A. § 15-21-73(a)(1). Hence, it would appear that pursuant to the foregoing provision of the Home Rule, the County would be preempted from assessing any additional add-ons.

3. Can the County create a local cigarette tax?

The answer is probably no. In a case addressing the City of Columbus' attempt to tax cigarettes, the Georgia Court of Appeals explained that:

In view of the fact that the right to exact a sales and use tax has been preempted by the State and expressly forbidden to municipalities except as to the levy of an excise tax on beer and wine, and since the State by general law has made provision for the sale of cigarettes and the licensing, taxation and control of the same under the Georgia Tobacco Tax Act (Code Ann. Ch. 92-22), the trial court did not err in its further ruling that Ordinance No. 64-9 is repugnant to Art. I, Sec. IV, Par. I of the Constitution of the State of Georgia (Code Ann. § 2-401) which provides: 'Laws of a general nature shall have uniform operation throughout the State, and no special law shall be enacted in any case for which provision has been made by an existing general law.'

City of Columbus v. Atlanta Cigar Co., 111 Ga. App. 774, 777 (143 S.E.2d 416) (1965).

See also Ga. Const. of 1983, Art. III, Sec. VI, Para. IV(a) (laws of general nature shall have uniform operation throughout state and no local or special law shall be enacted in any case for which provision has been made by existing general law, except that General Assembly may by general law authorize local governments by local ordinance or resolution to exercise police powers which do not conflict with general laws).

RJH/jr

Attachment 2

DATE: September 15, 2009
TO: R.E. Abolt, County Manager
FROM: Pat Monahan, Asst. County Manager
SUBJECT: Franchise Fees

In follow up to your assignment to look at funding options for the Special Service District, I specifically focused on franchise fees. I provide the following:

1. **Background:** Georgia law allows municipalities, but not counties, to collect franchise fees (except as related to cable companies). Franchise fees began as a way for a city to recover value for utilities' use of the city's rights-of-way. In

Georgia, franchise fees apply to electric companies, telecommunications (land-based telephone) and natural gas. The utilities build this business expense into their rate base. Customers in unincorporated areas pay a franchise fee through payment of their utility bills, but the county does not receive any revenue (despite that utility companies also use county rights-of-way).

2. **How Franchise Fees Are Charged:** In 2007, the Association of County Commissioners of Georgia and Cobb County petitioned the Georgia Public Service Commission to limit franchise fees to city customers only. The PSC responded by revising the franchise fee schedule for Georgia Power. In 2008, city customers paid 2.5084% of usage revenue while unincorporated area residents paid 1,5797% of usage revenue. In 2009, the rates changed with city customers paying 2.9106% of usage revenue, while unincorporated customers paid 1.0532%. BellSouth pays a 3% fee, while natural gas fees are based on historical fee receipts.
3. **How Franchise Fees Are Paid:** In my discussions with Georgia Power representatives, the collected fee goes into a pool of money, and Georgia Power then negotiates individual agreements with municipalities. For example, the City of Savannah receives 4% of usage revenue, or approximately \$13 million annually from Georgia Power.
4. **Lost Revenues to Special Services District:** It would be impossible to determine how much revenue franchise fees would generate in the Special Service District; however, **\$4,165,984** represents a valid attempt at determining lost revenue. Here is how I calculated this estimate. According to a study done for DeKalb County (i.e. DeKalb considered created its unincorporated area into a municipality for the sole purpose of collecting franchise fee revenue) by the Carl Vinson Institute of Government, CVIOG surveyed governments in Georgia to calculate a per capita unit cost for franchise fees. CVIOG estimated \$9.63 per capita for telecom/gas and \$41.44 per capita for electricity. With a 2007 official Census count of 81,574 for unincorporated Chatham County, this would total \$4,165,984 in potential franchise fee revenue (I believe the number would be higher since the highest proportion of manufacturing and heavy industrial customers are situated in the unincorporated area).
5. **What Next?** Georgia law would need to be amended to provide county governments with Special Service Districts the same authority to collect franchise fees as their municipal counterparts. O.C.G.A. 36-34-2 provides this authority to municipalities, but the same section of Georgia law which enumerate the power of counties lacks this provision (the County Attorney should confirm). Here is the language which authorizes municipalities to administer franchises and collect franchise fees:

36-34-2. Powers relating to administration of government generally.

In addition to the other powers which it may have, the governing body of any municipal corporation shall have the following powers, under this chapter, relating to the administration of municipal government:

[Followed by Sections (1) through (6)...

((7) (A) The power to grant franchises to or make contracts with railroads, street railways, or urban transportation companies, electric light or power companies, gas companies, steam-heat companies, telephone and telegraph companies, water companies, and other public utilities for the use and occupancy of the streets of the city, for the purpose of rendering utility services, upon such conditions and for such time as the governing authority of the municipal corporation may deem wise and subject to the Constitution and the general laws of this state.

(B) The amount of fees collected from customers of public utilities or companies as a result of franchise agreements or contracts authorized by this paragraph shall be itemized on bills or invoices transmitted to customers for utility services. The requirements of this subparagraph shall not apply to fees that are included in the system-wide charges or base rates of a public utility or company subject to a franchise agreement or contract.

6. **Another Viewpoint:** Georgia Municipal Association has successfully opposed any change in Georgia law. GMA points out that city customers help pay for the expansion of the power grid in outlying areas, including property acquisitions. Furthermore, GMA argues, "City residents pay millions in county government

taxes that are included in Georgia Power's rate base just as city franchise fees are."

Attachment 3

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1 of 1

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Pages: 3

O.C.G.A. § 12-8-39

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*** Current through the 2009 Regular Session ***

TITLE 12. CONSERVATION AND NATURAL RESOURCES
CHAPTER 8. WASTE MANAGEMENT
ARTICLE 2. SOLID WASTE MANAGEMENT
PART 1. GENERAL PROVISIONS

O.C.G.A. § 12-8-39 (2009)

§ 12-8-39. Cost reimbursement fees; surcharges.

(a) Effective January 1, 1992, each city or county which operates a municipal solid waste disposal facility is authorized and required to impose a cost reimbursement fee upon each ton of municipal solid waste or the volume equivalent of a ton, as determined by rules of the division, for each ton of municipal solid waste received at a municipal solid waste disposal facility regardless of its source. The fee imposed may be equal to, or a portion of, the true cost of providing solid waste management services on a per ton or volume equivalent as determined pursuant to the forms, rules, and procedures developed by the Department of Community Affairs as required by Code Section 12-8-39.2.

(b) A minimum of \$1.00 per ton or volume equivalent of the cost reimbursement fee specified in this Code section which is received by the city or county, if implemented after March 30, 1990, shall be paid into a local restricted account and shall be used for solid waste management purposes only.

(c) Effective January 1, 1992, when a municipal solid waste disposal facility is operated as a joint venture by more than one city or county or combination thereof, by a special solid waste district, or by an authority, the cost reimbursement fee specified in this Code section shall be imposed by the joint operators, district, or authority and the cost reimbursement fee received shall be administered as outlined in subsection (b) of this Code section and shall be remitted into a restricted account established by the participating local governments.

(d) Effective January 1, 1992, when a municipal solid waste disposal facility is operated by private enterprise, the host local government is authorized and required to impose a surcharge of \$1.00 per ton or volume equivalent in addition to any other negotiated charges or fees which shall be imposed by and paid to the host local government for the facility and shall be used to offset the impact of the facility, public education efforts for solid waste management, the cost of solid waste management, and the administration of the local or regional solid waste management plan; provided, however, that such surcharges may be used for other governmental expenses to the extent not required to meet the above or other solid waste management needs.

(e) After July 1, 1992, owners or operators of any solid waste disposal facility other than an inert waste landfill as defined in regulations promulgated by the board or a private industry solid waste disposal facility shall assess and collect on behalf of the division from each disposer of waste a surcharge of 50 cent(s) per ton of solid waste disposed. From July 1, 2003, through June 30, 2008, said surcharge shall be 65 cent (s) per ton of solid waste disposed. After July 1, 2008, said surcharge shall be 75 cent(s) per ton of solid waste disposed. Two percent of said surcharges collected may be retained by the owner or operator of any solid waste disposal facility collecting said surcharge to pay for costs associated with collecting said surcharge. Surcharges assessed and collected on behalf of the division shall be paid to the division on July 1, 1993, for the period July 1, 1992, through December 31, 1992. All subsequent payments shall be due on the first day of July of each year for the preceding calendar year.

(f) All surcharges required by subsection (e) of this Code section shall be paid to the division for transfer into the state treasury to the credit of the general fund. The division shall collect such fees until the unencumbered principal balance of the hazardous waste trust fund equals or exceeds \$25 million, at which time the division shall not collect any further such surcharges until the unencumbered balance in such fund equals or is less than \$12.5 million, at which time the division shall resume collection of such surcharges at the beginning of the next calendar year following the year in which such event occurs. The director shall provide written notice to all permitted solid waste disposal facilities at the time he receives notice that the unencumbered balance of such trust fund equals or exceeds \$25 million or equals or is less than \$12.5 million.

(g) Unless the requirement for the surcharge required by subsection (e) of this Code section is reimposed by the General Assembly, no such surcharge shall be collected after July 1, 2013.

(h) The division shall advertise to the public the surcharges imposed pursuant to subsection (e) of this Code section in accordance with rules promulgated by the board.

HISTORY: Code 1981, § 12-8-39, enacted by Ga. L. 1990, p. 412, § 1; Ga. L. 1992, p. 2234, § 4; Ga. L. 1992, p. 3276, §§ 15, 16; Ga. L. 2002, p. 927, § 1.

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1 of 1

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Attachment 4

DATE: September 16, 2009

TO: R.E. Abolt, County Manager

FROM: Pat Monahan, Asst. County Manager

SUBJECT: Follow-Up Regarding "New Qualified Municipality"

In your memo to Legislative Liaison Lee Hughes, you referred to a recent conversation of mine with Commissioner Patrick Shay about the fact that state law enables funding participation for a new municipality chartered subsequent to adoption of a certificate of distribution under the Local Option Sales Tax ("Joint County and Municipal Sales Tax"). Allow me to explain (including a summary of how to create a new municipality):

1. The LOST law contemplates the possibility that the General Assembly would grant a new municipal charter (i.e. create a new city) subsequent to the recording of the certificate of distribution for sales tax revenues with the Georgia Department of Revenue. These new cities are referred to in the law as a "new qualified municipality" (O.C.G.A. 48-8-89.1).
2. Assuming the new municipality meets the test of "qualified" (i.e. must be able to provide, including the option of by contract, at least three of six services, as follows: water, sewerage, garbage collection, police protection, fire protection or library),¹ the county and other municipalities must agree within 60 days to a new certificate of distribution by percentage for LOST revenues.
3. If the "New Qualified Municipality" does not execute the certificate of distribution (i.e. agree to its percentage share), it can then file as an "Absent Municipality." Assuming the absent municipality does not exceed 50% of the population of all of the county's municipalities, the absent municipality receives the pro-rated share based on population of all the municipalities. The distribution of funds in this manner would begin 60 days after filing of notice.
4. Some other timing issues should be kept in mind, including a two-year transition period before the new city begins. While recent changes in state law make incorporation simpler (i.e. an amendment removed the three-mile rule which prohibited a new city within three miles of an existing municipal boundary), any contemplated unincorporated area which would become a new city must still meet certain standards, including land use patterns, as follows:

- 4.1 The Chatham County Legislative Delegation would need to agree on a bill for the General Assembly to authorize a local act to create the new municipality.
 - 4.2 The bill would need to include confirmation that the area of incorporation provides a minimum land use that 60% of the total lots and tracts are used for residential, commercial, industrial, institutional, recreational or government purposes. In addition, at the time of incorporation, the area must be subdivided into lots and tracts so that 60% of the total acreage consists of lots and tracts of five acres or less (excluding reserved or contracted use for commercial, industrial, governmental, recreational or institutional purposes).
 - 4.3 The population of the proposed municipality must total at least 200 persons and provide for a density of at least 200 persons per square mile.
 - 4.4 State law provides a 24-month transition period from an area as part of the unincorporated area to the new municipality. The transition allows for interim appointment by the governor of a governing council until elections are held, creation of municipal court, and implementation of self-governance (according to form of government provided by charter as approved by the General Assembly).
5. As a practical matter of politics, the Chatham County Legislative Delegation would not likely pursue creation of new municipalities within Chatham County since the existing municipalities would likely oppose strongly. The existing municipalities would argue that any new municipality would dilute the current LOST distribution (and probably the SPLOST distribution) of existing municipalities and franchise fee revenues. As an example of impact, using the 2000 Census for "designated places" in Chatham County (those areas with sufficient land-use patterns to meet the requirements of state law), incorporating any of them would reduce the existing LOST distribution, including Chatham County's share, as follows (estimates based on 2000 Census population at \$50 million annual LOST).

Whitemarsh-Wilmington 20,037 population, 8.6%, or \$4.3 million
 Georgetown, 10,599 population, 4.6%, or \$2.3 million
 Skidaway, 6,914 population, 3%, \$1.5 million
 Montgomery/Burnside population, 4,134, 1.8%, \$900,000
 Isle of Hope, 2,605 population, 1.1%, \$550,000

6. Different jurisdictions within the State of Georgia are exploring other forms of government for unincorporated areas. DeKalb County explored the possibility of a change in Georgia law which would provide for "townships," which would provide a quasi-municipal governance of the unincorporated area. DeKalb County considered this alternative as a way of tapping into franchise fees (80% of DeKalb County remains unincorporated). In addition, some have discussed a change in state law to acknowledge unincorporated areas with special service districts as political subdivisions as a legislative subset of counties. This would enable unincorporated areas to participate in LOST distributions.

¹"New Qualified Municipality" also requires a second test. After removal of the population of the "New Qualified Municipality" from a Special Service District which serves the unincorporated area, the unincorporated area of the county consists less than 20% of the county's total population.

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3. INFORMATION REPORT ON STATUS OF THE HURT, NORTON AND ASSOCIATES, INC., CONTRACT.

Chairman Liakakis recognized County Manager Abolt.

County Manager Abolt said, Mr. Chairman, Dr. Thomas, gentlemen, this was a contract that was part of as far as a piggyback contract that CAT has with the lobbying firm of Hurt-Norton. At the time of great anticipation over stimulus money, there was a strong feeling that there should be a presence in Washington, DC. This firm was able to begin immediately, and you had this contract that now would end on the 31st of October unless you choose to extend it with saying what amounts to \$8,000 a month. Our first experience with this lobbying firm, even though they are very professional and very knowledgeable, not because of them but because of the way in which the Federal stimulus money has been coming down via what they referred to as a formula allocation, there is very little to show as far as return on the investment since April. We understand there may be things on the horizon, but it's

our responsibility and my fiduciary responsibility to say to you that this current interim contract is coming short to completion. We did not see a return immediately on the investment. It's your call. You may continue it on a 30-day extension or whatever your pleasure might be.

Chairman Liakakis said, well, there are points on that. Number one, they have been doing some lobbying, but what has occurred this Federal Government has sent the money for the stimulus package to the State of Georgia and the State Transportation Department is the one that divvies up the money, and so the Hurt-Norton people, except for what they did, these were not earmarked projects. So it means the State of Georgia could distribute monies coming to Georgia to any areas of the State that they wanted to, just like they did and we didn't get much. But right now we have the TIGER grant that's coming up and by keeping Hurt-Norton there and all of the people that they have and do it on a temporary basis, we could see there's a possibility that we will have some rewards out of that because here's what happens on the TIGER grant. It's going to be earmarked for specific projects. We really and truly need the Truman Parkway phase to be completed, and that is in that TIGER grant request that we are making, and there's with a lot of bargaining and contacts and all, there's a possibility that we might be able to get that, and it's the earmark, and the State of Georgia will have no control over that whatsoever. That means that if they vote on that for us on that project and a few others, the money will come directly to us and not into the State of Georgia for them to divvy up like they want to. So my recommendation at this time is that we hold on to Hurt-Norton for a short period of time, say for about three months, a couple of months, two to three months.

Commissioner Odell said, I'll make a motion for that. Commissioner Gellatly said, second. Commissioner Thomas said, second.

Chairman Liakakis said, okay. Any discussion? Chairman Liakakis recognized Pat Shay.

Commissioner Shay said, if I could, and I'll be brief, our changes of getting Federal funding on any level depends almost entirely on our Congressmen and our State and our United States Senators to stipulate to earmark it, but I've got to be careful about using that word. Some people think earmarks are a very bad thing and they can be, but because we're the size community we are and because we are geographically located where we are, it's very, very hard for us to compete favorably with other cities and counties in the United States on a merit basis to get these kinds of distributions. So having the ability of a United States Congressman that we have with tremendous seniority and a senior member of the House Appropriations Committee in Jack Kingston, is extremely important to our ability to get these kinds of legislative appropriations that are marked so that nobody in Atlanta or any place else for that matter can take them away from us. And the fact that we have also have a United States Congressman that's on the majority side to reinforce that in John Barrow, positions us very strongly. In the upcoming months, perhaps over a longer period of time than that, the transportation authorization for all the money that's spent on transportation by the Federal Government, which is — I'll sound like Carl [inaudible] here — but billions and billions and billions of dollars is going to come up, and almost all of that money gets allocated out by marks, and we need to be represented through the markup at least of that bill, and I don't know whether that comes in three months or whether that comes in ten months, but we need to have people that are monitoring that and tracking it and helping us to know when we need to go see Congressman Kingston or Senator Chambliss or Congressman Barrow to be at their door saying this is the moment and we need your help. I think the contract is, what, \$8,000 a month? Mr. Kaigler said, yes sir. Commissioner Shay said, \$8,000 a month is a lot of money by my standards. I'd love to have \$8,000 a month right now, but when we look at the return on investment, we've got a \$550,000,000 a year budget here in the County, and we've got billions and billions — seriously billions and billions of dollars that are going to be allocated — I mean, distributed, not allocated, in the State of Georgia, I would argue, Mr. Chairman, that a couple of months doesn't really give these folks enough certainty in order to do the job that they could do, and I would prefer that we say that we're going to extend it at least through the first of May so that we can get through this whole cycle of this session of Congress.

Chairman Liakakis said, alright then, why don't we say this, like you first mentioned about how the type of grants are going to be voted on, to it like that because it could be before May, to put it in that regards because once the TIGER grant is completed, then we can, you know, stop it.

Mr. Kaigler said, Mr. Chairman, staff is recommending, if it's your desire to extend the contract, that we go on a month to month basis, knowing that in the contract we have a 30-day opt clause. So we can cancel the contract at any time with 30-days notice. So if you go on a month-to-month, that will give you ample to see exactly when that process will be completed. Chairman Liakakis said, okay.

Commissioner Shay said, and please, the TIGER grant process is going to come out, but the transportation authorization is this big [indicating], and the TIGER grant is that big [indicating]. That's a lot of money inside of that little hole right there that I hold up to you, but the big thing that's out there is the transportation authorization. It's been called other things over the years and we're familiar with it as being called Safe-TEA and Safe-TEA New and TEA and all this other stuff. That's the transportation authorization that's been for the whole Federal Government, so if we're going to go month to month, which I have no problem with going month to month —.

Commissioner Odell said, but that's not what the motion is. Commissioner Shay said, well, let's not have it end —. Commissioner Odell said, is that we will extend it for three months and there's a second. I'm not suggesting that we end it in three months. I think we review it after 60 days. I think we can achieve what everyone wants to achieve with the current number.

Chairman Liakakis said, well, why don't we think about this, Harris [Odell], is to go again and, you know, withdraw that motion and go month to month because it will accomplish exactly what you say because if we can do it in two months, three months, four months, because you're doing it on a month to month basis.

Commissioner Odell said, as General Custer said, Mr. Chairman — no, another day. I'll withdraw the motion.

Chairman Liakakis said, and withdraw the second. Let's have a motion on the floor for a day to day — I mean, month to month.

Commissioner Shay said, Mr. Chairman, I make a motion then that we continue the contract with Hurt-Norton on a month to month basis that it currently is with the idea that we will continue to use their services through the entire process of seeing the transportation money allocated. Commissioner Farrell said, second.

Youth Commissioner Palmares asked, I just wanted to know, what is the TIGER grant?

Chairman Liakakis said, the TIGER grant is part of a stimulus funding that the U.S. Congress and the Senate have put together to send monies to stimulate the economy in the country. It's in different areas, like they have put helped put monies into insurance companies, they put monies into the banks, stimulus monies in there, and also in transportation projects around the country. So it's part of a stimulus package by the U.S. Legislators.

County Manager Abolt said, it specifically means Transportation Investment Generating Economic Recovery, which the acronym is TIGER.

Chairman Liakakis asked, did you want to ask something Dave [Gellatly]? Commissioner Gellatly said, no. Chairman Liakakis said, okay, we have a motion on the floor. Let's go on the board. The motion carried unanimously. [NOTE: Commissioner Stone was not present.] Chairman Liakakis said, the motion passes.

ACTION OF THE BOARD:

Commissioner Shay moved to continue the contract with Hurt-Norton on a month to month basis that it currently is with the idea that we will continue to use their services through the entire process of seeing the transportation money allocated. Commissioner Farrell seconded the motion and it carried unanimously. [NOTE: Commissioner Stone was not present.]

Related to AGENDA ITEM: IX-3
AGENDA DATE: September 25, 2009

From: "Pat Shay" <Pshay@GMShay.com>
To: <PeteLiakakis@chathamcounty.org>, <reabolt@chathamcounty.org>, "Pat Mona...
CC: "Bob Hurt" <BobHurt@hurtnorton.com>, <jterry@tdwlaw.com>, <jterry@gaccwe...
Date: 9/23/2009 7:12 PM
Subject: CAT Support Letter
Attachments: CAT.pdf.PDF

Chairman Liakakis, Commissioners and County Managers,

The attached letter was obtained by Jane Terry, an associate of Bob Hurt and Hurt-Norton, the firm we currently have under contract to help us find federal funding. Secretary LaHood used to be on the House Appropriations Committee with Congressman Kingston and I suspect he will read this letter, too. He is one of the only Republicans in President Obama's cabinet.

This is not a guarantee of funding, but it is an example of why we should be well represented in Washington, DC. With reinforcement support from Congressman Barrow on the majority side, a request from a House Appropriator is about as good as it gets for us.

Because our Transit Center project continues to languish, we have no chance of additional merit grant money from the FTA, so we should be working, every day, on getting that project started. Other communities are leaving us behind.

Patrick Shay

Congress of the United States
House of Representatives

The Honorable Ray LaHood

Secretary
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

September 23, 2009

Dear Secretary LaHood:

I would like to give my support to a Transportation Investment Generating Economic Recovery (TIGER) grant application by Chatham Area Transit (CAT) to replace its paratransit fleet with more reliable, hybrid vehicles.

As you know, paratransit service provides much needed mobility for persons with disabilities and seniors. This service provides accessibility to the community that may not otherwise be available, enabling access to retail centers, educational facilities, healthcare, and employment opportunities. The current CAT fleet of paratransit buses has been used to the extent of and beyond its useful life. These new vehicles would enable safer, more reliable service to CAT's Teleride passengers while decreasing reliance on foreign oil and lessening environmental impacts.

This TIGER grant application for \$3,855,000 is a worthwhile request, and I hope you will support CAT's request.

Sincerely,

/s/ Jack Kingston

Jack Kingston
Member of Congress

cc: Peter Rogoff, Administrator, Federal Transit Administration

AGENDA ITEM: IX-3
AGENDA DATE: September 25, 2009

TO: Chatham County Board of Commissioners
THRU: R. E. Abolt, County Manager
FROM: Michael A. Kaigler, Director
Human Resources and Services

Issue:

To provide information report on status of the Hurt, Norton and Associates, Inc. contract.

Background:

On February 27, 2009, the Board of Commissioners voted to enter into an agreement with Hurt, Norton and Associates, Inc., to provide consulting services for federal "stimulus package" funding and other funding opportunities from various authorizations forthcoming.

Facts and Findings:

1. Staff has evaluated the services received from Hurt, Norton and Associates, Inc. to date. The majority of funds from the Federal Stimulus Program were sent "by formula", to the States and most of those funds were for state run programs that were already in place.
2. There has been very little funding allocated directly to local governments. It appears the first round of funding for stimulus has been completed and there is no indication that any information concerning future funding is forthcoming from the Federal Government.
3. The term of this contract was for a six month period which began April 1, 2009, and ends on October 31, 2009. The contract term may be extended on a month-to-month basis upon mutual written agreement of both parties. The contract can also be terminated with a written 30-day notice by either party.

4. The current contract provided compensation to Hurt, Norton and Associates, Inc. in the amount, not to exceed \$8,000 per month.
5. As earlier stated the current contract is scheduled to expire on October 31, 2009. If the County intends not to extend the contract, Staff is recommending we provide them with 30-day notice to that effect.

Funding:

No additional funding required if the contract is not extended. If the Board wishes to extend the contract then additional funds would have to be allocated.

Alternatives:

1. Board of Commissioners approval to authorize the Chairman to execute the termination of contract with Hurt, Norton and Associates, Inc. for Consulting Services for federal "stimulus package" funds and other funding opportunities for Chatham County Government.
2. Board approval to authorize the Chairman to extend the Contract with Hurt, Norton and Associates, Inc. for Consulting Services for federal "stimulus package" funds and other funding opportunities for Chatham County Government.
3. Provide staff with other direction.

Policy Consideration:

It is consistent with Board of Commissioners policy to approve recommendations of termination when requested by departments.

Recommendation: That the Board adopt Alternative 1.

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4. REQUEST BOARD APPROVAL TO ENTER INTO A PARTNERSHIP WITH SAVANNAH STATE UNIVERSITY TO PURSUE A COMMUNITY GRANT IN THE AMOUNT OF \$900,000 OVER A THREE-YEAR PERIOD TO TARGET CHILDREN BETWEEN THE AGES OF 10-12 WHO ARE CONSIDERED AT RISK FOR HEALTH AND LIFESTYLE CHOICES.

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

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

ACTION OF THE BOARD:

Commissioner Farrell moved to enter into a partnership with Savannah State University to pursue a Community Grant in the amount of \$900,000 over a three-year period to target children between the ages of 10-12 who are considered at risk for health and lifestyle choices. Commissioners Holmes and Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Stone was not present.]

AGENDA ITEM: IX-4

AGENDA DATE: September 25, 2009

TO: Board of Commissioners

THRU: R. E. Abolt, County Manager

FROM: Robert Drewry Director, Public Works and Park Services Department

ISSUE: Request Board approval to enter into a partnership with Savannah State University to pursue a Community Grant in the amount of \$900,000 over a three-year period to target children between the ages of 10-12 who are considered at risk for health and lifestyle choices.

BACKGROUND:

The objective of the Savannah State University Youth empowerment Program (YEP) is to test innovative approaches to promote healthy behaviors in youth who are at-risk for poor health and life outcomes. This program is funded by the Humane Health Services

(HHS) to address the serious health and safety risks nationwide facing youth ages 10-18, including high rates of substance abuse, violence, HIV and other reproductive health issues, and obesity and other poor health issues. Chatham County, City of Savannah, the Board of Education, and the Boys and Girls Clubs of Greater Savannah were asked to sign a Memorandum of Agreement to enter into a Collaborative Partnership in support of this Youth Empowerment Program (YEP).

FACTS AND FINDINGS:

1. The intent of this partnership is to conduct a three-year demonstration project which will provide comprehensive enrichment and support services for 50 at-risk youth.
2. Chatham County Aquatic Center will be providing lifeguard training and swim lesson instructor training for the student mentors of the program.
3. Savannah State University will pay the Aquatic Center \$6,900 per year for providing the training of the life guards and swim lesson instructors.
4. Chatham County also will be paid \$900 per year membership fee for strength training provided by the Anderson Cohen Weightlifting Center.
5. The Collaborative Partnership Agreement will be reviewed by the County Attorney prior to signing.

FUNDING:

There is no funding obligation.

ALTERNATIVES:

1. Board approval of the Partnership with Savannah State University to conduct a three-year demonstration project for at-risk youth.
2. Provide staff other direction.

POLICY ANALYSIS:

It is consistent with Board policy to partner with or sponsor programs that will address the needs of our at-risk youth.

RECOMMENDATION:

Staff recommends approval of Alternative 1.

District [All]

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5. BOARD CONSIDERATION OF REQUEST OF CHRISTIAN REVIVAL AND RESTORATION CENTER, INC., TO ABATE TAXES DUE FOR YEARS 2006 AND 2007 FOR PARCEL NUMBER 2-0779-04-023, 713 WINDSOR ROAD.

Chairman Liakakis recognized County Attorney Hart.

County Attorney Hart said, this is a parsonage and it's tax exempt. They just simply didn't —.

Commissioner Odell asked, what district is that? County Attorney Hart said, I'm not sure.

Commissioner Gellatly said, that would be my district. Commissioner Odell said, it looks like David's. Commissioner Gellatly said, my district, my neighbor actually.

County Attorney Hart said, obviously y'all have the right under 48-5-154 to cancel —.

Commissioner Farrell asked, do you want to take the lead on this?

Chairman Liakakis said, it's tax exempt to begin with and it just, because of the way that they processed it, they put it in there that they were paying what they shouldn't have.

Commissioner Odell asked, do you want to make the motion? County Attorney Hart said, they're exempt for 2008, they applied for the exemption. Commissioner Odell said, I think Dave [Gellatly] is going to make the motion.

Commissioner Gellatly said, yeah, I'll make a motion that we go ahead and approve that. Commissioner Kicklighter said, second.

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

ACTION OF THE BOARD:

Commissioner Gellatly moved to approve the request of Christian Revival and Restoration Center, Inc., to abate taxes due for years 2006 [\$62.98] and 2007 [\$2,540.91] for parcel number 2-0779-04-023, 713 Windsor Road. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Commissioner Stone was not present.]

AGENDA ITEM: IX-5

AGENDA DATE: September 25, 2009

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

ISSUE: To consider request of Christian Revival and Restoration Center, Inc. to abate taxes due for years 2006 and 2007 for parcel number 2-0779-04-023, 713 Windsor Road, Savannah, Georgia.

BACKGROUND:

This is a request by Christian Revival and Restoration Center, Inc. (Church) to abate taxes due for tax years 2006 and 2007 regarding PIN parcel number 2-0779-04-023, 713 Windsor Road in the amounts of \$62.98 (2006) and \$2,540.91 (2007). The subject parcel has been utilized as a church parsonage since 2006. The Church, pursuant to O.C.G.A. § 48-5-41, applied for and was granted an exemption for the subject property in 2008. The Church did not apply in 2006 or 2007.

FACTS & FINDINGS:

1. Christian Revival and Restoration Center, Inc. is a non-profit organization.
2. Pursuant to O.C.G.A. § 48-5-41(3) all property owned by religious groups and used only for single-family residences when no income is derived from the property is exempt.
3. O.C.G.A. § 48-5-154 provides that the County governing authority shall have jurisdiction and the power to correct all errors in the digest, to order abatement or cancellation of taxes erroneously assessed and to make other adjustments in the digest of a similar nature and to reflect the same in the account as stated.

POLICY ANALYSIS:

The Christian Revival and Restoration Center, Inc. is exempt from ad valorem property taxes. Any taxes that have been paid should be refunded, and an order and abatement of cancellation of taxes erroneously assessed and appropriate adjustment to the digest should be made.

ALTERNATIVES:

1. The Commission should order an abatement and cancellation of taxes erroneously assessed and to correct and adjust errors in the digest for tax years 2006 and 2007.
2. The Commission should not order an abatement and cancellation of taxes erroneously assessed and to correct and adjust errors in the digest for tax years 2006 and 2007.

RECOMMENDATION:

Alternative 1.

RJH/jr

enclosures

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6. BOARD CONSIDERATION OF REQUEST OF GROWING IN GRACE MINISTRIES, INC., TO FORGIVE OR ABATE ANY TAXES PAID FOR PARCEL NUMBER 2-0643-01-006, 1517 STALEY AVENUE.

Commissioner Odell said, I've read that memo and it looked like they didn't own the property.

County Attorney Hart said, correct. The deal here is that they can't go back more than three years, so the 2005 taxes cannot be considered and they understand that. Also they didn't own it January 1 as of 2005, so they couldn't collect — do it anyway. They could qualify for 2006-2007 if the Commission so chose to do that.

Commissioner Odell said, I move for that.

Commissioner Holmes said, anyone here to speak on that? A female from the audience said, I am. Commissioner Odell said, you're going to win. Commissioner Gellatly said, you don't need to talk. Commissioner Odell said, you're going to win. The only thing you can do is pollute it. Commissioner Kicklighter said, just said thank you. The female in the audience said, thank you.

Chairman Liakakis said, go ahead and make the motion. Commissioner Odell said, I made the motion. Commissioner Gellatly said, second. Commissioner Odell said and David [Gellatly] seconded it.

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

ACTION OF THE BOARD:

Commissioner Odell moved to approve the request of Growing in Grace Ministries, Inc., to forgive or abate any taxes paid for years 2006 [\$776.28] and 2007 [\$1,216.26] for parcel number 2-0643-01-006, 1517 Staley Avenue. Commissioner Gellatly seconded the motion and it carried unanimously. [NOTE: Commissioner Stone was not present.]

AGENDA ITEM: IX-6
AGENDA DATE: September 25, 2009

TO: Board of Commissioners
THRU: R.E. Abolt, County Manager
FROM: R. Jonathan Hart, County Attorney
ISSUE: To consider request of Growing in Grace Ministries, Inc. to forgive or abate any taxes paid for parcel number 2-0643-01-006, 1517 Staley Avenue, Savannah, Georgia.

BACKGROUND:

This is a request by Growing in Grace Ministries, Inc. (Church) to forgive or abate taxes paid for tax years 2005, 2006 and 2007 regarding PIN parcel number 2-0643-01-006, 1517 Staley Avenue in the amounts of \$776.28 (2006) and 1,216.26 (\$1,066.89, \$106.69 penalty and \$42.68 interest) (2007). The Tax Commissioner's Office has advised that the church did not own the property in 2005 and that the property owner was John H. Day, Jr. The property was not sold to the church until October 17, 2005. For this reason, we will not request the Board consider the church's request for a refund for tax year 2005. The subject parcel has been utilized as a church since 2006. The Church, pursuant to O.C.G.A. § 48-5-41, applied and for and was granted an exemption for the subject property in 2008. The Church did not apply in 2006 or 2007.

FACTS & FINDINGS:

1. Growing in Grace Ministries, Inc. is a non-profit organization.
2. O.C.G.A. § 48-5-154 provides that the County governing authority shall have jurisdiction and the power to correct all errors in the digest, to order abatement or cancellation of taxes erroneously assessed and to make other adjustments in the digest of a similar nature and to reflect the same in the account as stated.

POLICY ANALYSIS:

The Growing in Grace Ministries, Inc. is exempt from ad valorem property taxes. Any taxes that have been paid should be refunded, and an order and abatement of cancellation of taxes erroneously assessed and appropriate adjustment to the digest should be made.

ALTERNATIVES:

1. The Commission should authorize the refund of \$1,992.54 ad valorem taxes or order an abatement and cancellation of taxes erroneously assessed and to correct and adjust errors in the digest for tax years 2006 and 2007.

2. The Commission should not authorize the refund of \$1,992.54 ad valorem taxes nor order an abatement and cancellation of taxes erroneously assessed and to correct and adjust errors in the digest for tax years 2006 and 2007.

RECOMMENDATION:

Alternative 1.

RJH/jr
enclosures

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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.)

Action Calendar, we have Items 1 through 7 and under 7 we have Items A through Q. Are there any specific items that any of the Commissioners would like to withdraw?

Commissioner Odell said, I talked to – in the Green Room Commissioner Stone and she was concerned about J of 7. County Manager Abolt said, the motion would be to table until your next meeting. Commissioner Odell said, in that Helen [Stone] is not here and I'm not certain, but here concern was that we're contracted to do this whereas in the jail they do [inaudible].

Chairman Liakakis said, so she recommended that we table this and have our staff contact the Juvenile Court authorities and see if they can do that with their volunteers as opposed to paying the \$44,000 out.

Commissioner Odell said, right, and I'd like for us, if we could, if you could contact Commissioner Stone because it was her concern and she had to leave. County Manager Abolt said, she was very helpful in the pre-meeting explaining her concern, and I would suggest you pull it off of the Action Calendar and table it until your next meeting.

Commissioner Shay asked, is that the word, Mr. Attorney?

Chairman Liakakis said, and I'd like to hold off on Item F, to hold that out and I'll explain that also. So do we have a motion on the floor for all of items except —.

Commissioner Shay said, Mr. Chairman, I make a motion to approve the balance of the Action Calendar excluding Items F and J. Commissioner Thomas said, second, Mr. Chairman.

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

Commissioner Farrell said, wait a minute. Why are we taking F off? Commissioner Shay said, I don't know. The Chairman said he just wanted to pull it.

Chairman Liakakis said, F, I'm going to make a statement on that.

ACTION OF THE BOARD:

Commissioner Shay moved to approve Items 1 through 7-Q, except Items 7-F and 7-J. Commissioners Gellatly and Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Stone was not present.]

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

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1. APPROVAL OF THE MINUTES FOR THE REGULAR MEETING OF SEPTEMBER 11, 2009, AS MAILED.

ACTION OF THE BOARD:

Commissioner Shay moved to approve the minutes of the regular meeting of September 11, 2009. Commissioners Gellatly and Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Stone was not present.]

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2. CLAIMS VS. CHATHAM COUNTY FOR THE PERIOD SEPTEMBER 3 THROUGH SEPTEMBER 16, 2009.

ACTION OF THE BOARD:

Commissioner Shay moved to authorize the Finance Director to pay the claims against the County for the period September 3, 2009, through September 16, 2009, in the amount of \$6,334,630. Commissioners Gellatly and Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Stone was not present.]

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**3. REQUEST BOARD APPROVAL OF A REQUEST FROM MS. MARY PATRICIA MAHANY HENNESSY FOR THE COUNTY TO DECLARE SURPLUS AN OPENED PORTION OF EAST BOULEVARD (STONE STREET) RIGHT OF WAY ADJACENT TO THE EASTERN PORTION OF LOT 128-A, WILMINGTON ISLAND PLEASURE AND IMPROVEMENT COMPANY SUBDIVISION, PIN: 1-0098 -04-003, AND TO QUITCLAIM THE RIGHT OF WAY.
[DISTRICT 4.]**

ACTION OF THE BOARD:

Commissioner Shay moved to approve the request from Ms. Mary Patricia Mahany Hennessy for the County to declare surplus an opened portion of East Boulevard (Stone Street) right-of-way adjacent to the Eastern Portion of Lot 128-A, Wilmington Island Pleasure and Improvement Company Subdivision, PIN 1-0098-04-003, and to quitclaim the right-of-way. Commissioners Gellatly and Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Stone was not present.]

AGENDA ITEM: X-3

AGENDA DATE: September 25, 2009

TO: Board of Commissioners
THRU: R. E. Abolt, County Manager
FROM: Leon Davenport, P.E., Assistant County Engineer

ISSUE: To present to the Board a request from Ms. Mary Patricia Mahany Hennessy for the County to declare surplus an opened portion of East Boulevard (Stone Street) right of way (ROW), adjacent to the Eastern Portion of Lot 128-A, Wilmington Island Pleasure and Improvement Company Subdivision, PIN: 1-0098 -04-003, and to quitclaim the ROW.

BACKGROUND: The petitioner owns property on one side of East Boulevard. The Board directed staff at their meeting on February 8, 2008 to pursue a strategy to relocate the centerline in approximately the center of the right of way to provide more equity to all property owners adjacent to the right of way.

FACTS AND FINDINGS:

1. The location of the requested right of way is shown on the attached plat, along with a detailed legal description.
2. The petitioner has obtained a conditional approval from the Coastal Health District for construction plans to rebuild Ms. Hennessy's house. The condition is having possession of the requested right of way shown on the attached plat.
3. Staff has completed a preliminary design that would allow the requested portion of Stone Street to be declared surplus.
4. Upon approval, staff will relocate the existing dirt road to the middle of the right of way in the vicinity of Ms. Hennessy's property, in preparation for the future paving of Stone Street.

ALTERNATIVES:

1. To declare as surplus an opened portion of East Boulevard (Stone Street) right of way adjacent to the Eastern Portion of Lot 128-A, PIN: 1-0098 -04-003, as surplus and to quitclaim to Ms. Mary Patricia Mahany Hennessy.
2. Do not approve the request.

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

RECOMMENDATION: That the Commissioners adopt Alternative No. 1.

District 4

PREPARED BY: Nathaniel Panther, P.E.

=====

4. REQUEST BOARD CONFIRM PURCHASE OF 120 FAHM STREET IN THE CITY OF SAVANNAH AND LEASE OF THE PROPERTY TO UNION MISSION, INC. [DISTRICT 8.]

ACTION OF THE BOARD:

Commissioner Shay moved to confirm the purchase of 120 Fahm Street in the City of Savannah, described as the Southern Portion of Parcel B-2, recorded in Subdivision Map Book B, Folio 25, and confirm the lease of the property to Union Mission, Inc. Commissioners Gellatly and Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Stone was not present.]

AGENDA ITEM: X-4

AGENDA DATE: September 25, 2009

TO: Board of Commissioners

THRU: R.E. Abolt, County Manager

FROM: Patrick Monahan, Asst. County Manager

ISSUE:

To confirm purchase of 120 Fahm Street in the City of Savannah and lease of the property to Union Mission Inc.

BACKGROUND:

During approval of the Fiscal Year 2009 budget, the Board of Commissioners approved a plan to assist Union Mission retire short-term debt of \$2.3 million by Chatham County's issuing bonds and acquiring an equivalent amount of property. The Board agreed to this aid since Union Mission assumed the debt from co-developing with Chatham County the Behavioral Health Center at 107 Fahm Street (Chatham County funded its share through \$2.1 million in bond proceeds in 2005). As with the 2005 bond, the County agreed to acquire property but lease it to Union Mission (federal law allows this structure for non-profit agencies which provide services that otherwise the government would need to provide). Union Mission then used the proceeds from the sale of the property to retire its obligations and stabilize its cash flow for operating health services to the community's under-served citizens.

FACTS & FINDINGS:

1. Chatham County completed the 2009 DSA Series Bond issue and completed acquisition of 120 Fahm Street from Union Mission. A Certified Appraisal placed the value of the property at \$2,425,000. The County acquired it and took fee simple title for \$2,338,000 plus closing costs.
2. The property at 120 Fahm Street has a legal description as "Southern Portion of Parcel B-2, as recorded in Subdivision Map Book B, Folio 25."
3. Concurrent with the purchase, Chatham County executed a lease with Union Mission. The lease requires Union Mission to abide by all requirements of the bond documents concerning use of the building. County Attorney Jon Hart wrote the lease agreement.

FUNDING:

2009 DSA Series Bonds (annual debt serviced by the General Fund M&O of approximately \$190,000 annually)

ALTERNATIVES:

1. That the Board confirm purchase of 120 Fahm Street and execution of the lease to Union Mission Inc.
2. That take other action as appropriate.

POLICY ANALYSIS:

Georgia law requires the purchase of property to appear on the minutes and books of Chatham County. Under federal tax law, Chatham County can acquire property and lease it to a non-profit agency which provides services that the local government would be otherwise providing. In this instance, Union Mission clearly provides services for under-served and under-insured citizens which at some level would become a taxpayer responsibility otherwise.

RECOMMENDATION:

That the Board adopt Alternative 1.

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**5. REQUEST BOARD AUTHORIZE ACQUISITION BY DONATION FOR CHATHAM COUNTY'S OWNERSHIP OF THE HOUSE AT 1511 PRICE STREET, THE ONE-TIME HOME OF MOTHER MATHILDA BEASLEY.
[DISTRICT 8.]**

ACTION OF THE BOARD:

Commissioner Shay moved to authorize acquisition by donation for Chatham County's ownership of the house at 1511 Price Street, the one time home of Mother Mathilda Beasley, through a bill of sale in anticipation of its relocation as part of the Mother Mathilda Beasley Park Project. Commissioners Gellatly and Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Stone was not present.]

AGENDA ITEM: X-5

AGENDA DATE: September 25, 2009

TO: Board of Commissioners

THRU: R.E. Abolt, County Manager

FROM: Patrick Monahan, Asst. County Manager

ISSUE:

To authorize acquisition by donation for Chatham County's ownership of the house at 1511 Price Street, the one-time home of Mother Mathilda Beasley.

BACKGROUND:

As part of the Mother Mathilda Beasley Park project, Chatham County plans to relocate her one-time home, now located at 1511 Price Street. The house will be relocated to Mother Mathilda Beasley Park, where it will be renovated to its original early 20th Century condition and become an historical interpretation project to demonstrate her simple lifestyle. The County Attorney's Office advises that since the house will be severed from the real property where it is now situated, a bill of sale would be sufficient.

The property owner has agreed to donate the structure and agrees to the form of the agreement.

FACTS & FINDINGS:

1. A bill of sale would be the legal transfer of the home ownership since it will be severed from the land. The bill of sale will be for \$1, but Chatham County will assume full responsibility for relocating the house to its new location at Mother Mathilda Beasley Park.

2. Once relocated, the house will be restored to its original early 20th Century condition as an historical interpretation of Mother Mathilda Beasley's simple life. The house will provide an opportunity to tell of her simple lifestyle but long-lasting contributions to her community, state and nation. After the death of her husband, she donated her inherited property (her husband was a successful businessman and land owner), which included lands at Isle of Hope and Skidaway Island, to Sacred Heart Catholic Church and entered the Franciscan Convent in England. Upon her return to Savannah, she established the state's first order of African-American Roman Catholic nuns and founded and operated the St. Francis Home for Colored Orphans.

3. In 1901, she received a cottage near the Sacred Heart Church. She was found dead kneeling in the cottage's private chapel on December 20, 1903, and buried in the Catholic Cemetery. The Georgia Historical Society featured her as honoree of the 2005 Georgia Heritage Celebration.

FUNDING:

Not applicable for bill of sale (as donation). Funds for relocation and restoration will be from SPLOST 2003-2008.

ALTERNATIVES:

1. That the Board authorize the acquisition of the house at 1511 Price Street through a bill of sale in anticipation of its relocation and renovation as part of the Mother Mathilda Beasley Park project.

2. That the Board not authorize the acquisition of the house 1511 Price Street.

POLICY ANALYSIS:

The County Attorney's Office has advised acquisition of the property through a bill of sale will meet legal requirements for the purchase of the house since it will be severed from the real property.

RECOMMENDATION:

That the Board adopt Alternative 1.

=====

6. REQUEST BOARD APPROVAL OF A RESOLUTION TO PROVIDE FOR THE USE OF THREE BOARDS OF EQUALIZATION AS AUTHORIZED BY GEORGIA LAW.

ACTION OF THE BOARD:

Commissioner Shay moved to approve a resolution to provide for the use of three (3) Boards of Equalization, as authorized by Georgia law. Commissioner Gellatly and Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Stone was not present.]

AGENDA ITEM: X-6
AGENDA DATE: September 25, 2009

TO: Board of Commissioners
THRU: R.E. Abolt, County Manager
FROM: Gail F. Gordon, Administrative Assistant to the Chairman
ISSUE: Board of Equalization

To present for the County Commission's approval a resolution to provide for the use of three (3) Boards of Equalization as authorized by Georgia Law.

BACKGROUND:

Approval of a resolution for Chatham County’s use of three (3) Boards of Equalization is a matter of routine. Under Georgia Law (O.C.G.A. § 48-5-311), the county governing authority must adopt a resolution authorizing this procedure.

FACTS AND FINDINGS:

1. That Chatham County is entitled to three (3) Boards of Equalization.
2. Georgia Law (O.C.G.A. § 48-5-311) states that the county governing authority must adopt a resolution authorizing this procedure.

ALTERNATIVES:

1. Adopt the resolution that would allow Chatham County’s use of three (3) Boards of Equalization.
2. Do not adopt the resolution that would allow Chatham County’s use of three (3) Boards of Equalization.

FUNDING:

Funding for the Boards of Equalization is included in the 2009 budget.

POLICY ANALYSIS:

It is the policy of the Commission to adopt a resolution each year allowing the use of three (3) Boards of Equalization.

RECOMMENDATION:

That the Board approve Alternative 1.

=====

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

ITEM	DEPT.	SOURCE	AMOUNT	FUNDING
A. Construction contract to pave Pyeland Drive	Engineering	L-J, Inc.	\$75,268	SPLOST (2003-2008) - Pyeland Drive
B. Summary Change Order No. 3 to the contract for Dundee Canal drainage improvements and tidegate upgrades for additional work	Engineering	L-J, Inc.	\$29,181	SPLOST (2003-2008) - Dundee Canal Drainage project
C. Construction contract for electrical services at the Resource Conservation Education Center	Public Works and Park Services	Moore & Sons Electrical Service, Inc.	\$45,807	Solid Waste Restricted
D. One (1) year extension for the lease for Inmate Temporary Housing units	Detention Center	Proteus on Demand	\$492,750	General Fund/M&O - Detention Center
E. Confirmation of the acceptance of one (1) 2010 Ford pickup truck to be purchased by the United States Marshal Service	Sheriff	J. C. Lewis Ford	\$24,970	United States Marshal Service
F. Construction contract for parking and restroom facilities for the Concord Soccer Field on Wilmington Island	Engineering	J. Heirs Company, Inc.	\$359,565	•SPLOST (1993-1998) - Concord Soccer Field - \$246,000 •SPLOST (2003-2008) - Concord Soccer Field - \$113,565
G. 62 Motorola digital portable radios	I.C.S.	Motorola Communications	\$237,480	CIP - I.C.S. Digital Radio Equipment

<u>ITEM</u>	<u>DEPT.</u>	<u>SOURCE</u>	<u>AMOUNT</u>	<u>FUNDING</u>
H. Change Order No. 1 to the annual contract for janitorial services at Mosquito Control to recognize a price increase	Mosquito Control	CKC Enterprises (MBE)	\$1,200	General Fund/M&O - Mosquito Control
I. Annual contract with automatic renewal options for four (4) additional one (1) year terms to provide janitorial services to the Administrative Annex and Police Precinct #1	Facilities Maintenance	CKC Enterprises (MBE)	\$35,400	•City of Savannah •Tax Commissioner •Building Safety and Regulatory Services •CEMA
J. Annual contract with automatic renewal options for four (4) additional one (1) year terms to provide janitorial services to Juvenile Court	Facilities Maintenance	Randall Green's Professional Cleaning (MBE)	\$44,604	General Fund/M&O - Facilities Maintenance
K. Annual "as needed" contract with automatic renewal options for four (4) additional one (1) year terms for disaster restoration and recovery services for various County facilities	Finance	•Servpro, Inc. (Primary) •Belfor USA (Secondary)	•\$75 per hour •\$150 per hour	Reserve for catastrophic claims
L. Annual agreement for road grading	Public Works and Park Services	Savannah Smooth Roads (Sole Source)	\$12,000	SSD - Public Works
M. 30 Motorola digital portable radios	Detention Center	Motorola Communications	\$86,352	General Fund/M&O - Detention Center
N. Extend contract period for project management for Citizens Service Center projects and Animal Shelter	Special Projects	Southeast Development	\$40 per hour Not to Exceed \$30,000	•2005 DSA Series Bonds
O. Framing and construction of drywall and acoustical ceiling in Court Services Offices in the Courthouse basement	Special Projects	All-Around Construction	\$38,700	SPLOST (2003-2008) - Courthouse Construction
P. Site design and engineering for communications tower	Special Projects	Thomas & Hutton Engineering	\$22,100	CIP
Q. Change Order No. 3 to phase out the contract for legislative services for state economic stimulus funding	Commissioners	Hughes Public Affairs	\$4,000 month (three (3) months)	General Fund/M&O - Commissioners

As to Items 7-A through 7-Q, except Items 7-F and 7-J:

Commissioner Shay moved to approve Items 7-A through 7-Q, except Items 7-F and 7-J. Commissioners Gellatly and Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Stone was not present.]

As to Item 7-F:

Chairman Liakakis said, if we look at that Item F, Construction contract for parking and restroom facilities for the Concord Soccer Field on Wilmington Island, what originally our staff had figured that it would cost a little over \$400,000 for that and because, I guess, the economic times, we had a huge amount — there were over 14 bidders on this particular contract, which was good for the County because that means with the bid that we got, \$359,565, that we've saved approximately \$41,000 for our citizens by all of these bidders coming in.

County Manager Abolt said, it would be more than that, sir. The engineer estimate was \$444,000, so this is really good for the taxpayers.

Chairman Liakakis said, so just under \$100,000 savings by this bidding process. I need a motion —.

Commissioner Farrell said, it is stimulus to have projects up and running that the taxpayers have funded to get them on the ground and get people — get money being circulated in the [inaudible].

Chairman Liakakis said, I need a motion on the floor for approval.

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

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

As to Item 7-J:

Okay on Item J, we need a motion on the floor to table.

Commissioner Odell said, so moved. Commissioner Gellatly said, second. Commissioner Thomas said, second.

Chairman Liakakis we have a motion on the floor to table Item 7-J. Let's go on the board. The motion carried unanimously. [NOTE: Commissioner Stone was not present.] Chairman Liakakis said, the motion passes.

ACTION OF THE BOARD:

- a. Commissioner Shay moved to approve Items 7-A through 7-Q, except Items 7-F and 7-J. Commissioners Gellatly and Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Stone was not present.]
- b. Commissioner Farrell moved to approve Item 7-F. Commissioner Gellatly seconded the motion and it carried unanimously. [NOTE: Commissioner Stone was not present.]
- c. Commissioner Farrell moved to approve Item 7-J. Commissioner Gellatly seconded the motion and it carried unanimously. [NOTE: Commissioner Stone was not present.]

AGENDA ITEM: X-7 A thru Q
AGENDA DATE: September 25, 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 to award a \$75,268 construction contract to L-J, Inc. to pave Pyeland Drive.

BACKGROUND: Pyeland Drive is on the list of unpaved roads in Unincorporated Chatham County. McGee Partners, Inc. completed the road design under a Task Order Contract.

FACTS AND FINDINGS:

1. This project was properly advertized and 11 bids were received and opened 3 September 2009. The responses are as follows:

	L-J, Inc. Columbia, SC	\$75,268
*	Clifton Construction, Inc. Garden City, GA	\$79,110
	Savannah Paving Co, Inc. Brooklet, GA	\$90,246
	A. D. Williams Construction Co., Inc. Savannah, GA	\$92,672
	Coastal Grading & Rental Savannah, GA	\$94,000
*	E&D Contracting Services, Inc. Savannah, GA	\$98,215
	Cleland Site Prep, Inc. Bluffton, SC	\$99,286
	Bryco, Inc. Pembroke, GA	\$99,785

Collins Construction Savannah, GA	\$108,134
Southeastern Civil, Inc. Savannah, GA	\$112,784
Griffin Contracting, Inc. Pooler, GA	\$115,857

* WBE firm

- The project is expected to be completed within 100 days from the Notice To Proceed.

FUNDING: SPLOST (2003 - 2008) - Pyeland Drive
(3234220 - 54.14001 - 32356547)

ALTERNATIVES:

- Board approval to award a \$75,268 construction contract to L-J, Inc. to pave Pyeland Drive.
- Provide staff other direction.

POLICY ANALYSIS: It is consistent with Board policy to award a construction contract to the low, responsive, responsible bidder.

RECOMMENDATION: Staff recommends the approval of Alternative 1.

BUDGET APPROVAL _____
CHRIS MORRIS

ITEM B

ISSUE: Request Board approval of Summary Change Order No. 3 in the amount of \$29,181 to the contract with L-J, Inc. for the Dundee Canal Drainage Improvements and Tidegate Upgrade project.

BACKGROUND: The Dundee Canal Outfall project is in the Unincorporated Chatham County Stormwater Capital Improvement Program and is a part of the 2003 - 2008, SPLOST, Drainage Program.

FACTS AND FINDINGS:

- The Dundee Canal tidegate structure provides storm water protection to areas of Unincorporated Chatham County, Garden City and Savannah. The structure, which consists of metal miter gates, concrete headwalls and earthen embankments, was originally constructed in the mid 1970s. Despite repairs to the structure in the past, the useful life of the structure expired.
- The contract was awarded to L-J, Inc. in December 2007. The contract stipulated a completion date of 11 February 2009. In December 2008, water piping was observed under the footer of the structure. The Board approved Change Order 1 which provided the additional funds needed to correct this condition on 27 February 2009. In May 2009, Change Order 2 was approved making corrections to the concrete apron in front of the structure.
- Construction work is complete, including the installation of the new miter gates, coffer dam walls and rip rap embankment protection, and filling of a scour hole on the downstream side of the structure. The new gates have worked well keeping tidal flows out of the canal, accomplishing the project goal.
- Measurement of final quantities was performed upon completion of the work. The measured quantity of debris material removed exceeded the amount stipulated in the contract. The County also ordered use of special concrete adhesive for the apron not included in Change Order 2. The additional quantity debris removal and the concrete adhesive requires a summary change order to increase the contract amount.
- Contract history:

Original Contract (12-21-07)	\$1,007,446
Change Order 1 (2-27-09)	\$128,665
Change Order 2 (5-08-09)	\$49,375
Summary Change Order 3 (pending)	\$29,181
Revised Contract Amount	\$1,214,667

FUNDING: SPLOST (2003 - 2008) - Dundee Canal Drainage Project
(3234250 - 54.14021 - 32380417)

ALTERNATIVES:

1. Board approval of Summary Change Order No. 3 in the amount of \$29,181 to the contract with L-J, Inc. for the Dundee Canal Drainage Improvements and Tidegate Upgrade project.
2. Provide staff other direction.

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

RECOMMENDATIONS: Staff recommends the approval of Alternative 1.

BUDGET APPROVAL _____
CHRIS MORRIS

ITEM C

ISSUE: Request Board approval to award a \$45,807 construction contract to Moore & Sons Electrical Service, Inc., of Adrian, Georgia for electrical services at the Resource Conservation Education Center.

BACKGROUND: Chatham County Public Works and Park Services are proceeding with direction from the County Commission to open the Resource Conservation Education Center. Electrical service to the facility brings the County closer to completing the Center and meeting the goals of the master plan.

FACTS AND FINDINGS:

1. As part of the renovation project, the electrical installation will include office/education space, storage bays, connection ability for solar, sign connections, and metal covering.
2. This project was properly advertized, mailed to seven (7) prospective bidders, and opened on 8 September 2009. The responses are as follows:

Moore & Sons Electrical Service, Inc. Adrian, GA	\$45,807
* All Electric and Specialty Systems Savannah, GA	\$87,636
* E & D Contracting Services Savannah, GA	\$122,570

* WBE firm

3. Staff reviewed the bids and believes the low bid from Moore & Sons Electrical Service, Inc. to be fair and reasonable. The project is expected to be completed within 75 calendar days after issuing the Notice To Proceed.

FUNDING: Solid Waste Restricted
(5404510 - 54.12009)

ALTERNATIVES:

1. Board approval to award a \$45,807 construction contract to Moore & Sons Electrical Service, Inc., of Adrian, Georgia for electrical services at the Resource Conservation Education Center.

2. Provide staff other direction.

POLICY ANALYSIS: It is consistent with Board policy to award construction contracts to the low, responsive, responsible bidder.

RECOMMENDATION: Staff recommends the approval of Alternative 1.

BUDGET APPROVAL _____
CHRIS MORRIS

ITEM D

ISSUE: Request Board approval of a \$492,750 one (1) year extension of the Modular lease agreement for Chatham County Detention Center with Proteus on Demand, Austell, GA., for Inmate Temporary Housing units.

BACKGROUND: On 11 August 2006, the Board approved a lease agreement to help ease inmate overcrowding. The third year option will expire December 2009.

FACTS AND FINDINGS:

1. Staff decided to go with the one(1) year extension at this time.
2. The cost for the facility of \$4.50 per bed per x 300 inmates x 365 days equated to an annual cost of \$492,750. Quarterly payment will be in the amount of \$123,187.50.

FUNDING: General Fund/M &O Detention Center
(1003326- 52.23101)

ALTERNATIVES:

1. Board approval of a \$492,750 for a one (1) year extension of the Modular lease agreement for Chatham County Detention Center with Proteus on Demand, Austell GA., for Inmate Temporary Housing units.
2. Provide staff other direction.

POLICY ANALYSIS: It is consistent with Board policy to extend contracts when it is deemed to be in the best interest of the County.

RECOMMENDATION: Staff recommends approval of Alternative 1.

BUDGET APPROVAL _____
RUSHEDA ADESHINA

ITEM E

ISSUE: Request Board confirmation of the acceptance of one (1) 2010 Ford pickup truck to be purchased by the United States Marshal Service, in the amount of \$24,970, from J. C. Lewis Ford.

BACKGROUND: Currently, Chatham County Sheriff's Department has a deputy assigned to the Fugitive Task Force. This vehicle will be for the sole use of the assigned deputy.

FACTS AND FINDINGS:

1. The United States Marshal Service offered, up to \$25,000, for the purchase of a vehicle for the assigned deputy. In addition, the Marshal Service will provide \$5,000 for the purchase of law enforcement equipment and an additional \$6,000 to cover fuel and maintenance for one (1) year.
2. The vehicle will be purchased by the United States Marshals Service (see attached Memorandum of Understanding on pages 22-26) and then titled to Chatham County. Staff obtained pricing from the following vendors. Responses are as follows:

3. As a stipulation to the purchase, the vehicle had to be ordered by 16 September 2009.
4. Staff requested emergency approval from the Chairman so the vehicle could be ordered. He concurred (see attached page 27) and directed staff to seek Board confirmation at their next scheduled meeting.

FUNDING: United States Marshal Service

ALTERNATIVES:

1. Board confirmation of the acceptance of one (1) 2010 Ford pickup truck to be purchased by the United States Marshal Service, in the amount of \$24,970, from J. C. Lewis Ford.
2. Provide staff other direction.

POLICY ANALYSIS: It is consistent with Board policy to accept funding offered by other government agencies for law enforcement activities.

RECOMMENDATION: Staff recommends approval of Alternative 1.

BUDGET APPROVAL _____
CHRIS MORRIS

ITEM F

ISSUE: Request Board approval to award a \$359,565 construction contract to J. Heirs Company, Inc. to construct parking and restroom facilities for the Concord Soccer Field on Wilmington Island.

BACKGROUND: The project involves demolition, clearing, grubbing, grading, paving, utilities, bathroom, sidewalk and landscaping improvements for the Concord Soccer Field.

FACTS AND FINDINGS:

1. This project was properly advertized and 14 bids were received and opened 21 August 2009. The responses are as follows:

	J. Hiers Company, Inc. Baxley, GA	\$359,565
	Catamount Contractors/Melaver Const. Atlanta / Savannah, GA	\$366,478
	Weimar Construction Co., Inc. Savannah, GA	\$372,972
*	Sandhill ALS Construction, Inc. Hardeeville, SC	\$375,605
	Y-Delta, Inc. Statesboro, GA	\$378,490
	Kerby Enterprise, Inc. Pooler, GA	\$378,700
	C.E. Hall Construction Savannah, GA	\$383,700
**	E&D Contracting Services, Inc. Savannah, GA	\$388,167
	Arco, Inc. Savannah, GA	\$391,808
	Collins Construction Service, Inc. Savannah, GA	\$392,093

**	Pioneer Construction, Inc. Savannah, GA	\$397,900
	Jack Carter Construction Rincon, GA	\$403,338
	R. B. Baker Construction, Inc. Garden City, GA	\$404,100
*	Harbor Construction, Inc. Savannah, GA	\$408,000

* MBE firm
** WBE firm

- The project is expected to be completed within 150 calendar days after issuing the Notice To Proceed.

FUNDING: SPLOST (2003 - 2008) - Concord Soccer Field - \$113,565
(3234220 - 52.12003 - 32356397)
SPLOST (1993 - 1998) - Concord Soccer Field - \$246,000
(3214220 - 52.12003- 32160617)

ALTERNATIVES:

- Board approval to award a \$359,565 construction contract to J. Heirs Company, Inc. to construct parking and restroom facilities for the Concord Soccer Field on Wilmington Island.
- Provide staff other direction.

POLICY ANALYSIS: It is consistent with Board policy to award construction contracts to the low, responsive, responsible bidder.

RECOMMENDATION: Staff recommends the approval of Alternative 1.

BUDGET APPROVAL _____
CHRIS MORRIS

BUDGET APPROVAL _____
ESTELLE BROWN

ITEM G

ISSUE: Request Board approval of a \$ 237,480 purchase of 62 Motorola digital portable radios, off the GSA Schedule 70 Homeland Security Contract, from Motorola Communications c/o Savannah Communications for I.C.S.

BACKGROUND: The Board adopted the FY08/09 budget 27 June 2008. Included in the budget, in the Capital Improvement Program (CIP), was the procurement of digital radios.

FACTS AND FINDINGS:

- In 2012 , the current analog radios used by many County departments will not be usable on the County's Public Safety Radio System.
- The I.C.S. department requested the Board to budget \$350,000 per year for three (3) years to replace the County's analog radios. The Board concurred and the funding is in the CIP budget.
- Included in this purchase is 62 digital portable radios with accessories. These radios will be used by Mosquito Control, Facilities Maintenance and Operations, Parks and Recreation, and CEMA. These departments have some of the oldest radios and are in constant need of repair.
- The purchase is off the GSA Schedule 70 Homeland Security Contract with Motorola Communications. Staff believes the total cost of \$237,480 to be fair and reasonable.

FUNDING: CIP - I.C.S. Digital Radio Equipment
(3501537 - 54.25001 - 35030918)

ALTERNATIVES:

1. Board approval of a \$ 237,480 purchase of 62 Motorola digital portable radios, off the GSA Schedule 70 Homeland Security Contract, from Motorola Communications c/o Savannah Communications for I.C.S.
2. Provide staff other direction.

POLICY ANALYSIS: It is consistent with Board policy to provide the necessary communications equipment for the using departments.

RECOMMENDATION: Staff recommends approval of Alternative 1.

I.C.S. APPROVAL _____
LEWIS LEONARD

BUDGET APPROVAL _____
CHRIS MORRIS

ITEM H

ISSUE: Request Board approval of Change Order No. 1, in the amount of \$1,200, to the annual contract for janitorial services at Mosquito Control to recognize a price increase with CKC Enterprises.

BACKGROUND: On 5 September 2008, the Board approved an annual contract for janitorial services for Mosquito Control and Various Parks Restrooms with CKC Enterprises, an MBE firm.

FACTS AND FINDINGS:

1. Visual inspection of the building confirms that the contractor is doing an excellent job.
2. At the time of contract renewal, CKC Enterprises requested a \$200 per month increase to the contract based on the increase in cost of labor wages. This increase would amount to an approximate 20% increase per month to the annual contract.
3. Staff reviewed the request and recommends an increase of \$100 per month/\$1200 annually based on the labor rate increase that occurred after the approval of the contract.
4. Contract history is as follows:

Original Contract Amount (09-05-08)	\$35,656/Year
Change Order No. 1 (Pending)	\$ 1,200/Year
Revised Contract Amount	\$36,856/Year

FUNDING: General Fund/M & O - Mosquito Control
(1005144 - 52.21301)

ALTERNATIVES:

1. Board approval of Change Order No. 1, in the amount of \$1,200, to the annual contract for janitorial services at Mosquito Control to recognize a price increase with CKC Enterprises
2. Provide staff other direction.

POLICY ANALYSIS: It is consistent with Board policy to issue Change Orders to essential service contracts to recognize changes in the Federal Minimum Wage.

RECOMMENDATION: Staff recommends approval of Alternative 1.

BUDGET APPROVAL _____
RUSHEDA ADESHINA

ITEM I

ISSUE: Request Board approval to award a \$35,400 annual contract, with automatic renewal options for four (4) additional one (1) year terms, to CKC Enterprises of Savannah, a MBE firm, to provide janitorial services to the Administrative Annex and Police Precinct #1.

BACKGROUND: Janitorial contracts have proven to be more cost effective than hiring personnel to perform the service "in-house". This contract provides the Administrative Annex and Police Precinct #1 with daily janitorial service.

FACTS AND FINDINGS:

1. Specifications established minimum staffing levels, work schedule, minimum hours to be worked by each custodian, and minimum qualification criteria. Areas to be serviced will be the Administrative Annex to include the Tag Office, Building Safety Regulatory Services, CEMA and the Police Precinct #1.
2. A mandatory pre-bid conference was conducted. Following this conference, staff accompanied bidders on a "walk-through" of the site.
3. Bids were properly advertised and mailed to eight (8) firms, and opened on 28 August 2009. The bid responses are as follows:

*	CKC Enterprises Savannah, GA	\$35,400
	Quality Cleaning Contractors Savannah, GA	\$48,000
*	BICO Janitorial Company, Inc. Tucker, GA	\$56,784
*	Imagann Cleaning Service, Inc. Savannah, GA	\$61,872
*	LCLS Inc. Savannah	\$78,000
*	Randall Green's Professional Cleaning Savannah, GA	\$88,800
**	Sizemore Savannah, GA	\$91,884
**	American Facility Services, Inc. Alpharetta, GA	\$93,360
*	Right Solutions Janitorial Services Snellville, GA	\$145,620

*MBE firm

**WBE firm

4. Staff reviewed the bids and believes the low bid from CKC Enterprises to be fair and reasonable.

FUNDING: City of Savannah - \$30,500
General Fund/M & O - Tax Commissioner - \$2,400
Building Safety & Regulatory Services - \$1,200
CEMA - \$1,300

ALTERNATIVES:

1. Board approval to award a \$35,400 annual contract, with automatic renewal options for four (4) additional one (1) year terms, to CKC Enterprises of Savannah, a MBE firm, to provide janitorial services to the Administrative Annex and Police Precinct #1.

2. Provide staff other direction.

POLICY ANALYSIS: It is consistent with Board policy to provide essential service contracts at the lowest possible cost.

RECOMMENDATION: Staff recommends approval of Alternative 1.

BUDGET APPROVAL _____
READ DEHAVEN

ITEM J

ISSUE: Request Board approval to award a \$44,604 annual contract, with automatic renewal options for four (4) additional one (1) year terms, to Randall Green's Professional Cleaning of Savannah, to provide janitorial services to the Chatham County Juvenile Court.

BACKGROUND: Janitorial contracts have proven to be more cost effective than hiring personnel to perform the service "in-house". This contract provides Juvenile Court with daily janitorial service.

FACTS AND FINDINGS:

1. The bid was properly advertised and mailed to eight (8) prospective firms, and publicly opened on 28 August 2009. Bid responses are as follows:

*	BICO Janitorial Company Inc. Tucker, GA	\$30,984 (non-responsive)
*	Imagann Cleaning Service, Inc. Savannah, GA	\$31,200 (non-responsive)
**	American Facility Services, Inc. Alpharetta, GA	\$44,604
*	Randall Green's Professional Cleaning Savannah, GA	\$45,600
*	CKC Enterprises Savannah, GA	\$47,004
	Quality Cleaning Contractors Savannah, GA	\$47,700
*	Right Solutions Janitorial Services Snellville, GA	\$49,644
**	Sizemore Savannah, GA	\$50,736
*	LCLS Inc. Savannah, GA	\$69,600

* MBE firm

** WBE firm

2. The two (2) low bids, BICO Janitorial Company, Inc., of \$30,984 and Imagann Cleaning Service, Inc., of \$31,200 were deemed to be non-responsive. Both vendor's bids were too low and will cause a continued turn over of staff or a reduction of staff, both will result in a less than acceptable level of cleaning. See attached evaluation spread sheets on pages 28-29.
3. On 27 March 1998, the Chatham County Board of Commissioners adopted a "Local Vendor" Preference Ordinance that gives the lowest Chatham County vendor the opportunity to match the lowest price offered by an out-of-county vendor. If the County vendor confirms in writing within 24 hours, the award will be made to the Chatham County vendor. Randall Green's Professional Cleaning has agreed to match the low bid of American Facility Services, Inc.

4. Staff believes the low bid from Randall Green's Professional Cleaning to be fair and reasonable.

FUNDING: General Fund/M&O- Facilities Maintenance
(1001565 - 52.21301)

ALTERNATIVES:

1. Board approval to award a \$44,604 annual contract, with automatic renewal options for four (4) additional one (1) year terms, to Randall Green's Professional Cleaning of Savannah, to provide janitorial services to the Chatham County Juvenile Court.
2. Provide staff other direction.

POLICY ANALYSIS: It is consistent with Board policy to award contracts for essential services to the low responsive, responsible bidder.

RECOMMENDATION: Staff recommends approval of Alternative 1.

BUDGET APPROVAL _____
RUSHEDA ADESHINA

ITEM K

ISSUE: Request Board approval to award an annual contract, with automatic renewal options for four (4) additional one year terms, to ServPro (Prime Contractor), and to Belfor Property Restoration (Secondary contractor), to provide "As Needed" disaster restoration and recovery services for various County facilities.

BACKGROUND: Disaster restoration and recovery contracts are established to provide services on an "as needed" basis, as required to assist the County in recovering from man-made or natural disasters which result in damage from fire, water, smoke, contamination, and corrosion. The competitive sealed proposal method was used to acquire these services in compliance with reimbursement guidelines established by the Federal Emergency Management Agency (FEMA) and Georgia Emergency Management Agency (GEMA).

FACTS AND FINDINGS:

1. A Request for Proposals (RFP) to provide Disaster Restoration and Recovery Services was issued, publically advertised, and mailed to nine (9) firms. Five (5) firms responded to the RFP: Belfor Property Restoration, Tucker, GA; Servpro of Savannah; Ashley-Sheppard Burgess Co., Savannah, GA; LWG Consulting, Inc., Northbrook, IL; and Chloeta Fire, Oklahoma City, OK.
2. The County's intent behind the Request for Proposal was to establish and pre-register a Primary and a Secondary Contractor, to assist the County on an "As Needed" basis, in the event of a man-made or natural disaster. Both the Primary and Secondary Contractors are required to immediately respond to any a man-made or natural catastrophe that results in a Presidential Disaster Declaration. Minimum services to be provided include, but is not limited to:
 - Water/Moisture Removal
 - Document Restoration
 - Mold and Mildew Removal and Prevention
 - Electronic Restoration
 - Corrosion Control
 - Wood Restoration and Preservation
 - Data/Media Restoration and Preservation
 - Soot/Smoke Removal
 - Odor Removal and Control
 - Hazardous Substance Decontamination
3. The technical proposals received were scored by an evaluation committee consisting of the County's Risk Manager, the Financial Officer for C.E.M.A., and the Superintendent of Facilities Maintenance. Please refer to the matrix provided on page 30, for scoring details of the proposals submitted by the other five (5) firms.

4. Fee proposals were requested from the two firms that met all technical requirements, Servpro of Savannah and Belfor Property Restoration. Both firms were required to submit their fee proposals based on a cost per hour for the Project Coordinator, plus "time and materials". Proposal results are as follows:

Servpro of Savannah Savannah, GA	\$75/Hour	102.67 Points
Belfor, USA Tucker, GA	\$151/Hour	70 Points

5. Staff recommends contract award to Servpro of Savannah (Primary Contractor) and Belfor Property Restoration (Secondary Contractor) based on total points for the recommendation of award as stated in the RFP.

FUNDING: Reserve for Catastrophic Claims.

ALTERNATIVES:

1. Request Board approval to award an annual contract, with automatic renewal options for four (4) additional one year terms, to ServPro (Prime Contractor), and to Belfor Property Restoration (secondary contractor), to provide "As Needed" disaster restoration and recovery services for various County facilities.
2. Provide staff other direction.

POLICY ANALYSIS: It is consistent with Board policy to award contracts to firms which have been deemed qualified to provide the necessary services and comply with all F.E.M.A. and G.E.M.A. guideline requirements.

RECOMMENDATION: Staff recommends approval of Alternative 1.

BUDGET APPROVAL _____
ESTELLE BROWN

ITEM L

ISSUE: Request Board approval to award a \$12,000 sole-source annual price agreement with Savannah Smooth Roads for road grading services for Public Works and Park Services.

BACKGROUND: Chatham County Public Works and Park Services has a need for road grading support due to the extensive work load in the unincorporated areas of Chatham County.

FACTS AND FINDINGS:

1. Contractor will support in the grading of roads on a routine basis. The cost of the purchase is \$500 per cycle, grading approximately 6.6 miles of unpaved roads twice a month. The annual cost for 24 cycles is \$12,000.
2. Staff contacted several firms and found that Savannah Smooth Roads is the only road grading contractor in this area willing to perform such a service. They have a unique grading system that performs an excellent job grading unpaved roads with a specific item of equipment that is unlike a typical road grader.
3. Public Works and Park Services has worked with Savannah Smooth Roads for approximately three (3) years accomplishing road grading in an excellent manner. Staff believes the price quoted by Savannah Smooth Roads to be fair and reasonable.

FUNDING: SSD - Public Works
(2704100 - 52.39001)

ALTERNATIVES:

1. Board approval to award a \$12,000 sole-source annual price agreement with Savannah Smooth Roads for road grading services for Public Works and Park Services.

2. Provide staff other direction.

POLICY ANALYSIS: It is consistent with Board policy to maintain unpaved roads within the County.

RECOMMENDATION: Staff recommends the approval of Alternative 1.

BUDGET APPROVAL _____
RUSHEDA ADESHINA

ITEM M

ISSUE: Request Board approval of a \$86,351 sole source purchase off the State of Georgia contract, for 30 Motorola XTS 2500 digital radios from Motorola in connection with Savannah Communications, Garden City, GA., for the Chatham County Detention Center.

BACKGROUND: All Law Enforcement agencies have or are upgrading their radio system from analog technology to digital technology. In order to maintain communication with other agencies, as well as our own, we will continue to request additional radios in the upcoming year to facilitate our compliance.

FACTS AND FINDINGS:

1. This purchase represents 30 of the required 80 radios needed to complete this transaction. The State for Georgia contract provides a 23% discount, in addition, this purchase will provide a cost savings at this time for \$9000 as part of a promotion price which will end 30 September 2009. Communication within the facility and with other public safety agencies is a mandatory requirement. Motorola radios are the adopted standard radios for the majority of Law Enforcement Agencies throughout the United States
2. Motorola is on the State of Georgia contract and the GSA Schedule 70. They are the sole source manufacturer for these radios. Savannah Communications of Garden City is the local distributor and local repair source.
3. Staff believes this price to fair and reasonable.

FUNDING: General Fund/M & O - Detention Center (1003326 - 54.25001) - (This item is not budgeted in the adopted budget for the Detention Center. This purchase will require a transfer of funds from the Detention Center operating budget for a capital outlay. There is a risk that the Detention Center may exceed its budget allocation by year-end).

ALTERNATIVES:

1. Board approval of a \$86,351 sole source purchase off the State of Georgia contract, for 30 Motorola XTS 2500 digital radios from Motorola in connection with Savannah Communications, Garden City, GA., for the Chatham County Detention Center.
2. Provide staff other direction.

POLICY ANALYSIS: It is consistent with Board policy to approve purchases for the necessity of Public Safety.

RECOMMENDATION: Staff recommends approval of Alternative 1.

BUDGET APPROVAL _____
RUSHEDA ADESHINA

ITEM N

ISSUE: Request Board approval to extend the contract period for the construction management services contract with Southeast Development.

BACKGROUND: On October 5, 2007, the Board approved the plan of action for managing more than 180 capital projects with a value in excess of \$325 million. The

Board also concurred in a strategy to contract with former government and project managers to assist with project management responsibility.

FACTS AND FINDINGS:

1. At the January 18, 2008 meeting, the Board authorized a contract with Southeast Development to serve as a developer and manager for construction projects. The firm comes highly recommended based on previous construction management projects and knowledge about at project management, especially with an interest in LEED-certified projects (associate membership).
2. The firm has worked on several projects, including the Animal Control Shelter and planned construction of a project at the Citizens Service Center. The only remaining project remains the Animal Control Shelter, which is under construction but will not be completed until Spring 2010.
3. Staff considered use of building inspectors from the Department of Building Safety & Regulatory Services for construction management services as a means to bolster the department's revenues; however, at this point in the Animal Shelter project, it would be a conflict of interest for some inspectors to serve as the client's representative (i.e. County), while others served in a regulatory role to inspect conformance to codes.
4. The rate of compensation will continue to be \$40 per hour, not to exceed a total contract amount of \$30,000. This should be sufficient to complete the Animal Control Shelter project.

FUNDING: 2005 DSA Series Bonds/Animal Control Shelter

ALTERNATIVES:

1. That the Board extend the contract period for the construction management services with Southeast Development at a rate of \$40 per hour not to exceed \$30,000.
2. That the Board not enter into the contract with Southeast Development.

POLICY ANALYSIS: Georgia law and *The Chatham County Purchasing Ordinance and Procedures Manual* provide authority for the Board to enter into agreements for professional services.

RECOMMENDATION: Staff recommends approval of Alternative 1.

BUDGET APPROVAL _____
 READ DEHAVEN

ITEM O

ISSUE: Request Board award a \$38,700 contract to All-Around Construction for framing, drywall and installation of acoustical ceiling in the Court Services Offices of the Courthouse basement.

BACKGROUND: As part of the renovation of the Courthouse basement for inmate holding for court and the Sheriff's Department Court Services Division, work has progressed to the Court Services area. Construction plans require framing, drywall and acoustical ceiling for this work area.

FACTS AND FINDINGS:

1. Three bidders provided pricing based on the required work, as follows:

All-Around Construction Savannah, GA	\$38,700
Atlantic Coastal Savannah, GA	\$42,433
Hendricks Savannah, GA	\$47,474

2. All-Around Construction's bid represents the lowest responsible bid. The company has previously provided construction services and completed the work in conformance with bid documents, in a timely manner and without change orders.

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

ALTERNATIVES:

1. That the Board award a \$38,700 contract to All-Around Construction for the scope of work described in "Background."
2. That the Board not award any contract for this work.

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

RECOMMENDATION: Staff recommends approval of Alternative 1.

BUDGET APPROVAL _____
CHRIS MORRIS

ITEM P

ISSUE: Request Board approval to award a \$22,100 professional services contract under task order to for site design and engineering of the Communications Tower.

BACKGROUND: The Communications Tower at the Sheriff's Complex will need to be replaced to increase buildable area for the Detention Center expansion as well as to provide a replacement for higher wind resistance and structural integrity.

FACTS AND FINDINGS:

1. Thomas & Hutton would be engaged to prepare site and engineering plans for the Communications Tower. The Communications Tower, which will be situated near the Sheriff's Office Gun Range, will serve the Sheriff's Department, interoperable regional communications and lease space to private cellular phone companies.
2. Based on the scope of work, Thomas & Hutton proposed a fee of \$22,100. Staff reviewed the proposal and fee and believes the quote accurately reflects the scope of the work.

FUNDING: Communications Tower, 2010 Capital Improvement Fund,

ALTERNATIVES:

1. That the Board award a \$22,100 professional services contract to Thomas & Hutton Engineering to prepare site design and engineering for the Communications Tower.
2. That the Board direct staff to advertise and accept proposals for this work.
3. That the Board not award a contract for this work.

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

RECOMMENDATION: Staff recommends approval of Alternative 1.

BUDGET APPROVAL _____
CHRIS MORRIS

ITEM Q

ISSUE: Request phasing out terms of contract with Hughes Public Affairs to help secure funding from state agencies which receive appropriations through the federal economic stimulus program.

BACKGROUND: At the April 24 meeting, the Board awarded a change order to the legislative liaison contract with Hughes Public Affairs to expand the scope of those services to include coordinating the County’s attempt to obtain ARRA (American Recovery and Reinvestment Act) funding which federal agencies appropriate through state agencies. The contract calls for monthly renewal. The contract should be terminated at the end of September.

FACTS AND FINDINGS:

1. The Board entered into a change order with Hughes Public Affairs to expand the scope of work to include assistance in securing federal ARRA funding authorized through state agencies. Hughes Public Affairs met with various state agencies, tracked funding appropriations from federal agencies to state agencies, made County staff aware of opportunities and helped to pursue funding opportunities.
2. Hughes Public Affairs initiated Chatham County’s work with the School Board for an independent consultant to evaluate county buildings and look at weatherization and other energy-saving options. This achievement alone will save the County hundreds of thousands of dollars, when implemented.
3. The contract term from July 1 through September 30 results in a \$12,000 contract for FY 2010 at the quoted price of \$4,000 monthly.

FUNDING: General Fund/M&O - Board of Commissioners

ALTERNATIVES:

1. That the Board confirm the contract with Hughes Public Affairs under the terms of Change Order 2 and terminate it effective September 30, 2009. Total expenditure of \$12,000.
2. That the Board continue the contract at a monthly rate of \$4,000.

POLICY ANALYSIS: Georgia law and *The Chatham County Purchasing Ordinance and Procedures Manual* provide authority for the Board to enter into agreements for professional services and amend those agreements as may be necessary.

RECOMMENDATION: Staff recommends approval of Alternative 1.

BUDGET APPROVAL _____
CHRIS MORRIS

PREPARED BY _____
PURCHASING AGENT

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Commissioner Odell said, Mr. Chairman, at some point Pat Shay and I would like to talk about some things of a stimulus nature that we are going to have an opportunity to do. We might be able to jump-start the local economy on some things that we need to do.

Chairman Liakakis said, okay, so what we’ll do, do you want to do that —. Commissioner Odell said, we’ll get on the agenda, but we’ll meet with you first and walk through it so that we’re not in left field.

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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.

None.

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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.

**AGENDA ITEM: XIII-2
AGENDA DATE: September 25, 2009**

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

<u>ITEM</u>	<u>DEPT.</u>	<u>SOURCE</u>	<u>AMOUNT</u>	<u>FUNDING</u>
Mailing of October tag renewals	Tax Commissioner	World Marketing	\$5,685	General Fund/M&O - Tax Commissioner
300 traffic cones and four (4) manhole hooks	Public Works and Park Services	Samson Industrial	\$3,928	SSD - Public Works
Annual maintenance agreement on Raritan switches	I.C.S.	Interface Electronics, Inc.	\$8,409	General Fund/M&O - I.C.S.
Inspect and repair Vac-con sewer cleaning truck	Fleet Operations	Adams Equipment Company, Inc.	\$4,186	General Fund/M&O - Fleet Operations
Five (5) gallon paint shaker	Public Works and Park Services	B & B Paint Company, Inc.	\$4,213	General Fund/M&O - Park Services
Two (2) network backup tapes and two (2) cleaning tapes	I.C.S.	Spectra-Logic	\$3,669	General Fund/M&O - I.C.S.
64 licenses for upgraded VM servers	I.C.S.	Integrated Network Solutions, Inc.	\$2,880	General Fund/M&O - Communications

<u>ITEM</u>	<u>DEPT.</u>	<u>SOURCE</u>	<u>AMOUNT</u>	<u>FUNDING</u>
Annual renewal of maintenance agreement on the HVAC system	Mosquito Control	Southeastern Air Conditioning	\$3,480	General Fund/M&O - Mosquito Control
Emergency repair to pump at Central Avenue lift station	Public Works and Park Services	Custom Pump Controls	\$7,638	Water and Sewer Enterprise Fund
Six (6) Motorola multi-charges for XTS 2500 radios	I.C.S.	Savannah Communication and Electronics	\$5,994	General Fund/M&O - Detention Center
One (1) Motorola XTS 2500 radio	I.C.S.	Savannah Communication and Electronics	\$3,491	Multiple Grant Fund - Sheriff's Department

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3. ROADS AND DRAINAGE REPORTS.

ACTION OF THE BOARD:

A status report was attached as information.

AGENDA ITEM: XIII-3 Roads
AGENDA DATE: September 25, 2009

TO: Board of Commissioners

THRU: R. E. Abolt, County Manager

FROM: Leon Davenport, P.E., Assistant County Engineer

ISSUE: To provide information on the status of Chatham County road projects.

BACKGROUND: The GDOT priorities for funding projects under the State Transportation Improvement Program (STIP) and the Long Range Transportation Plan (LRTP) are changing frequently. The GDOT included no Chatham County projects in either Phase 1 or Phase 2 of the American Recovery and Reinvestment Act (ARRA).

FACTS AND FINDING:

1. Truman Parkway, Phase 5. Right of way (ROW) is certified. The Final Field Plan Review (FFPR) was held March 11, 2009. At the request of the GDOT staff, the County submitted a suggestion to break the project into three phases so that a portion of the project could be included in the Phase 2 ARRA. On May 18 the Interim GDOT Commissioner said he could not support breaking up the project because each segment did not have "functionality". The GDOT submitted for funding under the Transportation Investment Generating Economic Recovery (TIGER) Discretionary Grants Program on September 15, 2009.

2. Diamond Causeway. The GDOT is pursuing a design/build contract to construct a two lane high level bridge over Skidaway Narrows to replace the bascule bridge. Request for proposals is scheduled for September 18, 2009.

3. Whitefield Avenue. ROW acquisition underway. Expect to certify ROW in May 2010. Funding for construction in the STIP is FY 2011.

4. Local Roads.

a. Troy Street, Catherine Street, Adeline Street, Billings Road, Elmhurst Road, Beechwood Road, Ridgewood Road. Dirt roads being designed for paving. Billings Road has one condemnation pending. Catherine Street and Adeline Street bid opening was September 15, 2009. Final plans have been submitted for remainder except for Troy Street.

- b. Bond Avenue, Betran Avenue. Paving of Betran was completed in August 2009. Paving Bond is scheduled for completion in October 2009.
- c. Brandy Road paving is completed and accepted.
- d. Pyeland Avenue. Bid opening for construction contract was September 9, 2009. Board approval of construction contract submitted for September 25, 2009.
- e. Wright Avenue and Fenwick Avenue. Under design for paving.
- f. Intersection improvements on Chatham Parkway at Veterans Parkway and Garrard Avenue. Project will install signals at ramps from Veterans Pkwy to Chatham Pkwy. Bid opening was August 26, 2009. Board awarded a construction contract on September 11, 2009.
- g. Intersection improvements on King George Blvd at Grove Point Road. Construction plans to install turn lanes and signalize the intersection are complete. Condemnation has been filed for one parcel.
- h. Charlie Brooks Park Entrance. Construction complete on this project.

RECOMMENDATION: For information.

Districts: All

AGENDA ITEM: XIII-3 Drainage
AGENDA DATE: September 25, 2009

TO: Board of Commissioners

THRU: R. E. Abolt, County Manager

FROM: Leon Davenport, P.E. Assistant County Engineer

ISSUE: To provide information on the status of Chatham County drainage projects.

BACKGROUND: For awarded construction contracts, this report provides the latest scheduled completion dates. For projects pending environmental permits, start dates are best estimates. Project scopes include varying degrees of canal widening, bank stabilization, bridges and culverts.

FACTS AND FINDING:

1. Pipemakers Canal. The Pipemakers Canal extends from Bloomingdale to the Savannah River (over 13 miles). The project includes canal widening, bank stabilization, sluice gates and culverts. Construction of the sluice gate structure and channel improvements from SR 21 to the Savannah River (about 1.4 miles) was completed in 2005. Staff is working toward a construction contract for the next phase of the project. A separate project to improve operating efficiency and longevity of the sluice gates is also underway.

2. Hardin Canal. The Hardin Canal extends from Bloomingdale to Salt Creek near US 17 (over 12 miles). The project includes canal widening, bank stabilization, bridges and culverts. Preliminary drawings to replace golf cart bridges between I-16 and Southbridge Boulevard are complete and have been reviewed by staff. The SR 307/Hardin Canal Bridge Culvert project includes the installation of three precast bottomless arch culverts over branches of the Hardin Canal. The project also includes site work in preparation of the future widening of Dean Forest Road. The SR 307 bridge project is being advertised for construction bids. The bid opening date is set for October 13, 2009. Construction is expected to take about a year, with temporary closure of Dean Forest Road allowed during the summer of 2010.

3. Conaway Branch Canal. The Conaway Canal extends from Bloomingdale at US 80 to Pipemakers Canal (about 1.6 miles). The project includes canal widening, bank stabilization and larger culverts. Bids for construction of the project are scheduled to be received on September 23, 2009. Staff expects to recommend approval of a construction contract in October 2009.

4. Little Hurst Canal. Improvements consist of constructing a new culvert under the railroad east of SR 21. Work is underway to acquire easements and rights of way, and to acquire permits for construction. Design will commence after accomplishing these tasks.

5. Wilmington Park Canal. The Wilmington Park Canal extends from North Cromwell Road to the Wilmington River (about 1.4 miles). The project includes canal widening, bank stabilization and culverts. Construction of new culverts with tide gates at Wilmington Island Road was completed in 2002. A project to install rip rap erosion protection at the culvert is under construction.

6. Kings Way Canal. The Kings Way Canal extends from the Kingswood Subdivision to Whitefield Avenue (about 0.7 miles). The project includes canal widening, bank stabilization and culverts. Phase 1 was completed in 2005 as a part of the construction of Truman Parkway. Phase 2 is complete. Work to replace damaged fences, moving fences and site restoration is underway. A project to clear vegetation from the subdivision's northern perimeter drainage ditch is complete.

7. Dundee Canal. This project improves the tidegate structure and concrete headwalls. The project is complete. Work to install a safety barricade is complete.

8. Louis Mills / Redgate Canal. The Louis Mills and Redgate Canals are tributaries to the South Springfield Canal. A contract to widen the channel and replace culverts between Garrard Avenue and the railroad was awarded by the Board on June 12, 2009. Construction is underway. Garrard Avenue was reopened prior to September 1, 2009 as expected.

9. Ogeechee Farms Area. The Ogeechee Farms project includes improvements to canals and culverts. Phase 1 was completed in July 2005 (piped in about 0.2 miles of channel south of Vidalia Road and replaced a road crossing at Waynesboro Road). A contract to construct Phase 2 which includes improving several undersized culverts along the Vidalia Canal south of Vidalia Road was awarded by the Board on August 14, 2009. Construction will begin in September 2009 and is expected to be complete in February 2010.

10. Quacco Canal. The Quacco Canal extends from the Little Ogeechee River to the Regency Mobile Home Park (about 4 miles). The project includes canal widening, bank stabilization, culverts, and providing access for maintenance. Completed work included enlarging the US 17 culverts and removal of the rice box flow control structure. Bids to construct drainage improvements including replacement of two culverts at Quacco Road and installation of a new storm sewer pipeline were opened in early September 2009. Award of the construction contract is pending Board approval. Staff is developing the scope of the next project phase that will include extending the storm sewer pipeline along Quacco Road.

11. Norwood Drainage Outfalls. The project will improve drainage capacity and access for maintenance. Four outfalls along Norwood, between Skidaway Road and Lester Avenue are being considered for improvements. Design work is underway for the outfall at Skidaway Road. Staff is developing a project scope for improvements for the Norwood Place outfall.

12. Henderson/Gateway. Drainage is provided by the Little Neck Canal and the Henderson Branch Canal (combined length about 2 miles). Development of the subdivisions led to increased rates and volumes of storm water runoff which the canals cannot handle. The City of Savannah continues to hold up construction of improvements at Henderson Oaks Drive by refusing to relocate the sanitary sewer and water line within the County's Rights of Way. A project to replace the culvert at Little Neck Road is underway.

13. Shipyard-Beaulieu Area. The project will be accomplished in phases. The first phase will replace the storm drain pipe at Beaulieu Avenue. There appears to be adequate existing easements. A contract to construct this phase was awarded by the Board on August 14, 2009. Construction began in September 2009 and is expected to be complete in December 2009.

14. Grange Road Canal. The project to relieve flooding extends from Pipemakers Canal to north of Grange Road (about 1.8 miles). The original concept identified the need for an outfall to the Savannah River within the unopened right of way of Grange Road. In 2007, the GPA requested that the right of way be abandoned for a container berth expansion. Staff is coordinating the County's needs for drainage improvements with GPA's needs to expand.

15. Skidaway Road. The project will improve roadside drainage and address vehicle safety issues along a portion of Skidaway Road near Wormsloe. Preliminary construction plans are complete and rights of way acquisitions are complete for all properties. A temporary construction easement from the State of Georgia will be

requested after the County receives a letter of permission from the State of Georgia to work in areas subject to the Coastal Marshland Protection Act. Staff is currently working on a Memorandum of Understanding with the Georgia Division of State Parks concerning that department's objections to the project.

16. LaRoche Culvert. The project includes the replacement of a drainage culvert located under LaRoche Avenue north of Lansing Avenue. The culvert replacement is in response to a deteriorating brick arch culvert with several cracks. A prospective consultant has been selected utilizing the Quality Based Selection (QBS) process and staff is in the process of negotiating a scope of services and fee for a Professional Services Agreement contract.

17. LeHigh-Shipyard Lane Area. The project will relieve roadside drainage issues causing nuisance flooding in the LeHigh Avenue and Shipyard Lane area. Design work is underway for the installation of a culvert under Shipyard Lane.\

18. Laberta-Cresthill Area. The project will relieve flooding within the Cresthill Subdivision. Staff is developing a project scope for the improvements.

RECOMMENDATION: For information.

Districts: All

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EXECUTIVE SESSION

Upon motion being made by Commissioner Thomas and seconded by Commissioner Holmes, the Board recessed at 11:18 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 11:35 a.m.

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ITEMS FROM EXECUTIVE SESSION

1. DISCUSSION REGARDING THE MCGOWAN MEDIATION AND REQUESTING ADDITIONAL FUNDING (JON HART).

ACTION OF THE BOARD:

Commissioner Odell moved to approve the settlement of the McGowan case for \$150,000. Commissioner Farrell seconded the motion and it carried unanimously. [NOTE: Commissioner Stone was not present.]

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2. APPROVAL OF COURT'S ORDER IN CHATHAM COUNTY, GEORGIA V. FOREST CITY GUN CLUB CONDEMNATION, TRUMAN PARKWAY, PHASE IV (JON HART)

ACTION OF THE BOARD:

Commissioner Odell moved to approve the court's order for settlement in Chatham County, Georgia v. Forest City Gun Club condemnation case, Truman Parkway, Phase IV, in the amount of \$2,700,000. Commissioner Holmes seconded the motion and it carried unanimously. [NOTE: Commissioner Stone was 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 Farrell 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 Gellatly seconded the motion and it carried unanimously.

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APPOINTMENTS

1. METROPOLITAN PLANNING COMMISSION

ACTION OF THE BOARD:

Commissioner Odell made a motion to appoint Joseph T. Welch to serve on the Metropolitan Planning Commission to fill the unexpired term of David Hoover to expire December 31, 2010. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Commissioner Stone was 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 11:40 a.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