

MINUTES OF THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF CHATHAM COUNTY, GEORGIA, HELD ON FRIDAY, OCTOBER 16, 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 9:40 a.m., Friday, October 16, 2009.

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**II. INVOCATION**

Commissioner Patrick K. Farrell gave the Invocation.

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**III. PLEDGE OF ALLEGIANCE**

Commissioner Harris Odell, Jr., 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  
Sybil E. Tillman, County Clerk

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**CHATHAM COUNTY YOUTH COMMISSIONERS**

Chairman Liakakis recognized the following Youth Commissioners who were attending the meeting: Alexis Slay, an Executive Member, representing Johnson High School, and Ann Marie Wakely, an Executive Member, representing Savannah Christian Preparatory School.

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**V. PROCLAMATIONS AND SPECIAL PRESENTATIONS**

**1. PROCLAMATION FOR THE 60<sup>TH</sup> ANNIVERSARY OF THE COASTAL EMPIRE FAIR. TED AIKENS, PRESIDENT, WILL BE PRESENT TO ACCEPT THE PROCLAMATION.**

Chairman Liakakis said, Ted Aikens, President, will be present to accept the proclamation. If you'll come forward and any of the other members of the Coastal Empire Fair Association.

Commissioner Farrell said, good morning. I'd like to read this proclamation:

The County of Chatham  
 Georgia  
  
 Proclamation

**WHEREAS**, Chatham County is privileged to have organizations that benefit our community in their contributions of time and funds that enhance and touch the citizens of our community, and today we salute such an organization, the Savannah Exchange Club Fair Association; and

**WHEREAS**, the Savannah Exchange Club Fair Association is a non-profit organization that has met regularly since 1929 and has four primary directions of service: Community, Americanism, Youth and The Prevention of Child Abuse; and

**WHEREAS**, the Savannah Exchange Club of Savannah is the parent organization responsible for all activities associated with the club including the Coastal Empire Fair which will be celebrating its 60<sup>th</sup> Anniversary October 29 - November 8, 2009.

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

**THE SAVANNAH EXCHANGE CLUB FAIR ASSOCIATION**

and express sincere appreciation for providing our community with 60 years of fun and excitement and enjoyment, and for your generous, unselfish donation of millions of dollars that you give back to the community to primarily help the youth of the Coastal Empire.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of Chatham County, Georgia to be affixed this the 16<sup>th</sup> day of October, 2009.

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 Pete Liakakis, Chairman  
 Chatham County Commission

**ATTEST:**

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 Sybil E. Tillman, Clerk

Mr. Ted Aikens said, Mr. Chairman and Commissioners, thank you for your time this morning. It's a great honor to be here and receive this proclamation. Let me remind you that we've given you invitations to a special event we're having on October 30<sup>th</sup>, which is a Friday. We will have our dedication of a flag and monument for our veterans and we'll also have a grand opening of our new improved facility we've done out there. So we'd like to see you that night. We're also going to have a fireworks show if we can work everything out with the City at about nine o'clock. So we'd like for you to come, bring your families. We'd be glad to have you.

Chairman Liakakis said, I'd like to thank you on behalf of the Chatham County Commission because we've seen over these 60 years how the Exchange Club has worked with the youth and many other charitable projects in our community and civic endeavors also, and your civic organization should be really proud of the things that they've done in the community and a lot of us know how the civic organizations in our community just like yours has made a big difference and turned especially a lot of youths' lives around and the government cannot always pay for everything. We just don't have enough money, whether it's the federal government, the state government, county or city governments don't have that amount of money, but we're really glad that we've got these civic organizations especially like the Exchange Club and others who put those resources into the communities around the country and especially in our area. So it helps make a difference, and we really appreciate that and we thank you and the Exchange Club for all the things that you've done. Thank you.

Mr. Aikens said, thank you very much. I was remiss. Let me introduce Al Winters. He's our Senior Vice President this year and will be President in one more year. Thank you all very much. We're humbled to be here. Chairman Liakakis said, thank you.

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**2. PROCLAMATION DECLARING NOVEMBER 1, 2009, AS RETIRED EDUCATORS' DAY.**

Chairman Liakakis said, I call on Commissioner Patrick Shay for that presentation.

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



**WHEREAS**, the Governor of the State of Georgia has proclaimed the day of Sunday, November 1, as Retired Educators Day in Georgia; and

**WHEREAS**, there are more than 78,000 retired educators in Georgia, 17,750+ of whom are members of the Georgia Retired Educators Association (GREA); and

**WHEREAS**, the retired educators of Georgia donate thousands of hours of volunteer service and make invaluable contributions to the welfare of their respective communities across the state; and

**WHEREAS**, it is appropriate that a day be designated for citizens to express their appreciation for the contributions that retired educators have made and continue to make for the betterment of human lives and for society; and

**WHEREAS**, local churches will recognize those lasting contributions made by retired educators in this community.

**NOW, THEREFORE**, I, Pete Liakakis, Chairman, on behalf of the Chatham County Board of Commissioners, do hereby proclaim, Sunday, November 1, 2009 as:

**RETIRED EDUCATORS DAY**

in Chatham County and call upon all citizens to observe that day in an appropriate manner honoring retired educators.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of Chatham County, Georgia to be affixed this the 16<sup>th</sup> day of October, 2009.

**ATTEST:**

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Pete Liakakis, Chairman  
Chatham County Commission

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Sybil E. Tillman, Clerk

Chairman Liakakis said, what I'd like to do right now is if we have any retired educators in the audience, if you would come forth please. Any retired educators come up to the podium. You want to pull the microphone down a little.

Dr. Martha Fay said, I'm Martha Fay and I started my educating career at Armstrong in 1944 and continued with 16 years on the Chatham County Board of Education. I'm continually educating people into trying to get them to see things my way in the world.

Chairman Liakakis said, alright. Are there any other educators who would like to come up and speak. Yes?

Ms. Virginia Edwards said, good morning. The Commissioners said, good morning. Chairman Liakakis said, identify yourself for the record. Ms. Edwards said, Virginia Edwards, President of the Chatham County Retired Educators Association. Chairman Liakakis said, thank you very much. We all know you, Virginia, but we needed it for the records there. Ms. Edwards said, I understand.

Chairman Liakakis asked, any others who would like to speak?

Ms. Janette Scott said, I'm Janette Scott and I'm part of CREA and we have our illustrious member up there, Dr. Priscilla Thomas, who served very graciously many years and we have to be here, and we would just admonish all of you to remember that reading is fundamental.

Chairman Liakakis said, well, thank you very much, and of course we thank Priscilla Thomas and all of the retired people and retired educators in our community. Go ahead.

Ms. Rosa Bell Dixon said, I'm Rosa Bell Dixon and I'm happy to be here and thank you very much for your proclamation and y'all have a good meeting today.

Ms. Janette Mereski said, I taught 30 years in Chatham and Glynn Counties. It was a wonderful experience. Thank you for the opportunity.

Chairman Liakakis said, well, we thank all of you because what you have done in the community also has helped many of our students or all of our students get enough information to help them in their later life. Thank you again.

County Manager Abolt said, Mr. Chairman, this is for the benefit, if you'll allow me, of our Youth Commissioners and any young person in the audience. From time to time this Board has brought into your chambers people of great standing and moment. You've had historic individuals who have fought in the Second World War, you've had General Lou Lyles, who's fought and flew 75 missions over fortress Europe, had the honor to having a meal with Winston Churchill, you've had individuals who have come forward truly just like General Lyle that have made a significant contribution to not just this County, but to this country, and for the benefit of this — and we've also had another gentleman too, Mr. W. W. Law, who absolutely I will never the guidance and the values he gave me in both appreciating diversity, but also understanding the need to be patient and understanding, but there is a third individual who is here in this room today that for the benefit of the Youth Commissioners and with permission of the Chairman, I introduce Dr. Martha Fay. I've had the good fortune and the blessing to serve this County for 21 years. My first impression has always been the same impression of Dr. Fay. She is a wonderful individual which the history books will not only treat kindly, but we all owe her a debt of gratitude, and it's an opportunity for the young people and possibly before Dr. Fay leaves to be able to shake her hand so they can say in years to come they shook the hand of Dr. Martha Fay.

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### **3. SAFETY NET PRESENTATION AND RECOGNITION OF CHAIRMAN LIAKAKIS' AWARD AS HEALTH CARE HERO FROM THE GEORGIA MEDICAL SOCIETY (DR. DIANE WEEMS AND DR. PAULA REYNOLDS).**

Commissioner Thomas said, I've been asked to read the next information for a proclamation. That's number three, the Safety Net presentation and recognition of Chairman Pete Liakakis' award as Health Care Hero from the Georgia Medical Society. Dr. Diane Weems and Dr. Paula Reynolds, would you please come forward.

Dr. Diane Weems said, and Chairman Liakakis, if you will please come forward. I'm Dr. Diane Weems, Chief Medical Officer with the Chatham County Health Department. Each year for the past several years the Georgia Medical Society has had the honor to recognize individuals in our community who have made a difference to improve the quality of health care and the health of the citizens of Chatham County. It is a very prestigious award. The Chatham County Safety Net Planning Council was privileged this year to nominate Chairman Pete Liakakis for this award, and we were delighted when last week on October 8<sup>th</sup> the Georgia Medical Society selected and honored Chairman Pete Liakakis for his leadership and vision to enhance access to quality health care for the uninsured and underinsured of Chatham County. The Safety Net Council and Georgia Medical Society understand that Chairman Pete Liakakis and this Commission have been extraordinary in their support both financially and their support politically for improving access to health care for supporting the partners that participate in the delivery of health care, including physical health and behavioral health. Clearly, the Chairman has been committed to this

over the past years and our County is unique. I don't know any other county who supports health care to the extent that this community does. And, Chairman, on behalf of the Georgia Medical Society, I'd like to re-present today your recognition as a 2009 Health Care Hero. Thank you so much.

Chairman Liakakis said, thank you very much. I appreciate this award, but we've got, you know, our County Commission has supported the Safety Net to do things for the less fortunate in our community, and it's really great that we have good Commissioners that understand the problem in helping those that really need help in our community and, of course, we've got all these wonderful things like Dr. Weems and Dr. Reynolds and the many other medical people in our community and, of course, the volunteers in all of those organizations because they are real heroes too to help the people in our community that really need help, and I thank them also for the wonderful things they do and may they all be blessed. Thank you.

Commissioner Odell said, Mr. Chairman, we have other people who are here with Safety Net. Could we introduce them for the record also. I think it's extremely important.

Dr. Weems said, if all our partners will stand up and come up and, if we have time, just give —. Commissioner Odell said, oh, we have time. Dr. Weems said, okay. Come up and introduce yourself and your agency.

Mr. Bush said, my name is Robert Bush and I'm with Georgia Legal Services. I'm the Secretary for the Safety Net.

Ms. Abercrombie said, I'm Debra Abercrombie [phonetic] and I'm the Project Director for Chatham CAN, Creating Access Now.

Rev. Elliott said, good morning. Micheal Elliott, Union Mission. Commissioner Odell said, Micheal, we didn't recognize you without the ponytail. Commissioner Thomas said, I knew something was different. I didn't know what it was.

Mr. Burton said, Leon Burton, Curtis V. Cooper Primary Health Care and Vice Chairman. Commissioner Odell said, good guy. Leon.

Dr. Skelton said, Douglas Skelton, Health Director and Cheerleader for the Safety Net Planning Coalition. Commissioner Odell said, the main man.

Sister Baber said, good morning. Sister Pat Baber, St. Josephs/Candler St. Mary's Health Center. Commissioner Thomas said, wonderful.

Dr. Miriam Rittmeyer, Community Health Mission and Volunteer Clinic. Commissioner Thomas said, very good.

Mr. Edwards said, good morning. Richard Edwards with the local United Way.

Ms. Jones said, good morning. I'm Aretha Jones with the J. C. Lewis Health Center and Union Mission and Treasurer of Safety Net. Commissioner Thomas said, great.

Mr. Miller said, good morning. E. G. Miller, Curtis V. Cooper, Life Member.

Ms. Glover said, good morning. Gwendolyn Glover. I'm Health Information Exchange Project Director.

Ms. Wright said, good morning. Jennifer Wright, Memorial Health University Medical Center and Chair of the Evaluation Committee.

Dr. Reynolds said, and I'm Dr. Paula Reynolds, the Executive Director that's come on board and thank you for all of your support in that position. Commissioner Thomas said, great.

Dr. Weems said, thank you, Commissioner Odell. At this point, we'd like to present to the Chairman and the Commission our 2008 Evaluation. Just as a reminder —, just as a reminder, the Safety Net network of providers in our community have grown to include five primary care providers that include two federally-qualified health centers and three volunteer clinics. Just as a reminder, you heard some of our partners just introduce themselves. Not everybody could be here today, but this is just a listing to remind you of the entities that are included and represented in our collaborative who all participate on a regular basis in our activities.

Just as a reminder of where we are with the uninsured, over 40,000 — close to 45,000 individuals in Chatham County are estimated to be uninsured at any given time. The majority of those are adults between the ages of 19 and 64 years of age. Disproportionately, many of those are also poor and living in poverty. We also know that if we look at the trends in what's happening with the economy and unemployment for Chatham County, the average rate of unemployment in 2008 was 5.6% compared to 4% in 2007, an increase of 1.6% or a 40% increase in unemployment, and we know if we struggle to provide and expand capacity to provide services to our uninsureds, that population is growing and it is an ongoing challenge.

With that, when the Commission authorized the formation of this Council in 2004, one of the commitments that we made and understood was the importance of providing for you objective data about what is happening with health

care in our community as we recognize the Chairman and this Commission for their investment. You want to know what you're paying for, and this is our opportunity to share that with you, and I'm going to turn the presentation over to Dr. Paula Reynolds, who was hired in December with the funding that the Commission supported, as the Executive Director has really given us the capability to move at a turtle's pace to really pick up on speed and do a lot more things, as you will see, and Jennifer Wright, who's the Director of Public Policy with Memorial Health, who has chaired the Evaluation Committee. So with that, I'm going to turn it over to Dr. Reynolds.

Dr. Reynolds said, good morning, Commissioners and Mr. Chairman. I'm going to be presenting the highlights of this evaluation to you this morning, but the full report is in your binders, and I wanted to call your attention to the fact that this year we've included a table at the end called "Providers At a Glance." It may be helpful in reading the report that you can see the various programs, the sizes, the types of personnel available, et cetera, at the various providers as you're reviewing the report. So as far as the patients that are served in our Safety Net network, these patients are not duplicated when the providers report to us, but currently we don't have a way to check for duplications across providers. With that being understood, in 2008 our providers reported that they cared for almost 26,000 patients in our provider network. Now that is a 9½% increase over 2007, almost 15% higher than 2006. But most important, we gathered baseline data at the end of 2004 and this is a 43% increase in the number of patients served in that four year period, a substantial improvement in access to care in our community.

Another increase is the percentage of patients who are uninsured. That's been steadily rising as well from 72% in 2006 to 80% in 2008. Now here you'll see the patients by provider and the county of origin. Here, of course, are FQHC's, the Federally Qualified Health Centers, have the largest capacity and cared for 83% of the patients. Across the board, about 94% are from Chatham County, and it should be mentioned that at J. C. Lewis all of the patients they cared for were homeless and had no permanent address, but for the purposes of this report we are saying that they live in Chatham County.

Alright. Following what Dr. Weems reported, since adults are most likely to be uninsured, 83% of our patients that we saw were adults between the ages of 18 and 64, and also here we see the visits that were provided. A patient visit is every time a patient steps through the door for any type of services and together the providers provided 92,202 patient visits in 2008. Again, that's an 8% increase from 2007 and a 32% increase since 2004. Again, the FQHC's provided 75% of the visits, but I do want to point out that some of the increases that are notable. St. Mary's Health Center did move to a new location expanding and was able to provide for more patients and we have a new clinic from St. Joseph's/Candler, Mission Services, which is Good Samaritan that you see reported data to us for the first time in the graph on the right.

Alright. Zip Code of residence of the patient. The common zip code recorded is 31401. As Dr. Weems also pointed out, poverty and being uninsured go hand in hand, so it's no surprise that 31401 is the zip code in Chatham County that has the highest proportion of residents living in poverty and, according to the U. S. Census, that's 39% or more. Now, following second through fifth are zip codes 31404, 31408, 31415 and 31405. So if you look at this graph, you'll see that all of our providers are located in or adjacent to these zip codes.

Now we did talk about the emergency departments of the hospitals because they do provide primary care services to the uninsured. They call them Acuity Level One and Two visits, meaning that they are non-emergence, something like a sore throat or a mild asthma attack that people come there for services. In total, the hospital emergency departments provided 40,490, so less than half the number of visits in our network for this type of care in 2008, and that is a 5.5% reduction from 2007. And before we celebrate too much and pat ourselves on the back for that reduction, when you look at when those visits occurred, most of them occurred during 8:00 a.m., to 8:00 p.m., Monday through Friday, which are the times that our clinic is so busy. And again, most of them — 54% are those adults ages 18 to 64, and 45% of them are uninsured. So this suggest to us that there is outstanding unmet need for primary care services that we need to work on, and the hospitals are working together now to drill down further into this data and find out why people go for care and who these individuals are and what we can do to link them to a medical home. And, of course, Chatham County Safety Net is ready to work with them on that project.

By county, again in the emergency departments even, 80% —, 87% of the visits are from residents of Chatham County. It's not a surprise that St. Joseph's has the highest proportion of residents outside Chatham County at their emergency department, most likely because of their location on that 204 Corridor there. And again by zip code, patient visits come from two of the top five zip codes of poverty level — 31404 and 31405.

Alright. We have looked into the annual cost per patient across our network, and in order to calculate this, we have just taken and estimated the average cost that it takes a provider to treat one patient for a calendar year, and naturally that's going to vary depending upon the level of health or severity of the disease that the patient has. A generally healthy individual may come in once a year for a fever or a cold or a cough, while someone with a chronic disease may need to be seen once a month for management and perhaps even someone who is having prenatal care would go in once a month. So that's going to vary a good bit. Other factors that come into place are the costs of administrative personnel that's going to vary by the size and the type of provider that you are looking at and also the amount of volunteerism that you see. But even so, the average cost across our providers in 2008 was \$269, which compared favorably to the average costs reported from Georgia's Federally Qualified Health Centers and those across the U.S. in an urban setting.

Okay. Going forward to this year, the Chatham County Safety Net Planning Council decided to focus on four key issues. First of all, Capacity. Sufficient capacity means to us that we have enough provider sites in the right

location with enough personnel, programs and appointments at the right times of day to adequately serve our population, and particularly the FQHC's and, of course, all of the providers have been diligent in pursuing funding from stimulus funds and other sources this year to expand their hours, add new personnel and programs to expand their facilities and others, such as Community Health Mission, St. Mary's Med Bank and Community Cardiovascular Council have reorganized and found new ways to work together to provide more care. And based on this, I predict that in 2009 we will at least approach if not exceed 100,000 patients for this year.

As far as technology, it is exciting to know that the Chatham County Safety Net is the first and only organization of any kind in the State of Georgia to implement a health information exchange. This will begin this Winter with pilot project between two of our providers, but it's capable of expanding to incorporate any and all types of health care providers in our area, in our region, and it's ready to communicate or report to other such systems across the state and across the nation. This technology will allow us to look at and put together those — and unduplicate the patients that we see in a central database allowing securing access to a complete medical record on any patient in our system no matter where they come in for care. And, further, it will allow us to track and substantially reduce the number of redundant lab tests and x-rays, look for redundant prescriptions being given out to patients or for unsafe combinations of prescriptions being prescribed or given to a patient, but most importantly it will allow us to track the outcome of chronic disease management programs and improve the quality of care in our system.

As far as communication, we want everyone in Chatham County to know where to find the health care resources that are available to them, and to that end we launched our website in April of this year, but communication is also important within an organization and the Executive Director that you added to the council is responsible for keeping communications flowing within the council as well as out to the community.

And as far as development, the Executive Director plays a role as well because as a volunteer organization for the first few years of its existence, that limited the council's ability to put in applications for grants or programs that they wanted to implement because many grantors require that an organization have an existing sustainable administrative personnel in place before you can apply. So putting the Executive Director in place has expanded the number of applications we can put in and the number of programs that we can manage on behalf of the council. And this is an impressive graft because the council has become more and more successful about receiving grant funding from a variety of sources and now in 2009 cumulatively the amount of money that has been awarded since 2005 exceed a million and a quarter dollars. And our applications are often cited for our strong history of collaboration, and this picture shows that that strength really lies in our council members and partners and in our relationships. Working together for so long allows us to gather information together, formulate plans and respond as a group to whatever challenge may come before us.

We are also prepared as a group since, as a matter of policy, we do support any initiative that will increase and ensure access to health care in a sustainable manner. So we are prepared to go forward and guide the County through the transition to health care reform, whatever shape it may take and however long that process may take.

So I want to commend this group on my own behalf and on behalf of all the citizens of Chatham County for the remarkable increase and access to care in four short years of 43% and also thank all of you and the Commission and Mr. Chairman for your continued support and encouragement that continues to open the doors to care for the uninsured in our County.

Chairman Liakakis said, thank you, Dr. Reynolds. We thank you very much and all the participants here and the others that provide the service for those much needed services for those people in the community, the uninsured, homeless and the list goes on and on.

Chairman Liakakis recognized County Manager Abolt.

County Manager Abolt said, Mr. Chairman, I think it's important, at least for the print media, the daily paper, to realize that none of this would have been possible had not this Board and your predecessors participated in the National Association of Counties. This all began with a grant from NACo. In the past I know each of you have suffered a little bit in the media, if not more, from the standpoint of participation in National Association of Counties. That is a totally unfair criticism because were it not for your courage and staying the course, what you just saw today would never have happened.

Commissioner Odell said, Russ [Abolt], just to add to that, that was due to a large part by the efforts of Dr. Thomas. County Manager Abolt said, yes sir. Commissioner Odell said, we would have missed out on the money.

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

### **1. SET LEGISLATIVE LUNCHEON IN NOVEMBER.**

Chairman Liakakis said, next under Item VI, the Chairman's Items, I'll ask Mr. Hughes to come forth. We want to talk about our legislative luncheon where we have the two Senators and six House members where we present them our legislative wants to be presented before the State Legislators in January. Lee [Hughes].

Mr. Lee Hughes said, with Senator Eric Johnson resigning his seat to run for Governor, there is no seat Senator in that district, and with Representative Buddy Carter resigning from the 159<sup>th</sup> House District to run for that Senate seat, there is no seated House member in that district. So we felt it best to wait until after the special election on November 3<sup>rd</sup> to meet with the delegation because we'll have two new members of the delegation at that time. The regularly scheduled meetings of the County Commission in November are the 6<sup>th</sup> and the 20<sup>th</sup>, Friday the 6<sup>th</sup> and Friday the 20<sup>th</sup>. I've asked the dean of the delegation which days works best for the delegation and we haven't worked that out yet, but that falls in line with the way we typically do this from year to year, it's in late November. If we have to, we can push it to December 4<sup>th</sup>, which is the first Commission meeting in December.

Chairman Liakakis said, okay. Any questions? Just let us know as soon as possible and we understand after the election date in November that we'll try to get together as soon as possible. Mr. Hughes said, right. Okay, thank you. Chairman Liakakis said, okay.

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## 2. LAKE MAYER PATH.

Chairman Liakakis said, the Lake Mayer Path. We have had quite a number of concerns with citizens in our community. We know that Lake Mayer has been a great boon for all of the citizens in Chatham County because it's one of the best recreation areas that we have in the County. A lot of resources have been put in there over the years, but now what has occurred in the last few years is that the trail, the walking trail has deteriorated and I've had a number of letters from the citizens, I've walked out there and saw where it needed the paving, it needed replacing out there, and we have hundreds and hundreds of citizens that go to Lake Mayer on a daily basis. All you have to do is go out there as early as 5:00 a.m., in the morning and see people walking around there, but I feel that what we need to do to make sure that that walking path for our citizens is in good shape because there's a possibility that somebody could hurt themselves. And what I'd like to do right now is ask Russ [Abolt] to comment on it.

County Manager Abolt said, thank you, Mr. Chairman, Dr. Thomas, Commissioner Stone, gentlemen. This was an unfunded decision package in the Parks budget. The priority you would set if you vote to approve this would allow us to bid this out. We have estimated it to be about \$350,000, but as we've seen in resulting bids over the last several months, there's a good possibility it would come in much less than that. It's in a small way another stimulus opportunity you can afford the community, but if your wish is to receive the benefits described by the Chairman, I would ask for a motion instructing staff to bid this out. When we get the bids in, the money would come from M&O Contingency and then you could decide as to whether or not you wish to award the contract.

Chairman Liakakis recognized Commissioner Farrell.

Commissioner Farrell said, at one point we had talked about doing a hard surface to refurbish that, but to also have a softer walking/jogging surface. Is that still in the plans?

County Manager Abolt said, I'll defer to my soft hard person, Mr. Monahan, but I believe it is. Everything you've all talked about in the past and wish could be there, I believe was in that price tag estimate at \$350,000 when we gave you the budget last Spring. We'll make sure that we make it as accepted. Is Mr. Monahan here?

Chairman Liakakis said, well, we have Robert Drewry here. County Manager Abolt said, this is Mr. Monahan with a beard.

Mr. Robert Drewry said, thank you, County Manager. The park that you're referring to, Commissioner Farrell, is — what we're trying to do is a four-foot extension around the existing trail. That's going to be part of the Truman Trail Expansion Project. That's going to be incorporated in that, not the resurfacing. We will have a soft trail around, a four-foot extension, for those who wish to jog and walk. Commissioner Farrell asked, we're not going to do that in conjunction? Mr. Drewry said, not at this time. Well, if the Board allocates this project, then yes it could probably be done in conjunction if not beforehand.

Commissioner Farrell asked, is there any particular reason to wait? Mr. Drewry said, none that I'm aware of. Pat [Monahan]?

Mr. Monahan asked, in the four-foot section? Chairman Liakakis said, to do all of it, Patrick [Monahan]. Mr. Monahan said, I don't think we'll be able to do both unless you want to delay the resurfacing because work cannot begin on the Truman Trail until the project receives recertification, which probably will take another six months. At the next meeting the Board will be asked to vote on the selection of the engineering firm which will be completing the Truman Trail design. It then has to be submitted to the State and be accepted before any money can be spent on it.

Chairman Liakakis said, okay. Alright. Is that okay, Patrick [Farrell]? Alright then —.

Commissioner Kicklighter said, question. The money will come out of savings? County Manager Abolt said, no sir. It would come out of your Contingency within the M&O budget.

Chairman Liakakis said, okay. Do — we need a motion on the floor to approve the project.

Commissioner Stone asked, this is just — is this to approve the project or to move forward with the project. County Manager Abolt said, what you would be doing is you'd be moving it from a decision package to a budgeted amount. It would proceed with advertising. We'd come back with you with the bids. You'd make your choice then, but you would designate now the intent to move the money out of M&O Contingency is that's satisfactory to you all.

Commissioner Odell said, but it would come back to us after bidding. This isn't the bids, so this isn't a go-ahead to construct. This is a go-ahead to bid. Commissioner Stone said, right. County Manager Abolt said, and of course, I don't want to imply anything other than you've actually described the process, but in the private sector when we go out for bid, I mean, there has to be some assurance that if everything is satisfactory, you'll award the contract. It isn't like a fishing expedition. It's a project you're saying right now is a priority and, assuming you have a low responsible bidder, the implication of that is you'd award. I don't want the Board to get the reputation of just —. See what I mean. There has to be a commitment among you all that if all situations are correct from the standpoint of the bid, budget and all that, you would award. Commissioner Odell said, I understand that, but the bottom line is it has to come back to us —. County Manager Abolt said, you control it. Commissioner Odell said, this is not a pull the trigger on the project. This is let's bid the project, but after that the project comes back to us. That's my only point. County Manager Abolt said, yes sir. Commissioner Odell said, I'd — whether or not we're intending to renege or not, just the purpose of this is to go out to bid. That's the sole purpose. County Manager Abolt said, thank you.

Chairman Liakakis recognized Commissioner Kicklighter.

Commissioner Kicklighter said, does Contingency still mean savings? County Manager Abolt said, well, you allocated — you approve a budget and part of your budget is a Contingency account, and there's enough money in your Contingency to in effect accommodate this program even this early in the year. Commissioner Kicklighter said, which is our savings. County Manager Abolt said, well, it's not —. Sure, it's savings, you haven't spent it. You also have savings in Fund Balance and all that, but yes you could use the term savings. It's more accurate to describe it as your Contingency because you budgeted that amount for Contingency. Commissioner Kicklighter said, but in doing so you're saying that specific account was budgeted and set aside with the knowledge that it may have to be used for some projects. Is that what you're —? County Manager Abolt said, it was set aside for the general intent of Contingency, which could be as you know anything. Commissioner Kicklighter said, as a savings. It helps with bond ratings and —. County Manager Abolt said, yes sir, that's part of it, yes sir.

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

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

Commissioner Odell moved to approve putting out to bid the paving of the Lake Mayer Trail at a cost of about \$350,000 with funds coming from the M&O Contingency. Commissioner Stone seconded the motion. Chairman Liakakis and Commissioners Stone, Holmes, Shay, Farrell, Odell, Gellatly and Thomas voted in favor of the motion. Commissioner Kicklighter voted in opposition. The motion carried by a vote of eight to one.

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### **3. REQUEST FROM SAVANNAH ECONOMIC DEVELOPMENT AUTHORITY (SEDA) FOR THE BOARD TO ALLOCATE TO SEDA, FOR THE BENEFIT OF INTERNATIONAL PAPER, THE COUNTY'S FEDERAL RECOVERY ZONE FACILITY ALLOCATION OF \$3,562,000. (SEE REPORT FROM COUNTY ATTORNEY AND NOTE THAT THE CITY OF SAVANNAH ADOPTED THIS ON THE 8<sup>TH</sup> OF OCTOBER.)**

Chairman Liakakis said, we have a report in our book that was transmitted to us from the County Attorney and where the City of Savannah adopted this particular project the 8<sup>th</sup> of October. Do you want to make a statement on it, Jon [Hart]?

County Attorney Hart said, yes. This is a part of the recovery thing the federal government came up with, and what they've done is they've created a new recovery zone facility bond and then will allow financing, and it just gives counties and cities the right to allow these bonds to be issued for private development. In other words, you couldn't — the County couldn't use it for a public project. There's no real money here. It's just allowing tax bonds to be issued. The people who will be responsible for making the payments will be the person in the private sector that has the benefit of the bonds. There's no full faith and credit on the part of the Commission. It's an opportunity to put financing, you know, into one of our larger developments. This is a request by International Paper to use that allocation. They currently have no plans for the allocation. The allocation expires December 31<sup>st</sup>. There's no risk to the County and, you know, it's money that's going to be spent by IP that perhaps will help people.

Chairman Liakakis recognized Commissioner Shay.

Commissioner Shay said, so the bottom line is that \$3,562,000 that we're going to vote on here in just a minute is actually going to be raised by investors. People who buy the bonds are going to be the ones who put the money up? County Attorney Hart said, correct.

Commissioner Shay said, I'd like to make a motion that we move forward. Commissioner Farrell said, second. Commissioner Stone said, second.

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

**ACTION OF THE BOARD:**

Commissioner Stone made a motion to approve the request from Savannah Economic Development Authority for the Board to allocate to SEDA, for the benefit of International paper, the County's federal Recovery Zone Facility allocation of \$3,562,000. Commissioner Farrell seconded the motion and it carried unanimously.

**AGENDA ITEM: VI-2**  
**AGENDA DATE: October 16, 2009**

**DATE:** October 12, 2009  
**TO:** R.E. Abolt, County Manager  
**FROM:** R. Jonathan Hart, County Attorney  
**SUBJECT:** Savannah Zone Facilities Bonds

Attached is a Resolution which the County Commission is being asked to pass pertaining to the Savannah Zone Facilities Bonds, which should be included as part of the agenda package.

RJH/jr

enclosure

**RESOLUTION OF THE BOARD OF COMMISSIONERS  
OF CHATHAM COUNTY, GEORGIA ALLOCATING THE COUNTY'S  
RECOVERY ZONE FACILITY BOND LIMITATION TO THE SAVANNAH ECONOMIC  
DEVELOPMENT AUTHORITY AND INTERNATIONAL PAPER COMPANY FOR THE  
BENEFIT OF INTERNATIONAL PAPER COMPANY AND DESIGNATING AN AREA  
WITHIN THE COUNTY AS A RECOVERY ZONE**

**WHEREAS**, the American Recovery and Reinvestment Act of 2009 (the "Act") amended the Internal Revenue Code of 1986, as amended (the "Code"), by authorizing the issuance of recovery zone facility bonds to finance recovery zone property (as defined in the Act) in recovery zones, which include areas having significant poverty, unemployment, rate of home foreclosures or general distress; and

**WHEREAS**, the Savannah Economic Development Authority (the "Authority") proposes to issue recovery zone facility bonds for the benefit of International Paper Company, a corporation duly organized and validly existing under the laws of the State of New York (the "Company"), to finance the acquisition, construction or renovation of recovery zone property, consisting of capital expenditures to assist the Company in maintaining its competitiveness (the "Project"), and thereby assisting the Company in the retention of employment at the Company's Savannah Mill (the "Mill") located at 1201 West Lathrop Avenue in Chatham County, Georgia; and

**WHEREAS**, Chatham County, Georgia (the "County") received an allocation of recovery zone facility bond limitation in the amount of \$3,562,000, pursuant to Section 1400U-1 of the Code; and

**WHEREAS**, the Board of Commissioners of Chatham County, Georgia (the "Governing Body") desires to approve the allocation of the County's recovery zone facility bond limitation to the Authority and the Company for the benefit of the Company to finance the Project; and

**WHEREAS**, to further economic development in the County, the Governing Body desires to designate the boundaries of the County, including the area comprising the Mill, as a recovery zone, pursuant to Section 1400U-1 of the Code.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Bode and **IT IS HEREBY RESOLVED**, as follows:

Section 1. The allocation of the County’s recovery zone facility bond limitation in the amount of \$3,562,000 to the Authority and the Company for the benefit of the Company to finance the Project is hereby approved.

Section 2. The area comprising the boundaries of the County, including the Mill, is hereby designated as a recovery zone, pursuant to Section 1400U-1 of the Code.

Section 3. This resolution does not constitute an endorsement to a prospective purchaser of any recovery zone facility bonds of the creditworthiness of the Company or the Project, and any recovery zone facility bonds shall not constitute an indebtedness or obligation of the State of Georgia or any county, municipal corporation or political subdivision thereof, but any recovery zone facility bonds shall be payable solely from the revenues derived from the Company and pledged to the payment thereof, and no owner of any recovery zone facility bonds shall ever have the right to compel any exercise of the taxing power of the State of Georgia or any county, municipal corporation oar political subdivision thereof, nor to enforce the payment thereof against any property of the State of Georgia or of any such county, municipal corporation or political subdivision.

**APPROVED** this 16<sup>th</sup> day of October, 2009.

(SEAL)

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Chairman, Board of Commissioners of  
Chatham County, Georgia

ATTEST:

\_\_\_\_\_  
Clerk, Board of Commissioners of  
Chatham County, Georgia

**CLERK’S CERTIFICATE**

I, the undersigned Clerk of the Board of Commissioners of Chatham County, Georgia (the “Governmental Unit”), DO HEREBY CERTIFY that the foregoing pages of typewritten matter pertaining to the approval of an allocation of recovery zone facility bond limitation to the Savannah Economic Development Authority and International Paper Company for the benefit of International Paper Company, a New York corporation, and the designation of an area as a recovery zone, constitute a true and correct copy of the Resolution adopted on October 16, 2009 by a majority of the members of the Governmental Unit in a meeting duly called and assembled, which was open to the public and at which a quorum was present and acting throughout, and that the original of said Resolution appears of record in the Minute Book fo the Governmental Unit which is in my custody and control.

GIVEN under my hand and the official seal of the Board of Commissioners of Chatham County, Georgia this 16<sup>th</sup> day of October, 2009.

(SEAL)

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Clerk, Board of Commissioners of  
Chatham County, Georgia

**DATE:** October 7, 2009  
**TO:** Chairman Pete Liakakis  
**FROM:** R. Jonathan Hart, County Attorney  
**RE:** Recovery Zone Facility Bonds and International Paper

Mr. Chairman you have received a letter dated July 29, 2009, in which the Savannah Economic Development Authority (“SEDA”) has indicated that International Paper (“IP”) seeks to have the City of Savannah and Chatham County to allow it to use the City/County allocation for tax exempt Recovery Zone Facility Bonds.

You requested that the County Attorney's office review and provide information as to whether there will be any negative impact upon the County in granting this request. It is my understanding that the City of Savannah will probably approve granting the allocation.

Recovery Zone Facility Bonds ("RZFBs") were created by the American Recovery and Reinvestment Act ("ARRA") enacted by Congress in February 2009. RZFBs are a new type of tax exempt bond that can be issued in limited amounts by state and local governments for the purpose of financing privately owned capital facilities to encourage local economic development. Under the ARRA the City of Savannah (the "City") was allocated a limitation of \$3,307,000 and Chatham County (the "County") was allocated a limitation of \$3,560,000 for the issuance of RZFBs. The combined limitation is about \$6.9 million.

It is important to remember that this Act grants an allocation amount which allows tax exempt bonds to be issued. This allocation amount is not federal funds, but merely an allocation which a party using the bonds would be responsible for payment. It should be noted that the bonds do not require the "full faith and credit" of the County (i.e. no risk to the County), but only to the entity using the allocation.

It is also important to know that the County could not use the allocation to issue bonds for a County public project. This program allows the issuance of tax exempt bonds to encourage economic development to privately owned capital facilities.

However, RZFBs limitation does not represent real federal funds, but instead they simply limit the amount of RZFBs that may be issued. Repayment of RZFBs is by the secured private borrower. All RZFBs limitations will expire December 31, 2010, at which time the County would lose its allocation and could not provide tax exempt funding to any private entity within the County.

IP has requested that both the City of Savannah and Chatham County allocate their respective RZFB limitations to SEDA for use by IP for capital improvements at its local mill. IP solely will be obligated for the repayment of RZFBs issued by SEDA on IP's behalf. The City, the County and SEDA will not have any responsibility for the repayment of the RZFBs.

IP is a major employer in the community and it is in a capital intensive industry. To stay competitive, the company must make substantial capital expenditures on a regular basis. Financing these capital expenditures on a favorable basis will contribute to IP's ability to stay competitive allowing it to continue making a contribution to the local economy. IP has indicated it is ready to promptly proceed with the issuance of RZFBs if the requested reallocations are approved.

IP is hoping to close on the RZFB (along with several other similar transactions) on November 18<sup>th</sup>. The City has been requested to approve the reallocation of its RZFB limitation at City Council's regular meeting of October 8<sup>th</sup>, and the County has been requested to approve the reallocation of its RZFB limitation at the County Commission's next regular meeting on October 16<sup>th</sup>.

I do not see a risk or downside to the County in allowing the use of this allocation and it would spur capital investment within the County. I recommend this matter be placed on the agenda for consideration by the Commission on the 16<sup>th</sup> of October. Obviously, the decision to allow this allocation is a policy matter, but do not see any negative legal ramifications.

RJH/jr

cc: Board of Commissioners  
R.E. Abolt, County Manager

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#### **4. RECOGNITION OF COMMISSIONER PRISCILLA THOMAS' COMPLETION OF THE CERTIFIED COMMISSIONERS ADVANCED PROGRAM.**

Chairman Liakakis said, recognition of Commissioner Priscilla Thomas' completion of the Certified Commissioners Advanced Program. I'd like to ask her to come forth to the podium. This Certified Commission Advance Program goes beyond the original program that they had with the ACCG, which is the 159 counties for the State of Georgia, and what they do is every year they have classes and several times during the year for training of Commissioners

so that they can do a better job, understand more about the government and how to proceed in meetings and all. It's quite extensive, and then what they did, they added this Advance — Certified Commissioners Advance Program to their training, and a number of Commissioners have taken part of that, but one of the Commissioners here on our Commission is the Vice Chairman Priscilla Thomas, and she was presented this Certified Commissioners Advance Program a few weeks ago, and I want to read this out: "Present this award to Priscilla A. Thomas for successful completion of the Certified Commissioners Advance Program, October 8, 2009."

Chairman Liakakis said, and along with that we also have the University of Georgia, who participates and puts these programs into place and also trains the Commissioners. And this is from the University of Georgia and the Association Commissioners of Georgia "hereby certify that Priscilla A. [sic] Thomas satisfactorily completed the Certified Commissioners Advance Program October 8, 2009, and is awarded this certificate in recognition of participation in this program." And this really — you have to study a lot and it's a great program to give a lot of good information and training to our County Commissioners around the State. And also they have a pin here that I want Priscilla Thomas to know we appreciate very much her participation in this program because the training and the knowledge that she received from there is good and helps us in our proceedings also.

Commissioner Thomas said, thank you, Mr. Chairman. Chairman Liakakis said, you're welcome. Commissioner Thomas said, thank you.

Youth Commissioner Slay said, on behalf of the Chatham County Youth Commission, I would like to congratulate Commissioner Priscilla D. Thomas on her completion of this Certified Commissioners Advance Program.

Commissioner Thomas said, thank you so very much, and I just want to say that it was a very intense program. From time to time you're out at seven o'clock in the morning and you might get through at nine-thirty or ten o'clock at night. You do everything together. You eat together, you go to the bathroom breaks together, you do everything together. But I do want you to know that it's a worthwhile effort and I worked real hard, and I'm very proud to represent Chatham County in this endeavor because it's going to help me to be a better person and I will be able to deliver more. Thank you.

Chairman Liakakis said, thank you very much. What I'd also like to do now, we have another Commissioner who also participated in the Advance Program and graduated from that last year, and that is none other than Commissioner Helen Stone. Helen [Stone], how about making a comment. We appreciate you doing that also.

Commissioner Stone said, well, anything I can do to help this Commission to achieve the goals that we've all set forth to achieve to benefit the citizens of this community, I think it's an honor to be able to do so. Thank you.

Commissioner Farrell said, thank you.

Chairman Liakakis said, thank you very much.

Commissioner Odell said, I think that kind of sandwiches us in. We've got them at both ends. They've completed. We need two guys to step up and —.

Chairman Liakakis said, well, we've got a few other Commissioners that are taking this Advance Program. They haven't completed it yet, but that should happen in the very near future.

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## **VII. COMMISSIONERS' ITEMS**

### **1. FRANCHISE FEES (COMMISSIONER FARRELL).**

Chairman Liakakis said, I call on Commissioner Farrell for that item.

Commissioner Farrell said, thank you. As we continue to look at the financial situation of the Special Service District here in Chatham County, it has come to my attention that all the citizens that buy electrical power from Georgia Power are currently paying a franchise fee on the amount of service that they purchase. And my question today for staff and for representatives of Georgia Power if they're here is to ask how much money is being raised by this franchise fee, and my followup question is out of the money raised in the Special Service District for this franchise fee, how much of that money is going back to Chatham County to help to pay for the services in the Special Service District?

County Manager Abolt said, I would defer to a very thorough report in my estimation Mr. Monahan did which was attached in your agenda. The bigger — maybe the answer to Commissioner Farrell's question is qualified by Mr. Monahan that just shy of \$4.2 million, and again it goes back to our discussion at the last meeting about the I guess not the legitimacy, but the limitation of funding the second largest city's budget, the Special Service District. But again, as Commissioner Farrell has said, that for whatever reason, even though there are just a few of these in the

State and they are created to be fair in taxation, they're very unfair to the residents of Special Service Districts because, unlike municipalities, we are being denied that revenue. On many occasions, going back to the early 1990's, County Commissions have attempted to get this changed. There has been opposition repeatedly from the Georgia Municipal Association because I believe they wish to protect that franchise fee. I don't know who might be here from Georgia Power, but it's my general understanding that Georgia Power pays this and does not want to get into the issue of how it's distributed, but the legislative goings and comings would be best addressed by Mr. Hughes.

Commissioner Farrell said, so I'm hearing that the Special Service District pays in approximately \$4.2 million per year to this franchise fee. Is that what you said a minute ago? County Manager Abolt said, I'll defer to Mr. Monahan in case I'm reading his memo incorrectly, but that's the way I interpret the assessment, the approximation of lost revenue.

Mr. Monahan said, I can't say exactly how much, but the Carl Vinson Institute of Government conducted a study probably three years ago and looked at the issue of franchise fees, particularly for DeKalb County. Now you have to understand DeKalb County, we're talking about probably \$25,000,000 or \$30,000,000 because 75% of DeKalb County is unincorporated and it receives no franchise fees. So Carl Vinson Institute of Government undertook this study and used several counties of similar size across the State to come up with a per capita amount, an estimate for DeKalb County. So I just took the Carl Vinson Institute of Government's per capita cost and applied it to the unincorporated area population, the same as the Carl Vinson Institute of Government used as the methodology for the DeKalb County study and came up with that number of \$4.2 million. That's about as scientific as it is.

Commissioner Farrell said, okay, so we have a franchise fee that we're forced to charge the citizens of the Special Service District. We don't know exactly how much it is, but we have an idea that it's around \$4.2 million. Now how much of that money comes back to the County for the purposes of paying the bills for the Special Service District? Mr. Monahan said, just to clarify one point. The County doesn't collect it. Georgia Power collects it. Commissioner Farrell said, right. Mr. Monahan said, and then Georgia Power enters into negotiations with each municipality to determine what that municipality pays. Most of the municipalities in Chatham County get 4% of the gross revenue. For example, the City of Savannah receives \$13,000,000. The unincorporated area, the Special Service District, receives nothing. Commissioner Farrell said, so we're asking the citizens of the Special Service District of this County to pay into a fund that they get absolutely no benefit financially in any way, shape or form? Is that what I'm hearing? Mr. Monahan said, I guess the simple answer is yes. Commissioner Farrell said, thank you.

Chairman Liakakis said, okay, there's a big problem with this and it has been brought up by the ACCG on a number of occasions in the past, but I'm going to call on the Commissioners here who want to respond to that, but what I'd like to do, I'm going to ask that we make a motion today to add that to our particular legislative package so that we can get our eight legislators to bring that back up to the State because that's really unfair, and I all on Patrick Shay and then Patrick [sic] Stone —. Listen to me. Helen Stone. I'm giving her another name. Go ahead, Patrick. Commissioner Stone said, I'm a female, Pete [Liakakis].

Commissioner Shay said, well, just a couple of questions. Pat [Monahan], it was a very thorough report and I know that you're being sort of asked to answer questions on behalf of the franchisee, which is Georgia Power. In your report you say that in 2009 the rates charged city customers paying 2.91% of usage revenue, now when we say city customers, is that all the various municipalities in Chatham County? Mr. Monahan said, that would be all the municipalities. Commissioner Shay said, so they're — on their bills as they consume electricity, being charged around 3%, and the folks in the unincorporated area Special Service District pay about 1% —. Mr. Monahan said, correct. Commissioner Shay said, and that's — they pay that through their electric bill —. Mr. Monahan said, correct. Commissioner Shay asked, where does that money go? I mean, I don't understand it. If it's collected —. Mr. Monahan said, it goes into a pool that Georgia Power then uses to negotiate agreements with municipalities. Commissioner Shay asked, so in essence people that buy electricity in the unincorporated area Special Service District pay into a fund and then it's reallocated back to jurisdictions other than theirs? Mr. Monahan said, yes, that's correct. Commissioner Shay asked, it doesn't leave Chatham County, it stays in Chatham County in this pool and gets allocated to all the municipalities? Mr. Monahan said, it goes into — it's my understanding it goes into a statewide pool and then Georgia Power uses that to negotiate individual agreements with municipalities. Apparently, some areas' municipalities for whatever reason only negotiate — negotiate less than 4%, but most of the municipalities in Georgia — I mean, in Chatham County have negotiated 4% agreements. And just also to clarify, the 2009 rate change, roughly the 3% and the 1% — 3% from municipalities, 1% from the unincorporated area, that just occurred in 2009. In 2008 there was a differential, but up until 2007 it was exactly the same with whether you lived in the unincorporated area or a municipality. The Association County Commissioners of Georgia and Cobb County petitioned the Public Service Commission to do away with it altogether under the assumption that because the unincorporated area residents did not receive any direct benefit why should the unincorporated area residents pay. The Public Service Commission, as I guess as a middle ground, came up with this new formula, the 3% and the 1%. So 3% is collected if you live in a municipality on the Georgia Power tax bill, 1% in the unincorporated area, and also remember the franchise fees also apply to natural gas and to telephones. Commissioner Shay said, but the 1% — a little bit more than that —. Mr. Monahan said, right. Commissioner Shay said, — that is being added to people who consume electricity from the unincorporated area Special Service District by your admittedly inexact calculations, but still raise approximately \$4,000,000? Mr. Monahan said, yes sir. Commissioner Shay said, then redistributed somewhere in the State of Georgia to municipalities depending on how hard they bargained with Georgia Power. Mr. Monahan said, that's an accurate description. Commissioner Shay said, thank you.

Chairman Liakakis recognized Commissioner Stone.

Commissioner Stone said, thank you, Mr. Chairman. First of all, I'd like to thank Commissioner Farrell for putting this on the agenda. This is a timely manner as we're getting ready to meet with our State elected officials. Because of how fragile the Special Service District budget, I think this needs to be a top priority going forward, something that we need to push because it's very hard for the residents in the unincorporated Chatham to justify expenses that they pay because all of the other services that are provided for us other than roads and libraries and policing, we pay individually. So I think this is very important and I would like to see this put up, thanks to Commissioner Farrell, to the top of our agenda when we meet with our legislators.

Chairman Liakakis recognized Commissioner Farrell.

Commissioner Farrell said, I've got another question. By what creation did we inherit a system where the Special Service Districts collect money for the benefit of municipalities? I mean, where did this —? County Manager Abolt said, it's a continuation of the same discussion as the last meeting. There aren't many of us and there's no umph when it comes to dealing with the legislative delegation. Now looking back at the information Mr. Monahan gave you, we've been trying to get this changed since about 1990-1991. Commissioner Farrell asked, so this is a creation of the State Legislature of Georgia? County Manager Abolt said, it's another — I don't mean to be obtuse in answering. There is no consequence and no moment when the Special Service District in Georgia come forward and say this is not fair because it's a very weak voice. I really wanted to defer to Mr. Hughes to talk about this because this is a basic issue of equity, but equity we've tried to get now for at least 15 years.

Chairman Liakakis recognized Commissioner Shay.

Commissioner Shay said, I know you analogize when you say that the Special Service District unincorporated area is the second largest city in Chatham County because it's not a city. If it were a city, if I'm understanding this, it would have the ability to negotiate with Georgia Power in order to receive a franchise fee. County Manager Abolt said, yes sir. Commissioner Shay said, the dilemma is that we have an urbanized population of around 70,000 in Chatham County who do not live in the boundaries of a legally defined city. County Manager Abolt said, yes sir. Commissioner Shay said, good. Thank you.

Chairman Liakakis said, alright, I'll call on you in just a minute, Lee [Hughes], but this particular franchise fees formula is unfair not only to us but around the State of Georgia, and that's terrible. Here we are charging the citizens in the unincorporated area in the Special Service District —. Commissioner Shay said, we're not charging them. Chairman Liakakis asked, huh? Commissioner Shay said, not we; they. They are charging them, we don't charge them. I just want to make sure people understand that. Chairman Liakakis said, yeah, okay. We're not charging. It's not the County Commission that's charging, but this formula is set up. The people in this area have to pay it, yet they receive nothing, and they use the right-of-way and public property to extend their lines and all so that they can make a huge profit plus get this additional benefit by not paying to the Chatham County Special Service District. Correct? Mr. Lee Hughes said, that's my understanding. Chairman Liakakis said, okay, if you've got —, Lee [Hughes], if you want to add anything to this.

Mr. Hughes said, I'm just going to repeat something that Mr. Monahan said that keep in mind that this also applies to phone and natural gas. I don't know if it applies to cable. I think the cable somehow is ignored from that, so whatever that figure is for electricity, add in what the additional utilities are generating, and I'm happy to put it on the agenda. When I come back to you, it will be on the agenda for you to prioritize as one of the issues that would have statewide ramifications that we would have to change State law and will have to look to find other special — unincorporated Special Service Districts in the State that could join us in that effort.

Chairman Liakakis said, okay. Go ahead, Harris [Odell].

Commissioner Odell said, I'll yield to you and I'll follow you.

Commissioner Farrell said, I would — not to wait on the State Legislature to come and directly save the bacon of the Special Service District, I would like to ask staff to contact each utility that charges a franchise fee in this County of Chatham in the Special Service District that we do not have a benefit, a known benefit. I believe the cablevision franchise fee we do get a benefit from that, and I'm not talking about the cablevision for the Special Service District, but I would like to know from the electricity provider, natural gas provider and the telephone provider that if they're charging a franchise fee in the Special Service District of Chatham County and this County is not receiving a benefit from that, specifically a financial benefit, then I would like to know how much money that is. Someone has got to be accountable for taking in monies from the citizens of this County, and I would like to know how much it is on an annualized basis for each of those utilities, and I would like that information to be provided to the County Manager so that he can present that information if they don't want to present it themselves personally at the next Commission meeting.

Commissioner Stone said, I would second that if that's a motion, if you'll accept it. Commissioner Farrell said, [inaudible] our County Manager. Commissioner Stone said, well, then I second it.

Commissioner Odell said, we're probably going to need Jon Hart's involvement in this. Don't you think so, Jon [Hart]? County Attorney Hart said, well, I mean, I can write any kind of legislation you want to propose. You know,

the bottom line here is every year we bring this up, but the Georgia Municipal Association slaps it down, and they look at it simply as this — it's free money to them. I mean, they're collecting it from over here and positioning it over there. Commissioner Stone said, then we've got to work harder. County Attorney Hart said, so there's no incentive to change the vote on that and, you know, we're outnumbered by municipalities. But we can draw whatever y'all want to draw. I mean, we've got five or six of those that —. Commissioner Farrell said, once we know the magnitude of the financial situation, there should be some impetus to work a little harder.

Commissioner Odell said, and the first thing I would concur. We do need to do some level of accounting. It seems like a great position if you're a utility that you collect money from one place, you can theorize that you're using it to offset rates in another place, which may or may not be true, and you never have to give an accounting. People who live across the street from other people, one person's rate will be adjusted because they're a municipality and the person who lives across in the unincorporated area does not receive that same benefit. That to me is a substantial concern that I'm not certain that we're going to need everybody to go along to get this resolved, and I say that after, (a) Jon, if we could get a summary of the history of this. Not a brief, *per se*, but a legislative history of this, and, Russ [Abolt], if we can quantify what numbers are we talking about. You know, if we're talking from the unincorporated district with the various utilities, Pat [Monahan] has done an inexact extrapolation of approximately \$4.5 million, but that's only for one. We have no way of determining what the others would be at this point, but if we make that determination as to a sizeable sum of money that is clearly inequitable. We have a major problem each year and that is —.

County Manager Abolt said, I would just submit that you and I think the same, but Mr. Monahan's work is very accurate and certainly [inaudible]. We can say \$4.2 million right now. We may get more exact numbers, but I think — we'll get that for you. I don't the moment to be lost. We've tried this before, we've been unsuccessful. I think the fact that it's up before you now in advance of your meeting with the delegation, the fact that quite frankly I hate to be adverse when I look at it, that amount of money alone would make our problems in the Special Service District problems.

Commissioner Odell said, it is a clear case of people who live in close proximity and because one lives within a municipality and another one lives a street over that they are being treated dramatically different. It's clearly inequitable and I believe in equity there's a solution. That's why I think Jon's [Hart] involvement on this not only from the legislative standpoint, but, you know, I'd like to look creatively. Since the 90's we have tried to get this done by consensus and agreement and everything else. Occasionally, when people will not agree to that which is fair, they have to be compelled.

Commissioner Farrell said, and the knowledge of what the financial amount is, all the 80,000 people that are paying it should know about it and should know that they're getting no benefit from this money. Commissioner Thomas said, exactly. Commissioner Odell said, oh, that is excellent.

Chairman Liakakis said, and equity, we know this is absolutely wrong and, of course, we are talking about it and, you know, want to present this, but the Georgia Municipal Association over the years when it has come up, they have fought it, you know, with a lot of pressure on the legislators to keep it like it is, and that's really unfair to us, and I will be recommending then, in addition to what this Commission's doing, I'm going to be talking to the President of the Georgia Municipal Association and talking to him about this situation that we have that we need to work together as opposed to having a situation where people are paying things and not getting any benefit out of it whatsoever, that other agencies and copies are reaping the benefit. Okay, go ahead, Patrick [Monahan].

Mr. Monahan said, let me make one note to what Commissioner Farrell asked. I asked Georgia Power about sorting so I could get an exact number of the unincorporated area, and because Georgia Power's software is not able to differentiate between whether you live in the unincorporated area or a municipality, that's not possible today — according to Georgia Power. There's no way you could —, Georgia Power could sort by zip code. There are different ways to sort, but Georgia Power's records — I mean —.

Commissioner Farrell said, you can not tell me that you can collect that volume of money and not know where it's coming from. They may not have the software at their fingertips today, but I would certainly hope within two weeks that they figure out the software so that they can tell this Commission how much money is coming out of the Special Service District, and I repeat that for all the utilities that are taking money out of the Special Service District where there is absolutely no benefit coming back to the Special Service District of this County. I want to know how much, down to the — round it to the nearest dollar, how much is coming out annually so that I can inform the 80,000 people in this County that are paying that money and aren't receiving any benefit from it. I just want them to know. A little bit of sunshine is a good thing.

Commissioner Thomas said, I agree with Commissioner Farrell. He hit the nail on the head. We have to just be more aggressive in trying to deal with this because this subject came up last week at ACCG's Policy Committee Meeting, and believe it or not, we're in for some great awakenings on a lot of other things that are going to be mandatory again for counties. So unless we step it up another notch and demand to get answers to what you have just said, I mean, they're not going to just give it to us just so, so I think that's the way to go.

County Manager Abolt said, at the request of Commissioner Farrell we did send — I sent a letter to Kathy Hill. I don't see Kathy Hill here, but in case I don't recognize other Georgia Power people, Mr. Chairman, you might want to ask is there any representative here from Georgia Power because I sent her a letter.

Chairman Liakakis asked, you sent her a letter and she didn't respond? County Manager Abolt said, no sir, I don't want to say it that way. I sent her a letter inviting her to be here today and so I don't know whether there's other Georgia Power people in the audience in her absence. So I want to be fair to them in case somebody in the audience represents Georgia Power.

Commissioner Odell said, yeah, but the status of where we are now, Russ [Abolt], according to Pat Monahan, is that — and others — the unincorporated areas are charged a franchise fee and, according to our legislative individual, that legislative fee is used to negotiate with municipalities. Is that true? Not the legislative fee. That franchise fee is used in the negotiations of the rate for municipalities, and if those two things are true and if you follow the next assumption that they cannot delineate whether or not you are in municipality or out municipality to give up an accounting to me seems like an impossibility. That to me it seems like if you are able to make a determination that this is a municipality and for this municipality the rates are what have you and the rates vary based upon municipalities, but — and our unincorporated areas are sandwiched all between the various municipalities, but then they tell us, Patrick [Monahan], that they cannot delineate what is an unincorporated area. To me that logically does not follow. Commissioner Farrell said, especially if you're charging two different percentages. Commissioner Odell said, it cannot be. It cannot be. I think if they think that we're goobers and will continue to buy it, it is not logical, it is not reasonable, and all of them can tell us to the dollar how much it is.

Chairman Liakakis said, alright, here's what we would like, Lee [Hughes]. Put this on their as a priority so that when we talk to our legislators in November that we'll let them know how we want them to aggressively work on this and also you'll be able to, being our lobbyist, to lobby other legislators around the State and the ones here on this Commission that have friends in the legislature, to talk to them too because we need equity and we need fairness, and this is absolutely unfair. Okay? Thank you.

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

Commissioner Farrell made a motion that staff contact the electricity provider, the natural gas provider and the telephone provider, that if they're charging a franchise fee in the Special Service District of Chatham County and this County is not receiving a benefit from that, specifically a financial benefit, then we would like to know how much money that is on an annualized basis for each of those utilities, and we would like that information to be provided to the County Manager so that he can present that information if they don't want to present it themselves personally at the next Commission meeting. Commissioner Stone seconded the motion and it carried unanimously.

**AGENDA ITEM: VII-2**

**AGENDA DATE: October 16, 2009**

**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 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 Service 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 Charge 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."

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## **2. NEW SUBDIVISION REGULATIONS (COMMISSIONER KICKLIGHTER). See attached letter from Home Builders and a companion staff report.**

Chairman Liakakis said, we have a letter that was disseminated to all of the Commissioners from the Home Builders and a companion staff report. We'll have them to speak also, but we'll have Dean [Kicklighter] to speak out first.

Commissioner Kicklighter said, thank you, Mr. Chairman. First, I'd like to thank the Home Builders Association for meeting with the County. I'm glad that your organization actually agrees with the County Manager when you stated basically that it's irresponsible contractors and developers that have created the problems which currently exist within subdivision development. We also appreciate the model of a subdivision ordinance requiring a homeowners association that would actually provide the subdivision maintenance. In addition, I'd like to thank the Home Builders Association of Greater Savannah for accepting the County's invitation to partner with Chatham County to address new subdivision issues and to help us develop new policies. Together hopefully we can come up with an ordinance that will ensure proper development within the new subdivisions.

We've been dealing with a mess for quite a while now with developers or contractors basically neglecting, in some cases just abandoning subdivisions, leaving the people there just pretty much helpless, stranded in areas that may flood, living in communities where their streets or sidewalks may cave in because someone just neglected to put a little bit of a sealant on a pipe, and it's just past time that we accept this type of shoddy work from these negligent contractors and developers. So I've asked the County staff to provide some suggestions that would ensure proper development of new subdivisions, and we have, as the Chairman stated, recommendations in here from the County Attorney. He wrote that each of his recommendations — I guess he warned basically that each of his recommendations could significantly increase development costs that could substantially impact the building industry or possibly pass along costs to future homeowners.

I just want to make it clear from the beginning to everyone that it's not my intent whatsoever to drive development costs up and through the roof and for developers to hurt them with their business to do anything to hinder the already slow building industry that we have, and it's definitely not my intent to have any type of costs passed on to future residents of the County. My intent is really simple basic common sense.

Number one, my intent is to protect the homeowner, the citizens living in Chatham County. Many of them went in, invested what will most likely be the largest investment of their life, and bought a home in an area full of promises only to wake up one day and realize that the promises were broken and they can't catch anyone on the phone or get a phone call returned, even to begin to help them out.

My intent, number two, basically is just to hold the careless developers and/or the contractors accountable for their shoddy negligent work.

Number three, my intent is to do that without harming the Chatham County budget. So at this point from what I see in front of us, I think we need to continue our conversations with the Home Builders Association to come up with something that would (1) hold people accountable, but (2) do so without bankrupting the County budget, and also do so without hurting the many, many, many good productive builders that we have in the community that aren't doing the horrendous jobs that we're experiencing in a couple of different subdivisions right now. As of today I would ask, and I will ask in a minute, that we actually approve Option 11, but also include that we'll be moving forward to instruct staff to work with the Home Builders Association to come up with ordinances that would better protect the residents and all that stuff I won't repeat again about harming the budget and driving up costs and everything else. But number 11, we have the option to hold these people accountable. Basically, 11 as you've probably had the chance to get there now, this would instruct the Attorney to come up with something that we could deem a builder or contractor irresponsible and, if so, that person would not be allowed to build in Chatham County again, do work in Chatham County, and I would add to that that's not in there that if deemed irresponsible by this Commission, that person never be allowed to do construction type work for Chatham County — in or for — and the only way to come off that list I would like to see in this is for them to have a hearing in front of the County Commission because my thinking is if they appreciate and want to continue doing business in Chatham County and they are cited as an irresponsible builder/developer, I believe at that point they'll return a phone call and go back and fix a pipe that they neglected to seal, and I think we can do good by that.

This particular motion today — excuse me one second — this particular motion today probably will do very little to help the residents who are currently experiencing side effects from a non-caring developer or contractor, but it will prevent things like this from happening or, if it actually happens in the future, it will have some recourse for them, and I believe it would pretty much force these people to go back in and correct the problems. To explain a little bit for people at home who may be wondering what's going on with this, is the government any — I can't say any, but I would believe that most local governments, they require when new subdivisions are developed, they require that the developer bring the roads, drainage, sidewalks, the infrastructure up to a certain minimum level before the government takes it in and starts maintaining. That's if it is remotely a smart type of government, that's what they would do, and what's happened to these people in these new subdivisions with these horrendous developers is they bought their homes, they've gone in, the developer did not bring everything up to the minimum standards, and it's pretty much left the residents in limbo out there struggling to be able to maintain their property values, keep their homes from flooding, just have a nice neighborhood in general because, as we all know, the government is not a warranty system. It does its best to ensure proper development but it's not a warranty system. So governments do not just go in and take over a dilapidated, fallen apart system that never met code because if so we could go back to the good old whatever buddy system of the old days, and my good friend, Joe Blow, could go build a halfway done subdivision and here comes the good old government to pick it up and finish it for him, and my good buddy gets rich off of the taxpayers. So this is done to protect the citizens, but in this case when we have no recourse to force a negligent developer or contractor into doing what he should have done to start with, it's harming a lot of citizens.

It's not easy and I don't blame the residents for being upset and I believe that you out there who are experiencing the problems, I think you've been very kind and patient up to this point, and I just ask for support on here, and I have — before I make a motion, I want to address one other issue on this. The last paragraph on page, I believe it's five of Jon Hart's recommendations, states that when referring to Willow Lakes Subdivision it says Phase 1 of a major drainage project downstream from Willow Lakes will be voted on today; Phase 2 could basically begin some time next year; however, in the letter it states that digging the ditch along Willow Lakes Drive will not help Willow Lakes and could cause potential flooding on adjacent private property. My question at this point for staff would be, and again this is why we have to work with the Home Builders for a better process and a better inspection process and a better permitting recommendation process, why was this subdivision permitted to begin with? If the

infrastructure cannot handle the drainage, why was it permitted in a manner that — go right ahead. If you can answer it already without hearing all of it.

County Attorney Hart said, because it met all the development environments of Chatham County Code at the time. This Commission today could change those requirements. You can go to a 25-year flood elevation requirement, 50-year flood elevation requirement, you can vote on that today. It will cost millions of dollars and it will increase the maintenance cost on all your existing systems. You can make any rule you want to make, but every rule carries a cost and you have to weigh the cost against the benefit. Commissioner Kicklighter said, okay. County Attorney Hart said, that particular piece of property had a topography shaped like a bowl and, you know, it's hard to drain water out of a bowl. These two projects are designed because of the system because of the system within the subdivision of Willow Lakes, they dug the system up and put it back in the ground, it would still be a low system and still retain water. So it's my understanding from the Engineering Department the best alternative to it is to try to increase the ability to drain water away from it, and that's what these two projects are designed to do, but like anything it takes time to do that.

Commissioner Kicklighter said, okay. Well, what at that point — if that's the case for while we're waiting another year and a half and we can't go in there and even clean the little ditch out, do they just flood for that amount of time? County Attorney Hart said, the last paragraph there is — I'm the lawyer so all I did was repeat what I heard from Engineering there. I'm sure they can address that much better than I can. Commissioner Kicklighter said, okay, well, I know we have some, although you are and, you know, I think the world of you and I think you're a great attorney and I believe, you know, I understand your job is to give us legal advice, but you do have some opinions worded in here where you even just mentioned weigh cost against benefit, what I'm thinking at that point if since we have opinions in here, if you were me and you were catching pure hell from tons of people in subdivisions who were flooding, what would you do? Would you create a 50-year flood or would you leave it at 25 and let another one be built in a bowl and catch more hell? What would y'all do? What would anyone do because something has to change here, and I don't have anything in front of me from staff that changes it and helps people without doom and gloom. Can the Home Builders Association come up and answer that for me. These people were flooding and they're miserable. I don't know what to do, but I know that we've been waiting a year and a half and it's time something be done.

Chairman Liakakis said, this has just been brought to our attention to this overall Commission about this particular issue. Commissioner Kicklighter said, no sir, I brought it up a while back and have been waiting and waiting and waiting. Chairman Liakakis said, not about the whole thing. It wasn't the whole thing and here we've got responsible, successful, good developers and builders in our community. Commissioner Kicklighter said, not — we've got —. Chairman Liakakis said, wait a minute. Let me finish this. And what we have is this. When we talk about putting certain restrictions and things against all of the builders and developers in our community in a way that's going to be real negative and costly to them, because here's what could happen. You take some of these builders that have been very successful, the developers and all, and what happens is that because we have this economic downturn or there's some problem with the financing with the financial institution, the financial institution could cut them off so that they don't have the money to complete the project, and you're putting somebody in a bind by doing that. So we need to — what we need to come before this particular Commission is to have as soon as possible work with our attorney, the attorneys with the Home Builders, and have a number of us come together and talk about this and see how we can resolve this without hurting the responsible, the good developers and builders in our community because we can do certain things today that's going to be real negative towards them and we can settle this out in a very short period of time by doing it in the right way.

Commissioner Kicklighter said, may I, on this, if I can just say, why not if we know we're allowing something to be built in a "fish bowl," why not have designated areas where we know the drainage is poor and they're in a fish bowl where we require a 50-year flood requirement versus a 25? If we know that it's not going to drain I, for the life of me, don't know because I'm not an engineer. I'm not on staff. I didn't permit a subdivision to go in a fish bowl. Somebody on staff that knows a whole hell of a lot more about it than me allowed it to go there, and without some creativity it's going to continue to do that, and it needs to stop. Can we look at zones for that?

Chairman Liakakis said, alright, Russ [Abolt], I want you to speak and then — I mean, no, I want, Jon [Hart], you to speak and then I want the representative from the Engineer's Office.

County Attorney Hart said, in fairness to Commissioner Kicklighter, he has raised this issue on this particular subdivision and one other subdivision repeatedly and has been concerned and worked hard in the last year and a half to try to do something to help these people. In the two programs that we have here, we hope to be able to build very shortly if y'all want to vote on one today and we'll finish up, really arose out of the fact that it was brought to the attention to us by Commissioner Kicklighter. The answer is if you tried to go in and develop something similar to this today, and it has been for several years now, you would have to show that your drainage plan, had a drainage plan that was basically neutral. So our way and ways of handling storm warnings are much better than they were five, ten years ago. It's just the fact of the matter, and prior to this becoming to the attention, we were already working trying to consolidate storm warning management ordinance, soil erosion, sedimentation ordinance and disturbing [inaudible]. All those require a lot of effort and a lot of time, but we are working towards a unified program there.

County Manager Abolt said, Mr. Chairman, if we've got some engineering issues, engineering issues based on the private sector it may be better if we discuss it in Executive Session, but from the standpoint of Ms. Cooler, I certainly want to give her a chance to speak here. Engineer Suzanne Cooler.

Chairman Liakakis said, identify yourself for the record.

Ms. Suzanne Cooler said, Engineer Suzanne Cooler. To answer some of your concerns, in 2007 the Board did approve adopting a new revised Stormwater Management Ordinance. Willow Lakes was permitted in approximately 2003. So some of these issues would have been addressed then. It probably would not have been permitted the way it was. Also, we've not yet identified that it's even a design issue. At the time of permitting obviously — it wasn't obvious that the streets would flood. We don't yet know if it's a construction problem or a design problem. So we can't exactly answer that. It may be that it was not constructed properly and that's causing a good bit of their problems. And also to point out that — realize, too, that if not for inspection done by the County, this probably would be a separate issue in that the Board would be trying to figure out how we're going to pay to fix this problem and not how we're going to help these citizens because the Board would have accepted it and it would be our problem.

Chairman Liakakis said, okay. Is anybody from the developers or Home Builders would like to come up and make a statement here?

Mr. Jack Wardlaw said, good morning. My name is Jack Wardlaw. I am the Chairman of the Governmental Relations Committee for the Home Builders Association. We met with staff and some other home builders and some developers a couple of weeks ago and I truly believe that there is common ground that we can help each other in this endeavor, but it's not something you're going to correct overnight. We didn't get to where we were overnight and we're not going to get out of it overnight. So we need a little bit of patience with this. The two issues relating to these communities, you know, are going to take some time and really by implementing some of these recommendations that the attorney for Commissioners has outlined, we're actually in agreement with some of those. Some of those relating to the HOA being a part of the ordinance and being required in communities, we're totally 100% behind that type of an ordinance. Some of the items that were outlined we can support. Some of them we can't, but today is not the day to try to solve that issue. We are at the table, we are willing to sit down some more and communicate and try to solve the problem. I'm here today to ask you to give us that time to try to solve the issues because there are ways to do it. What you have in the Willow Lakes situation is an out of town developer that came into this town, built this community and you can't find him today. And so I'm asking you not to throw the baby out with the bath water and condemn all the rest of us that are here. We have been in this community for years. I grew up in this community. I have pride in this community, and I just don't want you to be putative against us at this point because we have two developments that are in issue. I see today that you're going to adopt or release about six or seven or eight others that we got involved with and hopefully we've helped with that issue. So I think that shows some positive things both from the County's point of view and from the Home Builders' point of view. We don't have any influence over this developer that came in. He wasn't even a part of our association. So I would hope that you would give us the time to work through the issues, and I guarantee you we will come to the table and bring some recommendations. Some of the recommendations that Jonathan Hart has here were some of our recommendation. So we are listening to each other. So give us the time. Let's not get too reactive here because I think there are better ways to solve it. I just don't want to create an ordinance that doesn't really solve the problem. We closed the gate, but the horse is already on the other side. So let's work toward solving the problem so it won't happen again and there's ways to do that.

Chairman Liakakis recognized Commissioner Odell.

Commissioner Odell said, Mr. Wardlaw, thank you. I think you summarized the concern. There are three problems. Problems number one is Willow Lakes, we didn't live under that ordinance now. The ordinance has been changed. So if we're going to amend that ordinance, then what problem in fact are we attempting to solve and, I agree, the developer that built Willow Lakes is not a Chatham County person and is no longer here. Two separate things that — but the third one is the key. We have a fellow Commissioner that has been beaten to death because some people built a subdivision before his time. He had nothing to do with permitting it. Different ordinance. Staff had no way to know that this would not drain, and there's a third reason that it may not drain other than engineering construction, and that could be the adjacent property. If the adjacent property is either elevated and created a draining situation, then drains onto this problem [sic], that's a third problem.

We've got to help the people in Willow Lakes but we cannot set a precedent which would financially bankrupt the County. Chatham County permits but we're not guarantors. I understand and I share Dean's [Kicklighter] concern and we're going to do what we can to assist him, but also I recommend caution as far as developing an ordinance to punish someone who's not the good contractors who are here, but that person who did this is not one of them and is not a member of our community and this won't solve his problem. So I agree, I don't want to punish you all who didn't create the problem and, Dean [Kicklighter], I'll yield.

Commissioner Kicklighter said, thank you. Commissioner, I truly believe that you and Mr. Wardlaw and myself were actually saying the same thing. Like I said to start with, well I didn't say this, but y'all have been nothing but great. Your whole organization, you're there for us everything we need you and I appreciate that and I, being a realtor for a profession, I understand that we don't need higher costs to build anything at this point. So that's why I recommended right off the bat that we sit down with the Home Builders Association and come up with something

that will prevent this type of thing from happening again in the future. Period. I mean that's what I want to happen. So please everyone rest assured. You mentioned that you — the Home Builders Association actually supports one of the things in there about requiring the homeowners association to have a maintenance part in the future, you know, future homeowners associations and developments. Does your organization have a problem as of now with the attorney possibly drafting the info as I stated before to present back to us that — and the way I would see this being, Mr. Hart, would be basically not where, again I don't like the good old boy system of things where one high profile staff member can deem Mr. Wardlaw that he can't build, and, you know, that's too much. But some type of ordinance where there could be a show cause hearing because it would be a major thing to tell someone they're no longer going to be able to build in a county or work for the county. So drafting a resolution is my thought to change an ordinance as of right now that understanding that we want to work for other preventive measures with you guys and, you know, coming up, but that a resolution be drafted to change an ordinance where if you provided a show cause hearing and this developer or builder is deemed to be someone that abandoned the site or whatever, that we could remove them or remove giving them a license in the future in the unincorporated areas and remove the allowance for them to actually work on projects for the County.

County Attorney Hart said, Commissioner Kicklighter, I understand what you're asking. I just want the Commission to understand that this memo that I did was to tell you the financial options or things you could consider. I was asked specifically what could we do to prevent this thing from happening again, and we gave you, I guess, 11 or 12 options in here, some of which make sense and some of which are options that I don't necessarily or the Home Builders Association agree are good options. Commissioner Kicklighter said, I'm asking about this one option. County Attorney Hart said, well, what I'm telling you is that we will be happy to try to draft something like that. I think in fairness you're going to be regulating an industry and if you're trying to regulate an industry, you probably need to get practical information about what works and what doesn't work. Commissioner Odell said, from the members of the industry. County Attorney Hart said, from the industry that you're regulating.

Commissioner Kicklighter asked, what do you mean by that? I mean, I'm asking you because if it's clear like right now we have a guy that abandoned a subdivision. What — in all due respect, what do we need to know. We can't get the guy to come back and fix it. With the proper ordinance he would simply not be allowed to build here anymore. What — I don't understand what that needs to —. Do y'all oppose that?

Mr. Wardlaw said, well, I believe that's more of a legal issue than it is a Home Builders issue and writing an ordinance like that, I'm not sure you can sustain that ordinance, but that's more for the attorneys to hash out. That doesn't solve the problem. Commissioner Kicklighter said, no, but I'm —. Mr. Wardlaw said, that does not solve — does not bring a comprehensive solution to the problem. The ordinance as it's written right now does not have accountability built into it and there's no financial incentive or putative issue that holds that developer accountable. We're facing difficult times just like the Commission is with their budget, we're facing difficult times in the industry and we're concerned that we don't want putative measures put on the industry so that costs go up. The lady in construction happens and homeowners —. Commissioner Kicklighter said, and I agree a hundred percent on all of that. Mr. Wardlaw said, common ground is here. We can seek the common ground and —. Commissioner Kicklighter said, my question is — I know you're not an attorney —, but do y'all oppose the concept of an ordinance that would not allow a deadbeat developer from —. Mr. Wardlaw said, on Wednesday when I got the letter, right now we oppose that because I don't know how to enact that and how it captures maybe some of our folks in our association. Right now we don't have anybody in the association that I think it would, but I'm more of a proactive stance on this. We've got to stop it from happening again, and that ordinance or that measure that you're proposing won't do that. We will be back here, if you leave everything status quo and adopt that, we'll be back here at some point.

Commissioner Kicklighter said, well, I've heard and I don't know if it's correct or not and this is not for the Home Builders Association, I don't know who the person is, I don't want to know, but here it is for the world to hear. I don't know if it's true or not, I'm asking staff. Does the person who put the infrastructure into Willow Lakes currently do work, does he currently do work for Chatham County or has he received work within the last year for Chatham County, the person that put the infrastructure in? County Manager Abolt said, not Mr. Feinstein [phonetic] or Mr. —, Feinstein I guess. Commissioner Kicklighter said, not Feinstein but the contractor who was hired to put the —, I heard that he does work, whoever he or the company may be. County Manager Abolt said, we'll find out for you. Commissioner Kicklighter said, and I don't know who they are, but I heard that. County Manager Abolt said, we'll find out for you. Commissioner Kicklighter said, and should we have an ordinance that does not allow this type stuff, maybe whoever this person is if what I heard is true will go fix the problem. County Manager Abolt said, we'll find out for you, sir.

Commissioner Thomas said, I agree with you.

Chairman Liakakis recognized Commissioner Shay. Commissioner Thomas said, it's got to stop somewhere. Commissioner Kicklighter said, and again I don't know who it is, I don't want to know. Chairman Liakakis said, alright, hold on now. Patrick [Shay].

Commissioner Shay said, it's a very important issue that you bring to us, Dean [Kicklighter], and I think it is something that we're going to have to look at over time and more carefully. The Willow Lakes Subdivision itself I think as an entity is something that we may have to address outside of the idea of creating new ordinance protections, but I think we also have to be realistic about something. I'm a very small-time homebuilder. I've built a few homes. I've not built any in the unincorporated area of the Special Service District and I think that's what we're

talking about here is an ordinance that would apply again to the unincorporated area of the Special Service District. I've built some homes in the City of Savannah and the City of Savannah has a very, very rigorous process for accepting anything into their system. But as our attorney pointed out, perhaps as a matter of policy rather than of legal opinion, every rule has a cost and we must weigh the cost to benefit. If we're going to create an infrastructure here that is going to be as robust at regulating development as the City of Savannah has, we have to also be honest enough to admit to ourselves that it's going to cost us something to build that infrastructure in terms of engineering department and otherwise because when we make rules like this, we have to also be prepared to enforce them and we may very well need to make stronger rules that we can't pretend somehow that this doesn't have budgetary ramifications. It's not a free deal.

My second observation is that storm intensity is increasing in our community. We now have storms much more frequently than we did before and they come harder and drop more water faster than what we've ever experienced in the past. That pattern seems to be increasing. I design buildings for a living and I can tell you that that pattern is increasing, not decreasing, so I think we also have to be prepared for the fact that in the future — I don't know when that's going to be — that we may have to treat storm water management as a utility that is very similar to the way that we deal with water and sewer; that we have a system in place not only to enforce the design of the conduits and the management of the source, but also for managing the system for its transmittance away from these places. I just end at that.

County Manager Abolt said, if I may, Mr. Chairman. To pick up on that to try to summarize, we have always had the issue in good times particularly of affordable housing and staff in the past has always discussed the issue of raising the elevation of the foundations that affect the living area and the garage. I remember Mr. Bungard had that conversation years ago and at that juncture because at that time we were not seeing development of what we call marginal land, it was kind of a push. To make it easy, just like Commissioner Kicklighter said, it would be very simple to say, okay, when you go out to Willow Lakes just look at the elevation of the street and the elevation of the home. They're the same. So anytime you get a rain, guess where the water's going to go — in the house or near the house. That's one issue.

The other issue has to do from the standpoint of what Commissioner Shay has said about the stormwater utility. Staff is going to be wrapping up shortly a recommendation to you all to create a stormwater utility hopefully in concert with the City of Savannah. That will provide a continuing stream of revenue to deal with this ongoing issue, but you still have the basic concern, which is raised by Mr. Wardlaw and which I appreciate that the industry is willing to join with us and to some extent self-police. That is a very, very healthy sign. If this was an imposition by this government it would be met with first, oh my goodness, we're only building housing that's affordable to the middle class and upper class, and then they'll come back and say to you, okay, we want to grow our digest, which we do, and we're in partnership on that, and the only land that they have available to develop on is marginal land, and that's what this is. This is marginal land. So I really want first of all to recognize what Commissioner Odell did what Commissioner Kicklighter has done for several weeks now. He has been a champion in these subdivisions. Staff and I have gone out with him and I've witnessed how he has told those people what he is trying to do for them, and that's definitely to his credit. At the same time, you all — Mr. Kicklighter included — are the custodians, the city council of the second largest city. You have a budget that's broke, and for us to come in and say, okay, let's look at an isolated incident in one subdivision and let the general taxpayer in that second largest city pick up on it is not fair.

Chairman Liakakis recognized Commissioner Odell.

Commissioner Odell said, as to an ordinance amendment, I'd like to delay that but I'd also like to match it with a request that those who put in the infrastructure for Willow Lakes that that information be provided the Commission and that the Commission also be provided with whether or not that person/company/successor in interest, whether or not they have had any contracting with the County. My overall concern is that the ordinance that we developed, I would like to see it reviewed by the Home Builders Association. We're all working together. Not giving them veto power, but we want a stimulus in this community and they want a stimulus, and the housing market is starting to come back a little and we don't want to have unintended consequences. Having said that, I don't think that's what we want to do. I think if we can get the information and we continue the ordinance and we table that, and the information that gives you concern that if Russ Abolt can provide that to the Commission within the next two weeks, that we're in a better position I think to make a decision that does not interfere with the good contractors, like Jack [Wardlaw] and the other people.

Commissioner Kicklighter asked, may I ask a question on this or a statement? There would be no money to spend at this point if we simply instructed the attorney to bring back a proposed ordinance. Not — it wouldn't be us approving an ordinance, but bring it back when we can read it in writing a proposed ordinance that would give the County of Chatham the ability to declare a developer or a contractor or a builder, a deadbeat, the final determination of whether or not the company or whatever is declared a deadbeat would have to be done so by a hearing of this Commission and in doing that there's no cost and there's not any harm done whatsoever and good builders will never even be brought in front of the Commission to be declared a deadbeat. It will not harm these people, who are good people and they've done a great job, but we would be able to declare —, you know, we call it deadbeat dad. That's a missing father. We have deadbeat developers. They're missing and they're not coming back, and we need to be able to hold them accountable and this would not — this simple change here with the understanding that we definitely work with the Home Builders to develop a more comprehensive, you know, ordinance that would prevent it from ever happening again, but I'm looking at trying to help the people that's

already in the mess with this particular thing as well as it would have a nice impact in the future should we run into that type of person in the future also. So what I'm asking on this particular part, and I will put it into a motion, is to instruct the County Attorney to write an ordinance that would give the County of Chatham the ability to declare a developer or contractor or a builder a deadbeat. The final determination of whether or not a person or company, et cetera, is declared a deadbeat would be determined in a hearing by — in front of this Commission, and if determined that they were a deadbeat contractor/developer, et cetera, then the County would have the ability to not permit them in the future for future developments as well as the County would have the ability to not allow them to do work for the County of Chatham. I put that in the form of a motion.

Chairman Liakakis said, Jon [Hart], on that, what he —.

The Clerk asked, do we have a second on that? Commissioner Odell said, there's not a second. Commissioner Thomas said, I second it. Commissioner Kicklighter said, Dr. Thomas seconded it.

Chairman Liakakis said, alright, Jon [Hart], to use that exact wording, number one, that's not going to really help the problem because if somebody's from out of town and they are said to be a noncomplying or whatever the wordage might be, that's not going to help survive if they are doing a development and it hasn't been completed properly, or whatever the case might be. So wouldn't we need something in there to show a requirement that certain things need to be done so that the particular development would be able to meet the requirements.

Commissioner Kicklighter said, no sir, because it would have to come in front of us and they would have to show cause for that determination and at that point it would be presented and if there was enough evidence, then it could be and if it was not, then it wouldn't be.

Commissioner Odell said, let me ask a question. Is there any other municipality unincorporated area to your knowledge, Jon [Hart], that has such an ordinance? County Attorney Hart said, no. Commissioner Kicklighter asked, no where in the country? County Attorney Hart said, I can't answer that question, but I'll look if you want me to. Commissioner Odell said, my concern about this at this point is that the devil is going to be in the details. I mean, conceptually I understand that, but the process, in order to make this work —.

Commissioner Kicklighter said, I don't want us to approve that ordinance today. I want to approve him writing it and finding the best legal way to write it and present it back. It's a conceptual approval of something in that manner, but that part would have to be worked out.

Commissioner Odell said, okay, so the gist of your motion is simple that he draft and return and we will review. Can we also get as part of that motion that anything drafted would be also reviewed by the Home Builders Association? County Attorney Hart said, my intention when I threw these suggestions out, these suggestions some of which came out of the meeting with the Home Builders, Mr. Wardlaw is correct. Some of the ideas there were actually suggestions of the Home Builders.

Commissioner Kicklighter said, and this is not my solution to this problem. This is the beginning and I want them to keep working, and I amend my motion to include you looking at that. Commissioner Thomas said, yes.

Commissioner Odell said, so this is just a draft. This is seeking information and also a legal opinion as to the constitutionality of what you seek. County Attorney Hart said, yes sir, we can do that. Commissioner Thomas said, that's all we ask. Commissioner Odell said, and the process because I think the devil is in the details.

Chairman Liakakis said, alright, Jack [Wardlaw], did you want to make any other statements?

Mr. Wardlaw said, if a contractor has done work on a job and there's a difference between the developer and the contractor, if the contractor has done the work in accordance to the plans that have been agreed upon by both the County and the developer, you're going to get into the day to day functioning between that developer and that contractor in determining who shot who and who's wrong. What I see the County's responsibility is, is to establish the standards as to what it's going to take to deliver that project to your standards and then you accept them. In this case we've got one project that has not met those standards — Willow Lakes. We all can agree on what those standards will be and how you deliver them, but my concern does the County want to get involved in the operations between the developer and the contractor, I'm a little concerned with —.

Commissioner Kicklighter said, with all due respect, I don't want to get involved but I've been forced to get involved, and no, to answer that, I don't think anyone wants to be involved, and no contractor would be brought up for something like that unless the project was completely abandoned like we have in this case. Mr. Wardlaw said, Commissioner Odell said the devil is in the details —. Commissioner Kicklighter said, right. Mr. Wardlaw said, — and you can see when you walk down that path what you're going to be creating. Commissioner Kicklighter said, and that's all we're asking is to dive into the details and bring them back.

Mr. Wardlaw said, one more comment. You probably have the ability today if a contractor that you know did not deliver a project according to those standards, you could stop them from doing Chatham County work today. So you have that ability right now.

Chairman Liakakis recognized Commissioner Shay.

Commissioner Shay said, Jonathan [Hart], do you work for free? Commissioner Thomas said, no. County Attorney Hart said, no. Commissioner Shay said, so if we pass a motion that says we want you to go out and research every other jurisdiction in the United States and give us a constitutional opinion on an ordinance that hasn't really been drafted yet, I mean, how much work are we talking about here? County Attorney Hart said, well, the every other place in the United States is a tall order.

Commissioner Kicklighter said, nobody asked you to do that. County Attorney Hart said, I can give you an opinion on the constitutionality of provisions [inaudible] and draft the provisions as best I know how to draft them.

Commissioner Odell said, I would prefer that we continue with the investigation and Jonathan [Hart] draft without the motion being formally done, which will reduce the time. Dean [Kicklighter], I understand your position but I honestly don't think that there's enough votes. I think your motion would fail and that is not what we need. What we need is to have — you have a problem. We need to have a solution. If we are forced to vote today on eleven and Jonathan [Hart] to do that, I'm no soothsayer, but it appears to me that there's not enough votes for that to carry; whereas, if you continue and we obtain the information, it might resolve your concerns and your problems. But the decision is yours. We can go forward to the vote, but I've looked around and I've seen the faces, and if we continue this, it's a win/win for everyone. We can investigate —.

Commissioner Kicklighter said, if I may — I'll wrap it up and I'll withdraw after I say this, if I can please. First of all, I know you work for a fee and I know we just withdrew three/four hundred thousand dollars to pave a sidewalk around a lake a few minutes ago, so protecting —. Commissioner Shay said, no, we didn't. Commissioner Kicklighter said, — possibly protecting people to, you know, from flooding and everything, you know, that's not in the same realm of things, so be it. Great. I'll withdraw it. Just, you know —. Commissioner Odell said, just table it. Commissioner Kicklighter said, — I'll table it, but here's the thing with this. The next meeting I would like to see something that appears to be a decent option in front of us. I have not hastily done a thing. I've waited around years of flooding in hell now from people — hell on them and hell on me. So this ain't a hasty little thing, you know, and I'm sorry we just undoubtedly contacted y'all and thank y'all for volunteering to do it, but I and those people have caught about all the hell we can take. So at the next meeting I want something in front of me to make a motion where I can either tell those people I represent that yes they're going to help you or no they're not. It's been years of putting them off now, and that's all I ask from this group. At that meeting I want a yes or a no and so be it. They know I'm trying to get something done for them, and so can we at least have that to have something in front of us. Let's give it one month from today. They can't do it in two weeks. Let's give them a month, and can we come up with something in a month?

Chairman Liakakis said, alright. Let me —. Commissioner Kicklighter said, I'll withdraw my motion. Chairman Liakakis said, he withdraws and so did Priscilla [Thomas]. Let's do this then, let's — County Attorney, the County Manager, you get with your staff, the Engineering staff, the Inspections department for the County and, Jack [Wardlaw], if you would have a group there and bring things out what Dean [Kicklighter] has discussed, you know, those particular things, and something that will solve the majority of the problems that we have, and to address those things at Willow Lakes. And so if you will bring that back in 30 days to ours, okay? County Manager Abolt said, yes sir. Chairman Liakakis said, alright, we want to do that. So let's move on from there.

Commissioner Stone said, Mr. Chairman. Chairman Liakakis recognized Commissioner Stone. Commissioner Stone said, just a couple of things. Do we need to make a motion to continue this for a month? Chairman Liakakis said, no, he withdrew so we don't have to do that. Commissioner Stone said, alright. The second thing is a point of order, Mr. Chairman. We did not approve the sidewalk. What we approved was for it to be put out for bid, and I just want that corrected for the record.

Commissioner Kicklighter said, does the staff have an understanding to bring us back something in a month?

Chairman Liakakis said, oh, yeah. I mean, I just let the County Manager to do that with all the staff, the Home Builders and all.

County Manager Abolt said, I did want to say, the moment is here. You brought it here and the Home Builders responded and let's take advantage of the moment.

Commissioner Kicklighter said, thank y'all very much.

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

The Board discussed the problems that are being encountered at Willow Lakes and staff was instructed to meet with Home Builders Association and bring back suggestions to the Board at the second meeting in November, 2009.

**AGENDA ITEM: VII-2**

**AGENDA DATE: October 16, 2009**

**TO:** Board of Commissioners

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

**FROM:** R. Jonathan Hart, County Attorney and Suzanne Cooler, Senior Engineer

**ISSUE:**

Informational item regarding Willow Lakes.

**BACKGROUND:**

The County Attorney's Office and County Engineering Department were requested to provide a list of suggestions to the County Commission for consideration to ensure that development is performed in a responsible manner and that the County has avenues of recourse against non-compliant developments. It is important to note that each of the recommendations could carry significant increase and overall development costs that could substantially impact the building industry or pass along costs to future homeowners. Clearly, the County, prior to implementation of any of these suggested policies, must weigh the benefits received against the costs of imposing such requirements. The adoption of any of these principles is a policy matter to be determined by the Board of Commissioners.

**FACTS AND FINDINGS:**

See attached.

**FUNDING:**

N/A

**POLICY ANALYSIS:**

N/A

**ALTERNATIVES:**

For information only.

**RECOMMENDATION:**

For information only.

DATE: October 13, 2009

TO: R.E. Abolt, County Manager

FROM: R. Jonathan Hart, County Attorney  
Suzanne Cooler, Senior Engineer

SUBJECT: Follow-up Issues from Willow Lakes Property Owners Meeting  
(Your memo of same subject, dated September 30, 2009)

Most development construction within Chatham County is performed in a competent and responsible manner. Unfortunately, there are a few that are neither responsible, nor perform in a responsible manner. The County has historically refused to accept development improvements which are not constructed in accordance with the County's minimum development standards. For the most part, the refusal to accept improvements for maintenance has been an incentive for developers to construct improvements in a manner so as to ensure acceptance. However, as of late, there appears to be some developers who are non-compliant and will not finish punch lists for purposes of acceptance by the County. Additionally, due to the economic downturn, there are developers that no longer have the economic wherewithal to complete structures as designed or continue appropriate maintenance during the warranty period. Difficulty in attempting to enforce collection arises, given that most developments are constructed by single purpose development entities, that upon completion of the development, have no assets against which the County has any real significant enforcement protection.

A review of the County's subdivisions has indicated that the following public subdivisions have not been closed out and accepted for maintenance:

- Burnside View, Phase D;
- The Colony at Georgetown, Phase 2;

- Settlement Ease, Phase 4;
- Olde Towne, Phase 9;
- Cypress Point, Phase 2;
- Riverbluff, Phase 3;
- Betz Creek, Phase 6 C;
- Oaklane;
- Berwick Lakes, Phases 2, 3, 5, 6, and 7; and
- Willow Lakes, Phases 1 and 2.

As a result of meeting with the Homebuilders Association and revisiting each of these developments, the Board will consider acceptance of each of the above, except Berwick Lakes and Willow Lakes, at their meeting on October 16, 2009.

We were requested to provide a list of suggestions to the County Commission for consideration to ensure that development is performed in a responsible manner and that the County has avenues of recourse against non-compliant developments. It is important to note that each of the following recommendations could carry significant increase and overall development costs that could substantially impact the building industry or pass along costs to future homeowners. Clearly, the County, prior to implementation of any of these suggested policies, must weigh the benefits received against the costs of imposing such requirements. The adoption of any of these principles is a policy matter to be determined by the Board of Commissioners. The potential recommendations are as follows:

1. Require the acceptance of cash only bonds. The result of this requirement of cash bonds to ensure completion of improvements, would certainly solve the problem. However, as a practical matter, it would be exceedingly expensive and narrow the field of potential developers and homebuilders due to heavy economic requirements. The costs that will result in barriers to the entry into the homebuilding development market.
2. Given the pressure which financial banking institutions currently have within the market, the letters of credit issued by banks often contain many complicated limitations as to collection. By way of example, many letters of credit incorporate within their language of the International Standby Practices regarding Letters of Credit (1998). These provisions are designed to protect the bank and limit the applicability of the letter of credit. In the past, when the County has attempted to require specific language within the letter of credit, local banking institutions will not issue the letter of credit.
3. The County could attempt to adopt express language for performance and maintenance bonds requiring a separate individual bond to cover each purpose. However, given the current economic conditions, it is difficult to obtain performance and maintenance bonds, and the County may be faced with a situation of the bonding company's refusal to accept the proposed language. We intend to discuss this issue with the City of Savannah to determine if they have found acceptable language which has traditionally protected the City, but has been acceptable to the bond industry.
4. Consideration should be given to amend or modify the Subdivision Construction Agreement so as to not only require the execution of same by the development entity, but require a guarantee of performance and maintenance by the individual principals that are the dominant shareholders within the development entity. Assuming the document was to be properly guaranteed, this may provide the County with an additional avenue to pursue individuals in addition to the development entity. The requirement of individual guarantees may have some chilling affect on securing some of the larger, more responsible developers doing business in the County. Personal guarantees are only as good as the person giving the guarantee.
5. Consider lengthening the warranty and maintenance period from twelve months to twenty four months.
6. Place limitations on the ability of the developer to plat a specific number of lots or limitation on sale of lots until such time as infrastructure is approved and accepted by the County. While on its face this may appear to be acceptable, it should be remembered that it will increase costs, since development will have to occur in a number of smaller phases and could delay development should the County extend its warranty period from twelve months to twenty four months.

7. Currently, storm water management requirements, as well as flood damage prevention issues, address flooding in habitable portions of the dwelling. The County could attempt to extend design parameters to include elevation of garages and utility portions of the house, so as to impede flooding in the non-habitable areas of the homes. This could have significant impact on the cost of future homes.
8. The County could rewrite development codes so as to ensure that all developments are designed in a manner so as to demonstrate that there will be no street flooding, irrespective of precipitation amounts. This would mean modifying design criteria so as to make the minimum design standard either for a 25 or 50 year rainfall event. It should be noted that as one increases the standard for rainfall events, it will directly impact the costs of development and prices as to future homeowners. Additionally, increasing this design standard will indirectly substantially increase the Countywide maintenance cost for all public roadways and utilities. Clearly, there will be substantial budget implications.
9. Consider a limitation as to the number of Certificate of Occupancies that will be granted within a subdivision prior to the acceptance of infrastructure developments for maintenance. Again, while the concept is simple to state, the application of the concept to each unique development scenario will be complicated and will result in a negative unintended consequence.
10. The County could consider a requirement of a partial cash bond backed up by maintenance and performance bonds. The cash portion would be refundable to the developer upon acceptance of the improvements and would be an incentive for completing the improvements. The amount, or percentage amount, would have to be subject to extensive negotiations, so as to ensure that they are fair and reasonable and not an impediment to the smaller responsible developers. This concept is somewhat uncharted territory.
11. Consideration of the development of a method by which the Board of Commissioners could recognize individuals or other legal entities as not being a responsible developer and refuse to grant future development permits. Assuming one were to obtain a process by which this could be obtained and withstand the legal challenge, there would be nothing to prohibit an entity on the list from reorganizing into a new development entity not associated with the barred entity on the list. The attempts at creating such lists have been challenged successfully by homebuilder associations.

Currently, Engineering and the County Attorney's Office are working to redraft and combine into a single ordinance the Storm Water Management Ordinance, Soil Erosion and Sedimentation Control Ordinance, and Land Disturbing Activities Ordinance. The Comprehensive Land Development Ordinance will address the issues with sidewalk construction and improve inspection requirements.

In regard to Willow Lakes, which has been subject to much discussion, the Department of Engineering is in the process of developing two SPLOST projects that should improve outfall drainage from the subdivision. Unfortunately, due to the typography and elevations within the subdivision, the current drainage system extremely limits possible design modification. Given this, design improvements are going to have to be made outside the development to provide adequate outfall of the storm water. The Board will consider awarding the contract for construction of Phase 1 at their meeting on October 16, 2009. Phase 2 is in the preliminary design phase and could possibly begin construction in approximately one year. Until the two projects are complete, digging the ditch along Willow Lakes Drive will not provide relief and may cause flooding on adjacent private property.

The developer in this case, Willow Lakes Plantation, LLC, has its principal office in St. Augustine, Florida 32080. The registered agent is Henry M. Feinstein, in Atlanta Georgia.

RJH/jr

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### **3. PROCLAMATION RECOGNIZING WHITE CANE DAY (COMMISSIONER THOMAS).**

Chairman Liakakis recognized Commissioner Thomas.

Commissioner Thomas said, first of all, while she's coming, I would like to thank the Chairman Pete Liakakis and the Manager and others who took the time on yesterday to participate in the parade on the courthouse steps followed by a luncheon on yesterday, which I had the privilege of being their keynote speaker for this special occasion. We want all of our citizens to understand that the persons with the white canes and other handicaps are very special people to our community and to our society, and they are no different from us and we want you to know that. So at this time I'd like to read the proclamation to you.

Chairman Liakakis said, do it at the microphone because sometimes they don't hear it, Priscilla [Thomas], and want them to know what that is.

Commissioner Thomas said, thank you, Mr. Chairman. It says:



**WHEREAS**, more and more visually impaired Americans are attaining independence in their daily lives, and we, the Chatham County Board of Commissioners, can all reflect gratefully on the role of the white cane in the lives of our visually impaired citizens; and

**WHEREAS**, Savannah Association for the Blind, Incorporated, a private, nonprofit agency established in 1963, provides rehabilitation services designed to help blind and visually impaired individuals in all walks of life function independently in their homes and in the community; and

**WHEREAS**, thanks to the white cane and public awareness of it, blind and visually impaired people can travel and conduct daily activities successfully; and

**WHEREAS**, the white cane has affected the lives of its users so profoundly that it has become a symbolize of freedom and self-reliance for blind and visually impaired citizens everywhere. This simple but effective tool helps many people with visual impairments build fuller lives.

**NOW, THEREFORE**, I, Pete Liakakis, Chairman, on behalf of the Chatham County Board of Commissioners, do hereby recognize Savannah Association for the Blind, Incorporated for their participation in the October 15, 2009:

#### WHITE CANE DAY

in Chatham County which allows all citizens the opportunity to congratulate their friends, neighbors, and fellow citizens who use the white cane to such good advantage for themselves and for our community.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of Chatham County, Georgia to be affixed this the 16<sup>th</sup> day of October 2009.

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Pete Liakakis, Chairman  
Chatham County Commission

**ATTEST:** \_\_\_\_\_  
Dr. Priscilla D. Thomas, Vice Chairman  
District 8 Representative

Commissioner Thomas said, we thank you and we appreciate you, and we want our citizens to not just to be a alert on these two days, but every day throughout the year.

Ms. Ava Acrum said, I just wanted to thank you —. Chairman Liakakis said, identify yourself for the record. Ms. Acrum said, my name is Ava Acrum. I'm the President of Savannah Association for the Blind Peer Support Group, and I just wanted to thank everyone who helped us yesterday on our parade. That was a wonderful celebration. Savannah Association for the Blind, the National Federation for the Blind, and Savannah Council for the Blind will receive this certificate of recognition for White Cane Day. Thank you very much.

Chairman Liakakis said, thank you. We really appreciate what all three organizations to help those people in our community that are visually impaired and also the blind people in our community because we can see because of the efforts of those three organizations that many citizens who are blind and have that visibility impairment are able to live independently because of the training and the support and the resources they get from these three organizations. So thank you on behalf of the Chatham County Commission. Ms. Acrum said, thank y'all very much.

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**CHATHAM AREA TRANSIT AUTHORITY**

Chairman Liakakis declared a recess in the meeting as the County Commission at 11:59 a.m., for the Board to take a short break and then to convene as the Chatham Area Transit Authority.

Following adjournment of the Chatham Area Transit Authority, the Board reconvened at 1:00 p.m., as the County Commission.

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**VIII. TABLED/RECONSIDERED ITEMS**

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

- 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. (SEE MEMO FROM COMMISSIONER HOLMES).**

Commissioner Kicklighter said, move to untable. Commissioner Stone said, second. Chairman Liakakis said, let's go on the board. The motion carried unanimously. [NOTE: Commissioners Farrell and Odell were not present.] Chairman Liakakis said, the motion passes.

Chairman Liakakis said, Mr. Chairman, I'd like to delay this matter again for a period of one month. The attorney recommended to us that we couldn't just continue to leave it on the table.

County Manager Abolt said, I'm practicing Jon Hart law, I believe parliamentary all you need is a motion to establish the continuation of this on the table —. Chairman Liakakis said, table. County Manager Abolt said, why don't you pull that it off — my curbstone law — why don't you pull it off and put it back on the table to start another three meetings. If you put it back on the table and that would give you the life of three meetings.

Commissioner Shay said, what he said, what he said I make a motion. Commissioner Kicklighter said, second.

Chairman Liakakis said, let's go on the board. Chairman Liakakis and Commissioners Stone, Shay, Gellatly, Kicklighter and Thomas voted in favor of the motion. Commissioner Holmes voted in opposition. The motion carried by a vote of six to one. [NOTE: Commissioners Farrell and Odell were not present.] Chairman Liakakis said, okay, the motion passes. Now that particular motion covered the — we need the motion for the 30 days now or is that included in your, Patrick [Shay]. Commissioner Shay said, it was included. Chairman Liakakis said, okay, then that's good enough.

**ACTION OF THE BOARD:**

- a. Commissioner Kicklighter moved to take this item from the table for consideration by the Commissioners. Commissioner Stone seconded the motion and it carried unanimously. [NOTE: Commissioners Farrell and Odell were not present.]

- b. Commissioner Shay moved to place this item back on the table for consideration at the next meeting of the Commissioners. Commissioner Kicklighter seconded the motion. Chairman Liakakis and Commissioners Stone, Shay, Gellatly, Kicklighter and Thomas voted in favor of the motion. Commissioner Holmes voted in opposition. The motion carried by a vote of six to one. [NOTE: Commissioners Farrell and Odell were not present.]

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**2. \*PURCHASING ITEM J WAS TABLED AT THE SEPTEMBER 25, 2009, MEETING.**

<u>ITEM</u>	<u>DEPT.</u>	<u>SOURCE</u>	<u>AMOUNT</u>	<u>FUNDING</u>
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

***See report from Juvenile Court Administrator.***

Chairman Liakakis said, Purchasing Item J was tabled at the September 25<sup>th</sup>, 2009, meeting and it was the annual contract with automatic renewal options for four additional one-year terms to provide janitorial services to Juvenile Court. Mr. County Manager? County Manager Abolt said, motion to take it off the table, Mr. Chairman. Chairman Liakakis said, we need a motion on the floor to take it off the table. Commissioner Stone said, so moved. Chairman Liakakis asked, do we have a second? Commissioner Gellatly said, second. Commissioner Holmes said, second. Chairman Liakakis said, let's go on the board. The motion carried unanimously. [NOTE: Commissioners Farrell and Odell were not present.] Chairman Liakakis said, the motion passes.

County Manager Abolt said, Mr. Chairman, you do have a response from Crystal Cooper, the Juvenile Court Administrator, based on the inquiry of Commissioner Kicklighter as to whether or not juvenile detainees [inaudible] the need for a contractor due to custodial work. Ms. Cooper, who was available, I don't know if she's still here, put to writing her comments and those shared by the judges as far as a supervisory work load of any children cleaning in the courthouse or in the administrative areas of juvenile court plus the concern for employees' safety and also the judges.

Commissioner Stone said, it was mine. County Manager Abolt asked, it was your's. I'm sorry. Commissioner Kicklighter said, thank you because I really — I know I'm kind of losing it, but that really made me worry. Commissioner Stone said, it was my question. I was just, you know, wondering if since the Sheriff uses some of his — members of his Detention Center, if we could use the same procedure for some of the juveniles that might not be violent offenders. Though it seems a little bit ridiculous to pay somebody to come clean up after juveniles when they're sitting in our detention centers and we're spending tax dollars to keep them there, and I did not know if — I think the Sheriff calls them trustees — if we had a category similar to that of detainees in the juvenile detention center that could help with the janitorial services to save the taxpayers from having to pick up that expense.

County Manager Abolt said, I apologize for not identifying you, Commissioner Stone. You have the report from Crystal Cooper. I also want to point out that the County does not house the regional youth detention. This is State custodian.

Commissioner Stone said, I understand. I just didn't know if the procedure that was used here locally could be implemented there.

County Manager Abolt said, Ms. Cooper is here.

Ms. Crystal Cooper said, good afternoon, Chairman and Commissioners. As Mr. Abolt pointed out, that center is a state-run facility and they do not have a trustee program. The children that stay in the RYDC, the Savannah RYDC are short-term detainees, so they have no such program.

Commissioner Stone said, well, then my question has been answered, Mr. Chairman.

Chairman Liakakis said, okay. Commissioner Kicklighter said, motion to approve. Chairman Liakakis said, we need a second. Commissioner Shay said, second. Chairman Liakakis said, let's go on the board. The motion carried unanimously. [NOTE: Commissioners Farrell and Odell were not present.] Chairman Liakakis said, the motion passes.

**ACTION OF THE BOARD:**

- a. Commissioner Stone moved to take this item from the table for consideration by the Commissioners. Commissioners Holmes and Gellatly seconded the motion and it carried unanimously. [NOTE: Commissioners Farrell and Odell were not present.]

- b. Commissioner Kicklighter moved to approve Item J for an annual contract with automatic renewal options for four (4) additional one (1) year terms to provide janitorial services to Juvenile Court. Commissioner Shay seconded the motion and it carried unanimously. [NOTE: Commissioners Farrell and Odell were not present.]

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**IX. ITEMS FOR INDIVIDUAL ACTION**

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

- 1. **REQUEST BOARD APPROVAL OF THE FOLLOWING BUDGET TRANSFERS AND AMENDMENTS: (1) GENERAL FUND M&O TRANSFERS OF (A) \$26,000 WITHIN THE MOSQUITO CONTROL BUDGET FROM OPERATING LINE ITEMS TO PERSONAL SERVICES, (B) A \$24,000 TRANSFER FROM CONTINGENCY TO MARINE PATROL FOR DERELICT BOAT REMOVAL, AND (C) A \$6,890 TRANSFER FROM CONTINGENCY TO THE COUNTY ATTORNEY’S OFFICE FOR SALARIES AND BENEFITS, (2) CONFISCATED REVENUE FUND APPROPRIATION OF \$58,216 FUND BALANCE FOR THE COUNTER NARCOTICS TEAM, AND (3) SALES TAX IV TRANSFER OF \$25,024 FROM RESERVE FOR NON-PROFIT ORGANIZATIONS TO RAPE CRISIS (\$7,150) AND ASH TREE (\$17,874).**

Chairman Liakakis said, we need a motion for approval. Commissioner Stone said, so moved, Mr. Chairman. Commissioner Holmes 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: Commissioners Farrell and Odell were not present.] Chairman Liakakis said, the motion passes.

**ACTION OF THE BOARD:**

Commissioner Stone moved that the Board approve the following budget transfers and amendments: (1) General Fund M&O transfers of (a) \$26,000 within the Mosquito Control budget from operating line items to personal services, (b) a \$24,000 transfer from contingency to Marine Patrol for derelict boat removal, and (c) a \$6,890 transfer from contingency to the County Attorney’s office for salaries and benefits, (2) Confiscated Revenue Fund appropriation of \$58,216 fund balance for the Counter Narcotics Team, and (3) Sales Tax IV transfer of \$25,024 from Reserve for Non-profit Organizations to Rape Crisis (\$7,150) and Ash Tree (\$17,874). Commissioner Holmes seconded the motion and it carried unanimously. [NOTE: Commissioners Farrell and Odell were not present.]

**AGENDA ITEM: IX-1**  
**AGENDA DATE: October 16, 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 transfers of (a) \$26,000 within the Mosquito Control budget from operating line items to personal services, (b) a \$24,000 transfer from contingency to Marine Patrol for derelict boat removal, and (c) a \$6,890 transfer from contingency to the County Attorney’s office for salaries and benefits, 2) Confiscated Revenue Fund appropriation of \$58,216 fund balance for the Counter Narcotics Team, and (3) Sales Tax IV transfer of \$25,024 from Reserve for Non profit Organizations to Rape Crisis (\$7,150) and Ash Tree (\$17,874).

**FACTS AND FINDINGS:**

- 1. The Mosquito Control Director has requested a transfer of \$26,000 within the department’s budget to fund a position reclassification. The transfer will be from operating line items to personal services. A staff report is attached.
- 2. The Counter Narcotics Team Director has requested an appropriation of confiscated funds. The request includes \$5,000 for training, \$20,000 for purchase of evidence and purchase of information, and \$33,216 for surveillance equipment. The total of \$58,216 will come from FY2009 fund balance carried forward. A resolution is attached.

- 3. The Sales Tax IV transfers will bring project budgets for Rape Crisis and Ash Tree to their original amounts. The amounts needed are \$7,150 for Rape Crisis and \$17,874 for Ash Tree. The funds will come from the Reserve for Non profit Organizations.
- 4. The Chief of Police has requested funding in the amount of \$24,000 for derelict boat removal. Funds will come from General Fund M&O contingency. Correspondence is attached.
- 5. The County Attorney is requesting a contingency transfer for salary adjustments in his department. The amount is \$6,890. Correspondence is attached.

**FUNDING:** Funds are available in the General Fund M&O, and the Sales Tax IV Fund for the transfers. A budget amendment will establish funding in the Confiscated Revenue Fund.

**ALTERNATIVES:**

(1) That the Board approve the following:

**GENERAL FUND M&O**

- a) transfer \$26,000 within the Mosquito Control budget from operating line items to personal services,
- b) transfer \$24,000 from contingency to Marine Patrol for derelict boat removal.
- c) transfer \$ 6,890 from contingency to the County Attorney budget for salary and benefits.

**CONFISCATED REVENUE FUND**

Appropriate \$58,216 fund balance for the Counter Narcotics Team.

**2003-2008 SPLOST FUND**

Decrease Reserve for Non profits \$25,024 and increase Rape Crisis \$7,500 and Ash Tree \$17,874.

(2) Amend or deny the request.

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

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

Prepared by: Read DeHaven

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**2. REQUEST BOARD APPROVE A “NOTICE OF INTENT” TO SEEK CHATHAM COUNTY’S ALLOCATION FOR QUALIFIED ENERGY CONSERVATION BONDS.**

Chairman Liakakis said, Mr. Attorney. Commissioner Kicklighter said, motion to approve. Commissioner Gellatly said, second. Chairman Liakakis said, okay. Let’s go on the board. Oh, excuse me. Patrick [Shay]?

Commissioner Shay said, briefly I just want to point out that this is in some way similar to the motion that we made earlier about Economic Recovery Zone Bonds. This is an opportunity for us to use an allocation and qualify for the opportunity to sell to investors bonds so that their capital would be used for Qualified Energy Conservation Improvements. They could be used for public buildings up to 30%, as I understand it, for private enterprise.

Mr. Pat Monahan said, and that’s where these bonds differ from typical tax exempt issue bonds. The authorized purposes is much far expanding than typical tax exempt issues. Chatham County is fortunate because of the Downtown Savannah Authority that under typical situations the County could issue bonds through that Authority for any public improvements, including those that relate to energy efficiency, but the advantage of the Qualified Energy Conservation Bonds that it expands the uses, including 30% of it can be used for private activity. In addition to that, it can be used for a number of soft costs, for example public information campaigns related to conservation, as well as developing community green programs and contracting with, let’s say, an organization like the Chatham Environmental Forum. So the County’s first step, the County must notify the Georgia Environmental Facilities Authority of our interest. It would be somewhere in the neighborhood of \$1.2 million. In addition, for those governments that do not signify an intent to issue the bonds, that amount can be increased by 10%, so we would be looking somewhere in the neighborhood of \$1.3 million, and the County — it’s non-binding and the County would have up to 18 months to decide how those funds would be used.

Chairman Liakakis said, need a motion on the floor. Commissioner Shay said, it's already been moved. Chairman Liakakis said, okay. Let's go on the board. The motion carried unanimously. [NOTE: Commissioner Farrell and Odell were not present.] Commissioner Shay said, thank you, Pat [Monahan]. Chairman Liakakis said, the motion passes.

**ACTION OF THE BOARD:**

Commissioner Kicklighter moved to approve a "Notice of Intent" to seek Chatham County's allocation for qualified energy conservation bonds. Commissioner Gellatly seconded the motion and it carried unanimously. [NOTE: Commissioners Farrell and Odell were not present.]

**AGENDA ITEM: IX-2**  
**AGENDA DATE: October 16, 2009**

**DATE:** September 15, 2009

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

**FROM:** Pat Monahan, Asst. County Manager

**SUBJECT:** Qualified Energy Conservation Bonds

As a point of clarification on your September 14 memo about the Qualified Energy Conservation Bonds, the November 2 deadline relates only to filing a *Notice of Intent* with the Georgia Environmental Facilities Authority to access the funds. Chatham County has 18 months from November 2 to develop a project and issue the bonds. The November 2 deadline also remains important since the funding reserved for qualified local governments which do not submit a *Notice of Intent* will be reallocated (either by the state to lower its bond costs or reallocated to those governments which file a *Notice of Intent*).

As I noted, I am meeting with City of Savannah representatives next week to discuss possible projects for partnering and lowering bond issuance costs. According to the formula, Chatham County would be eligible to issue bonds totaling \$1,243,7218, while the City of Savannah would be eligible to issue bonds totaling \$1,372,082. Only 24 local governments in Georgia are classified as "allocation designees" and eligible for this program.

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**3. UPDATE ON THE WORK OF THE CHATHAM COUNTY RESOURCE PROTECTION COMMISSION IN PURSUING THE PROTECTION OF CHATHAM COUNTY'S NATURAL AND CULTURAL RESOURCES THROUGH MEANS INCLUDING FEE SIMPLE ACQUISITION, THE CREATION OF CONSERVATION EASEMENTS, OR THE PURCHASE OF DEVELOPMENT RIGHTS.**

Chairman Liakakis said, Mr. Manager.

County Manager Abolt said, yeah. This very simply as you described it so well, this is another move toward not just becoming the greenest county, but continuing to establish your legacy, Mr. Chairman and that of the Board, as far as being concerned about protecting natural and cultural resources for generations to come. You'll be discussing in Executive Session the potential acquisition of certain properties. This in effect says we're on course and I want to also point out when you look at your individual action situation, you have several items on here which are companion with not just being the greenest county, but also stimulating the local economy and, because of your leadership over time and what you do today, you're making a significant step as nine members of a County Commission to not just keep it going, but looking at changing the future of this County for the better.

Chairman Liakakis recognized Mr. Patrick Monahan.

Mr. Monahan said, if I may, I'll just introduce today's presentation. In April of 2008 the Commission adopted the Resource Protection Ordinance, and just to let you know the significance of it, one of the directors of one of the leading conservation organizations in America told me that based on his review of the ordinance, he thought it was a model for the United States. So the Commission established a Resource Protection Ordinance and the Resource Protection Commission, which actually formalized the process of how the County identifies and prioritizes conservation lands for purchase, and these are not only conservation but also of historical interest, and with us today is the Director of the Resource Protection Commission — I guess you call it Director — staff leading, staff member, Joanna Bounds, and I think she's going to take you through the process of how the Resource Protection Commission determines the priorities and then in Executive Session I'll be discussing with you those five priorities and what the next steps are.

Ms. Bounds said, good afternoon, Mr. Chairman, members of the Commission. My name is Joanna Bounds and I am the staff person for the Resource Protection Commission. I am employed by the Metropolitan Planning Commission and I'm here today to give you an update on the progress that we've made towards protecting the County's natural and historic resources. As Mr. Monahan just mentioned, the Chatham County Resource Protection Commission was established in April of 2008 when you all adopted the Resource Protection Ordinance. To highlight again what Mr. Monahan said, we are actually will be presenting this ordinance as a model at the upcoming Georgia Land Summit that will be held here on October 22<sup>nd</sup>.

Pursuant to this ordinance, we have been tasked with too many things. First, identifying all of the sites within Chatham County that are of significant natural, historic and cultural value, and then finding ways to protect these sites, whether that be through creating conservation easements, purchasing development rights or fee simple acquisition. We have a number of options available to us. We're to create a standard procedure for the work that we do. The ordinance also mandated that we create two policies, a site ranking criteria policy and a site acquisition policy. We have developed and adopted both of these, and our site ranking criteria policy outlines the procedure for ranking sites. It includes three main steps: site identification, site evaluation and then finally site ranking. This policy also outlines a set of 14 criteria that we will use to evaluate sites. These are the 14 criteria here in front of you and though you may not be able to read each of these, I just put it up here to give you an idea of the sort of things you look for when you evaluate a site. As you may be able to tell, there are six criteria that deal with the site's environmental value, four that assesses the historic and cultural value, three that determine it's public use value, and one that seeks to determine if there are any partnerships that are available for protection.

Then moving on to site acquisition policies, this policy outlines the procedure for protecting and managing sites. Specifically, it addresses the process for site protection and the creation of management plans and will enact these management plans in order to ensure that the resources are protected and maintained into perpetuity. Once we have these policies established, we then begin the process that eventually leads to protecting resources.

We started this process by creating the database, the resource protection database. This is simply just a list of all the sites that we've identified within the County that are of again natural and historic significance and this list currently contains 112 sites. These have been nominated by members of the public, members of the RPC and members of the previous MPC Resource Protection Committee, which is our predecessor. This site is a living document and it will be added to as more and more sites are identified. Once we have an initial list compiled, we then created — excuse me — completed a preliminary analysis of all the identified sites, and we did this in order to determine which ones would be the most important to evaluate first. For those that we deemed were the most important to evaluate, we then conducted individual field evaluations of these sites.

The field evaluations simply entail does it [inaudible] a site by members of the Technical Advisory Committee and myself and a subsequent evaluation of the property. To any evaluation we score a site for each of those 14 criteria that I showed you previously, we add up all those scores, and then we use the total to rank a site against all the others. At this point we have formally evaluated and ranked 23 properties, and what we're finding that the sites that are ranking the highest, they all exhibit similar characteristics. For example, they all contain large intact tracks of rare habitat. Many of them contain civil war earthworks. They all support rare and endangered species. Many of them contain archeological remains and some of them even have recreational trails that have already been built and are being used on them. For example, one of our highest ranking properties contains 310 acres of maritime forests located on a single marsh hammock. It also [inaudible] a woodstorks rookery and woodstorks are endangered species and it contains civil war earthworks. The bottom picture on your screen is of a confederate battery that still exists on the property.

For these sites that are ranking the highest, we want to try to find a way to protect them and we want to pursue this protection by working with the landowners. An important fact of this program I really want to stress is that it's completely voluntary. At any point a landowner isn't interested in working with us or they don't want to protect their land for whatever reason, we'll cease attempt to protect the property. But for those who are interested, we'll work with them, we'll sit down and have some discussions to determine what the best method is for protecting their property. Once we determine that, we'll then come back to you, the Chatham County Commission, for approval of that measure. If it's approved, we'll carry it out and then again we'll create a management plan for the property. These management plans will entail the use that will be allowed on the property, any improvements that need to be made, any conservation measures that need to be taken, and again this is just to ensure the protection and maintenance of those resources into perpetuity.

Just as a sort of recap of everything I've gone over here today, the RPC within a year has developed and adopted two policies: a site ranking criteria policy and a site acquisition policy. We have compiled a Resource Protection Database and completed a preliminary analysis of all the identified sites and we have formally evaluated and ranked 23 properties. An important note here about the process that we followed is that it is a continual one. As sites are continued to be identified, we will keep evaluating them and as the highest ranking sites are protected or moved from the list, others will move up to take their place. Now if anybody has any questions, I'd be happy to answer them.

Chairman Liakakis asked, any questions? Well, as you know, that our County Commission is absolutely dedicated to make sure that we're the greenest county in the State of Georgia and one of the greenest counties in the entire country, and so we appreciate the work of our staff that everybody is doing, you know, for that to come about

because we see the acquisition of a number of pieces of property has put us way ahead of a lot of other places. Patrick [Shay]? Ms. Bounds said, thank you.

Commissioner Shay said, you know, Mr. Chairman, at Mt. Rushmore they have the faces of four great leaders carved into the side of the mountain. One of them is Teddy Roosevelt and part of the reason he's up there is because of all of the work he did establishing the National Park System. We don't have a Mt. Rushmore in Chatham County, but if we did I think you should be up there on it because you've helped us to do so much in preserving so much of our habitat and history here in Chatham County.

Chairman Liakakis said, well, thank you, but I appreciate all the other people in the Commission for what they are doing also. Ms. Bounds said, thank you so much. Chairman Liakakis said, thank you.

**ACTION OF THE BOARD:**

No vote was taken on this update on the work of the Chatham County Resource Protection Commission in pursuing the protection of Chatham County's natural and cultural resources through means including fee simple acquisition, the creation of conservation easements, or the purchase of development rights.

**AGENDA ITEM: IX-3**

**AGENDA DATE: October 16, 2009**

**TO: BOARD OF COMMISSIONERS**

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

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

**ISSUE:**

Provide an update on the work of the Chatham County Resource Protection Commission in pursuing the protection of Chatham County's natural and cultural resources through means including fee simple acquisition, the creation of conservation easements, or the purchase of development rights.

**BACKGROUND:**

The Chatham County Resource Protection Commission was adopted by the Chatham County Board of Commissioners on April 11, 2008.

The Ordinance requires the CCRPC to prepare and maintain the Chatham County Resource Protection Database, a list of properties identified for their natural and/or cultural significance that are prioritized for protection. The properties are prioritized based on the scores they receive during an evaluation. Each property in the Database is evaluated by members of the CCRPC's Technical Advisory Committee using a set of 14 site ranking criteria established in the CCRPC's Site Ranking Criteria Policy. These criteria address a site's ecological, historic/ cultural, and public-use values.

Over the past several months, the Technical Advisory Committee has evaluated and ranked identified properties according to the Site Ranking Criteria Policy. The CCRPC is now recommending the protection of the five highest ranking properties, which will be discussed in an Executive Session (property acquisition).

Negotiations will include discussions regarding the best method for property protection. These methods may include fee simple acquisition by Chatham County, the creation of conservation easements/restrictive covenants, the purchase of development rights by Chatham County, or any other acceptable method that will ensure the perpetual protection of a property's natural and historic resources.

It is important to note that negotiations are voluntary on the part of the landowner. If the owner of a property is not interested in protecting their property, the Assistant County Manager and the Resource Protection Professional will cease attempts to protect the land. For those properties that are successfully negotiated, the final protection measure will come back to the Chatham County Board of Commissioners for approval.

**FACTS AND FINDINGS:**

1. Pursuant to the Ordinance, the CCRPC adopted a Site Ranking Criteria Policy and a Site Acquisition Policy on January 15, 2009 and March 19, 2009, respectively.
2. The Chatham County Resource Protection Database was created, according to the Ordinance's specifications, and includes properties previously identified for

their natural and historic significance, and properties that have been recently nominated by the public. Currently, the Database contains 112 sites.

3. The Resource Protection Professional has completed a preliminary analysis of all sites using data available (satellite imagery, habitat maps, historical records, etc.) in order to determine which sites are the most important to evaluate first.
4. Members of the CCRPC Technical Advisory Committee, along with the Resource Protection Professional, have conducted field evaluations for 23 identified properties using the criteria documented in the Site Ranking Criteria Policy. Using the scores received during these evaluations, the properties were ranked and the CCRPC is now recommending the protection of the five highest ranking properties.
5. The five highest ranking properties contain significant features, including large intact tracts of rare habitats, civil war earthworks, rare and endangered species, archeological remains, and recreational trails.
6. Consistent with the Resource Protection Ordinance, protection of conservation properties will involve only property owners who are interested in protecting their property. If an owner declines to consider an offer, staff will cease attempts to protect the land.

**Funding:**

No funding is needed in order to authorize negotiations with the owners of the five highest ranking properties. For those properties that are successfully negotiated, funds for their protecting will come from Chatham County's greenspace funding and possible grants.

**POLICY ANALYSIS:**

The purpose and intent of the Chatham County Resource Protection Ordinance is to establish a uniform procedure to provide for the protection in perpetuity for the use of areas with significant natural, historic, cultural or aesthetic interest or value and for the use of areas which protect current or future sources of potable water. Negotiating with the owners of the highest ranking properties in the Chatham County Resource Protection Database, allows for the determination of the best method for protection that will perpetually preserve the natural, historic, cultural, and aesthetic values of each property.

**RECOMMENDATION:** For information only (specific discussions about properties will be deferred to an Executive Session.

District 6, District 7

PREPARED BY: Joanna H. Bounds  
Resource Protection Professional  
October 16, 2009

**DATE:** October 6, 2009  
**TO:** Chatham County Board of Commissioners  
**FROM:** Chatham County Resource Protection Commission  
**SUBJECT:** CCRPC Recommendation to Authorize Negotiations with Owners of Five Highest Ranking Properties

**PETITION REFERENCED:**

RPC-20090827-09-1

**CCRPC ACTION:** Approval of recommendation for Chatham County to continue the protection process Of the five highest ranking properties.

**CCRPC STAFF RECOMMENDATION:** Approval of recommendation for Chatham County to continue the protection process Of the five highest ranking properties.

**MEMBERS PRESENT:** 6 + Chairman

Dr. Dionne L. Hoskins, Chair	Dane Spencer
Felton Jenkins	Kristina Williams
James L. Miles Jr.	Paul H. Wolff
H. Meddy Settles	

<u>VOTING FOR MOTION</u>	<u>VOTING AGAINST MOTION</u>	<u>*ABSENT OR **FAILING TO VOTE</u>
Dr. Dionne L. Hoskins		*Elizabeth E. Arndt
Felton Jenkins		*Mark T. Bouy
James L. Miles Jr.		
H. Meddy Settles		
Dane Spencer		
Kristina Williams		
Paul H. Wolff		

FOR APPROVAL: 7                      FOR DENIAL 0                      ABSTAINING: 2

Respectfully submitted,

/s/

Thomas L. Thomson, P.E., AICP  
Executive Director

TLT/jb

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**4. REQUEST BOARD APPROVAL OF THE FISCAL YEARS 2011 THRU 2015 CAPITAL IMPROVEMENT PROGRAM CALENDAR AND AMEND THE SCORING MODEL TO INCORPORATE ENVIRONMENTAL AND ECONOMIC STIMULUS CRITERIA.**

County Manager Abolt said, you adopt this please, Mr. Chairman, again in the same umbrella I mentioned a few moments ago partnering with [inaudible] being green, environmentally conscious which your CIP will show you in rating, but also we want to advance your consideration and adoption to include economic stimulus so that come the middle of actually March-April of next year you adopt a CIP rather than June-July. That would allow us to go on the streets to construct to bid projects that will stimulate the local economy, and this is super.

Chairman Liakakis said, and all of that information of course is in your agenda book that you've been distributed. So we need a motion on the floor to approve this issue.

Commissioner Stone said, so moved, Mr. Chairman. Commissioner Holmes 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: Commissioners Farrell, Odell and Kicklighter were not present.] Chairman Liakakis said, the motion passes.

**ACTION OF THE BOARD:**

Commissioner Stone moved to approve the Fiscal Years 2011 through 2015 Capital Improvement Program Calendar and moved to amend the scoring model to incorporate environmental and economic stimulus criteria. Commissioner Holmes seconded the motion and it carried unanimously. [NOTE: Commissioners Farrell, Odell and Kicklighter were not present.]

**AGENDA ITEM: IX-4**  
**AGENDA DATE: October 16, 2009**

**TO:** Board of Commissioners

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

**FROM:** Linda Cramer, Finance Director

**ISSUE:** To request board approval of the Fiscal Years 2011 thru 2015 Capital Improvement Program Calendar, and amend the scoring model to incorporate environmental and economic stimulus criteria.

**BACKGROUND:** A five year Capital Improvement Program is prepared and submitted to the Board of Commissioners each year. An amendment to the scoring criteria is being submitted for consideration.

**FACTS AND FINDINGS:**

- (1) The FY 2011/2015 (July 1, 2010 thru June 30, 2015) Capital Improvement Program (CIP) calendar is shown in completion on page 3 herein and contains the following major target dates:
  - October 5, 2009 - Distribution of CIP packages
  - November 16, 2009 - CIP Committee convenes to rate projects
  - January, 2010 - Submit CIP workbook to Board of Commissioners
  - March, 2010 - Board of Commissioners appropriate funds
- (2) CIP workshops with the Board could be scheduled in early 2010.
- (3) The Board of Commissioners adopted a resolution calling for Chatham County to become “the greenest county” in Georgia on October 5, 2007. This resolution is consistent with the Board goal of establishing and maintaining effective management of the County’s resources. Staff recommends that a project be awarded 35 policy priority points if it meets a recommendation of the Chatham Environmental Forum.
- (4) The goal of stimulating economic growth can be included by awarding 35 policy priority points to projects that can be bid out quickly to create jobs for local businesses. Short term construction projects will fall in this category.
- (5) Approval of the calendar does not preclude the Board scheduling additional workshops or amending the target adoption date.

**FUNDING:**

N/A

**ALTERNATIVES:**

- (1) Approve the Fiscal Years 2011 thru 2015 Capital Improvement Program Calendar, and amend the scoring model to reward projects meeting environmental and economic stimulus criteria.
- (2) Amend the calendar and provide other direction.

**RECOMMENDATION:**

That the Board approve Alternative 1.

**PREPARED BY: Read DeHaven**

<b>CHATHAM COUNTY, GEORGIA                      FISCAL YEARS JULY 1, 2009 THRU JUNE 30, 2014                      CAPITAL IMPROVEMENT PROGRAM (PRELIMINARY) BUDGET                      CALENDAR</b>	
DATE	CIP ACTIVITY
October 1, 2008	FY 2010 - 2014 Capital Budget Packages Distributed
November 3, 2008	FY 2010 - 2014 Capital Budget Requests Due From Departments
November 12, 2008 – November 14, 2008	Meet with Project Managers to Discuss Annual Operating Impact of Projects

November 17, 2008 - November 21, 2008	CIP Committee Convenes to Rate Projects
December 1, 2008 – December 5, 2008	Finalize FY 2010 – 2014 CIP Identify Emergency Projects/Finalize Priorities
December 1, 2008 – January 5, 2009	Prepare FY 2010 – 2014 CIP Workbook
January, 2009	Submit FY 2010 – 2013 CIP Workbook to Board of Commissioners for Consideration
January, 2009- March, 2010	Workshops with Board of Commissioners
April, 2010	Board of Commissioners appropriate funds to projects.

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**5. REQUEST BOARD APPROVE AN APPLICATION AT BRONZE LEVEL FOR SUSTAINABLE GEORGIA AND COMMIT AS A PARTNER IN THE STATE-MANAGED PROGRAM TO REDUCE ENERGY USAGE CONSISTENT WITH THE RECOMMENDATIONS IN THE GREENEST COUNTY IN THE STATE OF GEORGIA PLAN.**

Chairman Liakakis said, I'm not out of superlatives, but here's another example on your agenda. You're making the next big step to documenting that you are the greenest county. This will create the marks on the wall to look at strategies that will eventually reduce our carbon footprint and consumption of energy. For this we expect for this effort along to receive the bronze recognition. I do want to recognize Pat Monahan and in the wings, though not here today, Dr. Lewandowski and all staff for moving along in a new way of looking at resources, not just dollars and cents, but God-given resources in nature.

Chairman Liakakis recognized Commissioner Shay.

Commissioner Shay said, Mr. Chairman, since 1992 I've been on and off the Chatham County Commission. I've had a lot of really proud moments as a Commissioner and I think this is the moment of which I am most proud of us as a group taking the decision to move forward here and become a leader in the State of Georgia and perhaps in the nation in measuring the amount of carbon that we create and then developing ways to reduce that primarily through energy conservation. If you look at the graph that's in here, you know, about half of all of the energy that we consume and therefore the carbon that we create, goes into buildings and facilities. We now spend \$2.2 million a year on energy to maintain those buildings. So if we were able to make progress in the future, 10%, 15%, 20%, 25%, we would be able to save taxpayers in the County right now considerable amount of money and also be very, very good environmental stewards. So this is the word conservative and the word conservation at its very, very best. Thank you all for all the hard work you've put into this. I know it was an awful lot of math involved and so many hours went into it. Thank you very, very much. I'd like to make a motion for adoption. Commissioner Stone said, second. Commissioner Thomas said, second.

Chairman Liakakis said, alright, let's go on the board. The motion carried unanimously. [NOTE: Commissioners Farrell, Odell and Kicklighter were not present.] Chairman Liakakis said, the motion passes.

**ACTION OF THE BOARD:**

Commissioner Shay moved to approve an application at bronze level for *Sustainable Georgia* and commit as a partner in the state-managed program to reduce energy usage consistent with the recommendations in the *Greenest County in the State of Georgia* plan. Commissioners Stone and Thomas seconded the motion and it carried unanimously. [NOTE: Commissioners Farrell, Odell and Kicklighter were not present.]

**AGENDA ITEM:** IX-5**AGENDA DATE:** October 16, 2009**TO:** Board of Commissioners**THRU:** R.E. Abolt, County Manager**FROM:** Patrick Monahan, Asst. County Manager**ISSUE:**

To approve an application at bronze level for *Sustainable Georgia* and commit as a partner in the state-managed program to reduce energy usage consistent with the recommendations in the *Greenest County in the State of Georgia* plan.

**BACKGROUND:**

In late 2008, Chatham County filed a pre-application for bronze level to become a partner in the *Partnership for Sustainable Georgia* program, which the Georgia Department of Natural Resources sponsors through its Sustainability Division. As part of the application process, the County needed to create a baseline of data as a measure against future goals. The County purchased software from ICLEI to calculate this organization's "carbon footprint," or the total amount of greenhouse gas emissions (i.e. amount of carbon dioxide). While staff initially thought the process would involve merely inputting data, it became much detailed and required obtaining statistical information which the organization has not traditionally accumulated nor used. For example, besides detailed energy usage and costs on each building, which required converting multiple meters to facility locations, the ICLEI software requires information about vehicle usage by type of vehicle, employee commuting, generators, streetlights, and water wells. Staff also included CAT's transit fleet (at the suggestion of the Chatham Environmental Forum's Climate Control Committee). This inputting required more than a thousand hours of staff time.

**FACTS & FINDINGS:**

1. The *Greenest County in the State of Georgia* plan recommends under "Energy Efficient County Buildings" that Chatham County acquire baseline energy data and reduce total energy consumption by 15% by 2010. Under Greenhouse Gas Reductions, countywide greenhouse gas emissions should be reduced by 20% by 2020.
2. Based on the ICLEI model, staff has calculated the organization's carbon footprint in 2007 (baseline year) at 21,091 tons at a cost of \$6 million. Here are a few tidbits of data (see Attachment 1 for "Summary Report") from 2007 (baseline year).
  - 2.1 The County's building and facilities consumed 191,021,977 of MBtus (million btus) with a carbon footprint of 6,411 tons at a cost of \$2,210,892. A 15% reduction would save some \$332,000.
  - 2.2 County vehicles consumed 71,852,336 Mbtus in fuel with a carbon footprint of 5,183 tons at a cost of \$1,190,948. A 15% reduction would save \$180,000.
  - 2.3 County employees consumed some 43,530,694 Mbtus in fuel with a carbon footprint of 3,103 tons at a cost of \$839,726. Offering ride share and bus passes would reduce CO2 emissions, and a 15% reduction saves \$84,000.
  - 2.4 CAT's fleet consumed 87,330,214 of Mbtus with a carbon footprint of 1,133,541 tons at a cost of \$1,133,541. The transition of the fleet to hybrid technology will certainly help meet the 15% reduction goal.
3. Like most organizations, Chatham County never compiled data in these formats; however, the data will become useful not only in tracking reductions but also for budgeting and planning, which will become part of the FY 2011 budget process. Achievable results will require new ways of doing business, including actively engaging employees in reducing energy, reducing waste, conserving and recycling.
4. As an important component of energy savings, a consultant is working on energy audits of county facilities. The implemented recommendations will help to weatherize facilities from energy loss. Federal grants are available for this use.
5. A staff committee from various departments will oversee the program.
6. Chatham County would be the second county in Georgia to attain the bronze level under *Partnership for a Sustainable Georgia*. Staff believes that within six

months of this application, Chatham County will be eligible for silver level. Fewer than a dozen organizations, none of them public, have attained the gold level.

**FUNDING:**

Not applicable.

**ALTERNATIVES:**

1. That the Board authorize an application at bronze level for *Sustainable Georgia* and commit as a partner in the program to reduce energy usage consistent with the recommendations in the *Greenest County in the State of Georgia* plan.
2. That the Board authorize staff to continue to seek reduction in energy and fuel usage but not participate in the *Sustainable Georgia* program.

**POLICY ANALYSIS:**

Partnership in *Sustainable Georgia* provides a tracking measure for the County's commitment to become the "Greenest County in the State of Georgia." The state goals not only show the County's highest level of commitment as guardians of the community's environmental health but also as stewards of the taxpayers' dollars since the program will help reduce the cost of government.

**RECOMMENDATION:**

That the Board adopt Alternative 1.

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**6. REQUEST BOARD AUTHORIZE THE CHAIRMAN'S SIGNATURE ON A LETTER TO CSX TRANSPORTATION FOR THE GRADE CROSSING ON GULFSTREAM ROAD.  
[DISTRICT 7.]**

County Manager Abolt said, Mr. Chairman, you may want to take the lead in this because you are the watchdog again in an area that is very disruptive to the motoring traveling public. The County Commission took action a few years back to in effect say to CSX Railroad go forth and fix it. They did respond, but as Mr. Drewry pointed out in a letter which is attached to the staff report what they were doing was not a permanent fix and what they were doing has now come undone, and the letter from the Chairman would notify CSX again to go back and do it right. And you may wish to sign that right now, Mr. Chairman.

Chairman Liakakis said, yeah, I remember in July and August of 2007 a lot of complaints came from the people not only from Gulfstream, but a lot of people that were using that particular road to go to and from areas not only on the Westside, but in many other areas where it tied into Dean Forest Road, and after receiving those complaints I went out and took pictures and turned them over to the County Manager, and then it went through County Attorney and we did this resolution at that particular time. And one of the things that occurred on this particular matter is that the — what was proposed by the railroad for their repair work on it, it wasn't going to work and so what Robert Drewry did, he wrote on August 15, 2007, answering Mr. Posten from the railroad is that the repairs will be limited to an asphalt patch. "I want to formerly notify you that in the County's opinion, an asphalt patch will not withstand the truck traffic volumes and therefore will fail again initiating yet another road closure. Enclosed is a copy of the resolution passed by the Chatham County Board of Commissioners...."

Now here it is, you know, two years later that I went out there again. I happened to be at Gulfstream for a function that they had. I rode over those same railroad tracks and I tell you it was in disrepair again, and so I took pictures again, gave them to the County Manager so that we could start this same process again, and the railroad was put on notice because the only thing they did, they put some rubber strips in there and did a tiny bit of asphalt, not a lot of asphalt work, and it deteriorated in a short period of time and here it is one of our department heads, Robert Drewry, explaining to the railroad it wouldn't work, and of course a number of people that use that railroad crossing, those two right there, is that it is damaging the undercarriage of their vehicles going over there on a daily basis. Right now we have basically the same, this letter to CSX Transportation for the grade crossing on Gulfstream Road to them.

Chairman Liakakis said, I'd like a motion on the floor for that.

Commissioner Shay said, so moved, Mr. Chairman. Commissioner Gellatly said, second. Commissioner Holmes 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: Commissioners Stone, Farrell, Odell and Kicklighter were not present.] Chairman Liakakis said, okay. We're signing this right now going directly and we're giving this to the railroad right away because those people should not be suffering out there crossing those railroad tracks, and you might have noticed in the paper — I guess it was yesterday's paper — where that particular railroad made \$287,000,000 in profit. That was just for one quarter. So if you put all those quarters together, they made over — possibly a billion dollars, close to

a billion dollars in profit yet they can't put down the right railroad crossing repair work. So hopefully they're going to do it right this time and we'll ask our engineers to monitor that.

**ACTION OF THE BOARD:**

Commissioner Shay moved to authorize the Chairman's signature on a letter to CSX Transportation for the grade crossing on Gulfstream Road. Commissioner Holmes and Gellatly seconded the motion and it carried unanimously. [NOTE: Commissioners Stone, Farrell, Odell and Kicklighter were not present.]

**AGENDA ITEM:** IX-6  
**AGENDA DATE:** October 16, 2009

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

Issue: Request Board to authorize Chairman signature of letter to CSX Transportation for the grade crossing on Gulfstream Road.

Background: Gulfstream Road has multiple railroad grade crossings. The dual track railroad grade crossing adjacent to State Route 21 is owned by CSX Transportation.

Facts and Findings:

1. On August 10, 2007 the Board adopted a Resolution and Order to place on notice the CSX Railroad as to the condition of its railroad crossings over Gulfstream Road adjacent to State Route 21.
2. As a result of that action, CSX made repairs to the grade crossing in and around August 20<sup>th</sup>. However, staff put CSX Transportation on noticed in the attached letter dated August 15<sup>th</sup> that it was in staff's opinion the repairs would not withstand the truck traffic and would fail again.
3. Each time the railroad makes repairs to the grade crossing, the road must be closed and traffic re-routed. The traveling public is significantly inconvenienced.
4. The Chairman advised staff that the crossing has once again deteriorated as staff predicted. Therefore, staff has drafted a letter to CSX to recommend replacing of the crossings with a more durable solution.

Funding: Funds are not requested.

Policy Statement:

Board can specifically authorize the Chairman to sign a document on their behalf.

Alternatives:

1. Board authorize Chairman signature of letter to CSX Transportation for the grade crossing on Gulfstream Road.
2. Board provide staff with other directions.

Recommendations: Board approve Alternative #1.

District 7

**RESOLUTION**

**WHEREAS**, the Chatham County Board of Commissioners met at its regular meeting on this 10th day of August, 2007, and;

**WHEREAS**, the Board of Commissioners of Chatham County is charged with the responsibility for the health, safety and welfare of the citizens of Chatham County; and,

**WHEREAS**, the Board of Commissioners is responsible to ensure that the roads of Chatham County which are part of the County road system are maintained for the safe and reasonable passage to public traffic; and,

**WHEREAS**, it has come to the attention of County officials that numerous complaints have been made by citizens as to the condition of railroad crossings over Gulfstream Road adjacent to State Route 21 in Chatham County so as to impede the safe and reasonable passage to public traffic and avoid damage to motorized passenger vehicles traversing said crossings.

**NOW THEREFORE**, be it resolved that this Resolution and Order is passed to place on notice the CSX Railroad as to the condition of its railroad crossings over Gulfstream Road adjacent to State Route 21. The Commission finds that the inadequate maintenance of the crossings causes them to be in the condition that inhibits the safe and reasonable passage of traffic and that such maintenance is the responsibility of the railroad at said crossings.

The condition of the crossings at both tracks is such that the approach aprons have developed pot-holes within the asphalt pavement and show signs of fatigue cracking. The approach aprons have also developed ruts within the tire travel lanes which have caused the adjacent pavement to settle below the top rail elevation, resulting in a very rough crossing. This condition is the result of the roadway carrying moderate to oversized semi-truck traffic. Upon inspection on August 6, 2007, the Department of Engineering observed movement of the rails, suggesting subgrade failure. This movement was most pronounced at areas which are rutting.

The Department of Engineering has inspected the crossings of said location and has determined that the condition of the crossings is not suited for the reasonable passage of public traffic. The Department of Engineering recommends replacement of the crossings.

The railroad crossings for which the governing authority of Chatham County desires maintenance for the safe and reasonable passage of the public is the Gulfstream Road crossing located at Gulfstream Road adjacent to State Route 21, Chatham County, Georgia and bearing an identification number 623 471 K and containing signage which states "*CSX TRANSPORTATION - To REPORT SIGNAL MALFUNCTION CALL 1-800-232-0144, REFER TO CROSSING NUMBER 632 471 K LOCATED AT A 486.30.*"

It is hereby ordered by the governing authority of Chatham County that CSX Railroad is to take all steps necessary to complete the maintenance upon said crossing and that notice of the adoption of this Resolution will be send by certified mail and/or statutory overnight delivery return receipt requested.

It is further ordered that should the railroad fail to remedy and comply with such notice and order within thirty (30) days of receipt of this order, that the County Attorney be directed to request in writing a review of this matter by the Georgia Department of Transportation accompanied with the \$500 per grade filing fee and a copy of the Order herein, and request that the matter be investigated and said Department of Transportation issue an order requiring the railroad to take those necessary steps to remedy, repair and maintain said railroad crossings and request that the Department of Transportation, should the railroad fail, to request the appropriate legal action including, but not limited to, a \$500 per day civil penalty.

**BE IT RESOLVED**, that the foregoing Resolution and Order has been read, considered, and unanimously passed, this 10<sup>TH</sup> day of August, 2007.

**CHATHAM COUNTY, GEORGIA**

By: /s/ Pete Liakakis  
Pete Liakakis, Chairman  
Chatham County Commission

Attest: /s/ Sybil E. Tillman  
Sybil Tillman, Clerk  
Chatham County Commission

August 15, 2007

Mr. Craig Camuso, Vice President  
CSX Transportation  
1590 Marietta Boulevard  
Atlanta, GA 30318

Re: Railroad Crossing 632 471 K Located at A 486.30 Mile Post  
Gulfstream Road

Dear Mr. Camuso:

With reference to the letter and Resolution from the County Attorney R. Jonathan Hart to you dated August 10, 2007, I have been advised by Mr. David Posten of CSX that he will be making repairs to the grade crossing at the Gulfstream Road location beginning Monday, August 20<sup>th</sup>. As a courtesy, this office will be assisting Mr. Posten for the road closure and detour routing. Please know that closing Gulfstream Road significantly inconveniences the motoring public including the heavy industrial traffic.

As I understand from Mr. Posten, the repairs will be limited to an asphalt patch. I want to formally notify you that in the County's opinion, an asphalt patch will not withstand the truck traffic volumes and therefore will fail again initiating yet another road closure. Enclosed is a copy of the resolution passed by the Chatham County Board of Commissioners on August 10, 2007, which states that the Department of Engineering recommends replacement of the crossings. This would entail a permanent solution including, but not limited to, digging up the crossing, repairing loose ties and building a new crossing with an adequate base.

Sincerely,

Robert W. Drewry  
Director

xc: R.E. Abolt, County Manager  
R. Jonathan Hart, County Attorney  
A.G. Bungard, County Engineer

rwd

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## **7. TO PROVIDE THE BOARD OF COMMISSIONERS WITH ALTERNATIVE CONSTRUCTION DELIVERY METHODS FOR THE DETENTION CENTER EXPANSION.**

Chairman Liakakis said, Mr. County Manager, this is Item 7 to provide the Board of Commissioners with alternative construction delivery methods for the Detention Center.

County Manager Abolt said, Mr. Chairman and members, I apologize. There was a crisis on the Eastside. This was an issue you brought forward. Dr. Thomas and others were asking staff to look at options to deliver the construction, the final construction of the jail detention center expansion, the particular techniques. It was referred to as Construction Management At Risk. I promised you all that there would be a very objective evaluation of this, which hopefully we've achieved. I've sent you a copy of a staff report and had occasion with most of you to review the details. The evaluation of myself, shared in by Mr. Kaigler and others, is that the delivery of the method itself we have will be effective [inaudible]. The issue is which this Board has keeping our eye on the prize, which is to maximize local firms that include minority enterprises, that either delivery method would make no difference of any consequence in the outcome, but because of the undue delay or continued delay in letting the contract, in effect, as I understand it, the current design is about 70% complete, plus change course of delivery at this juncture with add additional cost into the few millions of dollars. It was my recommendation to stay the course. That is for information only unless any member of the Board wishes to make a motion to change that direction. Absent that, we will continue to work with Priority on the Detention Center expansion looking to get this out to bid in February and March with a letting some time in June.

Chairman Liakakis said, okay. County Manager said, there's no need for action unless a member of the Board wishes to make a motion to the contrary. Chairman Liakakis said, okay, well, we'll just go onto Item # 8.

Commissioner Thomas said, I just want to say —. Chairman Liakakis said, oh, excuse me, Priscilla [Thomas]. Commissioner Thomas said, I just want to say with all due respect to the County Manager I am still —. The Clerk asked, is your mike on, I'm sorry. Commissioner Thomas said, I just want to say to — all due respect to the County Manager and to the County Commissioners, I am still not clear — I am still not clear as to why we want to continue going in the direction that we're going in and so I'm not prepared to vote for this today because I'm not satisfied. I think that we need an opinion that is not close to us. In other words, we need — what's the word I'm looking for — someone that doesn't have an chicken in the fight.

Chairman Liakakis said, well, there was no vote on this today to begin with. Commissioner Thomas said, okay, so —. Chairman Liakakis said, it wasn't on there. Commissioner Thomas asked, so what we do here today is, you're saying that this — it will be done and that's no more discussion, no more anything, we'll just be moving forward? Chairman Liakakis said, wait a minute. Patrick [Shay]? Commissioner Thomas asked, is that what you're saying?

County Manager Abolt said, let me respond. Commissioner Thomas said, I mean, just clear me up. County Manager Abolt said, again to help clear this up, we continue to stay the course. If the Board wishes to change direction, a motion would have to come forward from this Board.

Commissioner Thomas said, well, here again, you're clouding up the issue again. It's just the same old, same old as far as I'm concerned. I want to be fair, I want to understand, I want the constituents to understand what we're doing and I, too, have problems as well people understanding what's going on, and I've tried to do it in a diplomatic way, and, you know, if you have decided that this is what you want to do, then this is what you all do. I'm just not prepared to do it.

Chairman Liakakis recognized Commissioner Shay.

Commissioner Shay said, I think there's a great deal of concern right now in our community because we have a lot of small businesses that are without work in the construction industry and they in turn have a lot of workers that are out of work. We have an unemployment rate that's over 10% right now in Chatham County and that's just counting all the people that have been employed and find themselves recently unemployed. There are many more beyond that that would like to have good work. As we move forward with the procurement, I'd like to ask my fellow Commissioners to give staff clear direction that we want the best value process that's been adopted as a policy of this Commission to be utilized and, consistent with that best value policy, it's basically two steps. The first step is where we go out and we determine qualifications for those companies that want to build this building, and then after we've determined that they are qualified, then we go and bid the job or get the cost proposals however that moves forward.

Two things I want to point out. One is we need to pursue bond alternative programs. We need to make sure that part of that best value is that the firms that are submitting their qualifications have bond alternative programs for their subcontractors that are allowable under Georgia law and that that would allow their subcontractors to use those fund alternatives because a lot of the subcontractors that are very well qualified that can provide services in Chatham County right now will not be able to provide conventional bonding, and there are proven methods out there to develop alternatives for that process. The overall bid we want as a Commission to have that bonded. We want to make sure that there's a bond that says that the building is going to get built and it's going to get built the way the drawings say and it's going to get built even if a bonding company has to do it, but the subcontractors quite frequently are not able to meet those bonding requirements and so we should make sure that that's part of the best value process. And I want to reaffirm about the workers. These are the people in Chatham County right now who are struggling to be able to pay their electric bill and that best value needs to make sure that it includes fair wages for those workers. Now if you're going to come in and build this, that you're going to pay fair wages to do that, and that's the legal definition of fair wages, but a work person, a work man or woman is going to get, you know, a full day's pay for a hard day's work; that they also provide health insurance for their workers. We're not going to just allow people to bring in people from outside our community and sometimes from outside our country, and run the risk that if one of them are badly injured that they're going to end up in our hospital. We had a presentation earlier this morning about health care, and that would be very, very expensive to us. And I'm going to tell you on a \$100,000,000 project or a \$90,000,000 project, it would be a miracle if you got all the way through this without at least one serious injury. So health insurance for the workers, and then finally local workers first. That through an aggressive outreach program and that would include reaching out to local labor union, although not exclusively. This is a right to work state, but whoever comes in and bids on this job should demonstrate that they have a program where they are going to have job fairs and those kinds of things in our community so that the people that live here and pay sales tax everyday have a very good chance of being able to get hired to build the building. That was the reason why we did best value, if I'm not mistaken, and I think that, you know, it's consistent and we just want to make sure that whatever method we use for procuring the builder for this, that we have as much participation from local subcontractors and suppliers and, more importantly, local workers. Commissioner Thomas said, thank you.

Chairman Liakakis said, to not only say that, but it was a discussion all the people that have the discussion with Mike [Kaigler], the Sheriff and Colonel McArthur Holmes, who heads up the jail, and all of the people that have talked to them, their priorities for the best value to hire the local people and also to make sure that minorities have, you know, participation in this, that they have good participation in this particular project also because it was expressed that some people felt that minorities that are in our community would not be participating, and the information that has gone to the County Manager and to all of our staff people is that minority participation, local workers would be involved in these particular projects and there's no if, ands and buts and that it was going to be structured that way. Now we've got James [Holmes], Helen [Stone], and then Russ [Abolt].

Commissioner Holmes said, thank you, Mr. Chairman. Russ [Abolt], I just heard you say just now if we don't want to stay the course on this we can make a motion — County Manager Abolt said, yes sir. Commissioner Holmes said, — pursuing another way. I understand that there is going to be a little minor delay. I call it minor because they say for two to three months or maybe three to four months. Am I right, Mike [Kaigler]? Personally the way I feel, I don't mind waiting three or four months if it's going to produce a better method. I understand your method what you're trying to do and what was given to us, but at the same time on what Pat just said, Pat Shay, and I'm alluding to what Priscilla [Thomas] said, there's a lot at stake here for our community, and I think what Priscilla [Thomas] was saying is, you know, looking at probably bringing in a neutral person to parley facilitate this method, well I don't know how long that would take. I don't want to delay too much more other than looking at to see CM At Risk. The CM At Risk is going to, from what I understand, produce the best method and it's going to cover all the methods that we're talking about in the first method that was given to us. So with that said, back to what you request, Russ [Abolt], I want to go on record saying I motion to go CM At Risk because they ain't going — and they ain't going to delay no more than I would say three to four months, and if you're going to give me \$10,000 but you

tell me four more months, later you're going to give me \$50,000, I'm going to wait for that three or four more months if it's going to produce \$50,000. But then if I'm going to get \$10,000, if I'm satisfied with \$10,000, if I can get \$50,000, I think I'd be making a bad choice.

Chairman Liakakis recognized Commissioner Stone.

Commissioner Stone said, thank you, Mr. Chairman. In meeting with the Sheriff and Colonel Holmes and the staff, they have convinced me personally that they are complying with the best value process, they are including minorities, and they see the importance of incorporating local people in this design process, and in through the construction — throughout the whole process. Excuse me. What concerns me now, I don't want to lose sight of the fact that we're already a good ways along in this process and to go back to square one is going to jeopardize the completion of this jail in a timely manner, and let's not lose sight of the fact that we need this expansion. He is overcrowded out there and this puts our citizens at risk, and I think that if we meet the requirements of best value process and make sure that we incorporate throughout this process as many local people and making sure that unless what was discussed earlier with the Home Builders Association that someone comes in here and builds something and leaves town, that's not what we're looking for here. But, y'all, we've got a need out there, a dangerous need to keep this community safe, and if we're going to go back to square one, I don't know how much time or how much money we stand to lose by going back to the beginning of this process, and that in and of itself is very concerning to me that we would jeopardize this over something that we might end up on the same page with anyway. So I'm looking at the overall safety of the citizens of this community in completing this jail expansion so that we do not have people on the streets that need to be in our jails.

Commissioner Thomas said, Mr. Chairman.

Chairman Liakakis said, Russ [Abolt] —. Wait a minute. Okay, go ahead, Priscilla [Thomas].

Commissioner Thomas said, one final thing, and I don't mean this in a derogatory way, I sit on this Commission as a person who takes very seriously my job as a County Commissioner. I take very seriously the concern of the safety of the people of Chatham County. Never once since I have been up here, and I have never raised my voice, that I have not fully, fully thought through everything, the concern of all people of Chatham County, not when it comes to my district alone. There have been times when there were things that were more germane to your districts as they were to my district, but I was able to explain it to the people of my district why I had to vote another way because this was more important at the time. Now as far as bringing in the words safety of the people of Chatham County, there is no other person sitting up here, and I think we all have the same concerns about safety, all nine of us. All nine of us are concerned about the safety. The overcrowding of the jail system in Chatham County holds more of the African-American people than any other ethnicity group. Now, having said that, I appreciate your concern. I appreciate what Russ [Abolt] and everybody else has done. I listen very attentively as we talk and we reeled and we were concerned about what happens with Kicklighter with his concern about the situation in his district and part of mine, you know, some of these bad practices and stuff, and the time has come now that we cannot continue to use excuses by excuses because of the time constraint that we can't do this and we can't do that because of this. If this is the wish of the body, which I've been a very good team player, a very good team player, and I'm not going to die tonight because I do not vote for this, and I'm not going to be angry with you. I'm going to still love you just the same regardless. You're still my Commissioners, we are Commissioners. We must work together regardless. We have differences of opinion on everything, but once the majority has spoken, then that's the course that we will have to go, and I'm going to leave it at that.

Chairman Liakakis said, okay, Russ [Abolt]. Okay, alright then, I'm going to ask Michael [Kaigler], if you will come up here and discuss the time element. I see the Sheriff. I'm calling on the Sheriff next to come forth.

Mr. Michael Kaigler said, good afternoon, Chairman and Commissioners. Just briefly, as indicated in the staff report, we felt that at this juncture it would take us a minimum of four months to go out and get a CM At Risk, go through the process — commit the process to bring to bring someone one on, and that is the time frame that we're looking at. We felt that we're about 70% through with the design and in order to bring someone else into the process, we would almost have to stop the current design to go out and get a CM At Risk. So we're saying that it's going to add at least four months to bring someone else on board in order to start this process. So that was kind of in a nutshell on the time element. We also felt that potentially it could cost more money at this juncture to turn around, and those were the bases of the analysis that we did.

Chairman Liakakis said, and also, too, if we get that CM At Risk, then they have to look at this intricate plans and all, and that's going to —, you can't do it immediately because of the large amount of plans that have already been designed in there. Won't they have to — from what has been told to me, that they will have to look those over and to be able because they might want to make changes in that or they going to supervise us or what have you, and that's going to take a few additional months. That's what I was told by the experts in this area.

Mr. Kaigler said, yes sir. Our time estimate dealt only with the time it would take to bring on the CM At Risk firm, not the time that it would probably take him to come up to speed on the process. It is felt by staff that we would probably have to — of the architect engineering firm would almost have to come to a standstill in their design in order to bring someone else in to get up to speed.

Chairman Liakakis recognized Sheriff Al St. Lawrence.

Sheriff St. Lawrence said, well, I've read the staff report as well. We're taking about a three or four month period, as I understand it, to qualify someone for CM At Risk, then there is, I'm told, a lengthy review of the plans that's already been made. Okay, and then we're looking at, as I read the report, \$4,000,000 to \$6,000,000 increase. Now I've already cut some things out of this project because we were going over estimate, and I don't see how we can raise the project another \$4,000,000 to \$6,000,000 is what I'm saying. I'm going by what I'm being told. I'm not an architect, I'm not a construction manager. I know how to run a jail and run a law enforcement agency, so I have to listen to other people and what they're saying.

Chairman Liakakis said, but the other thing, too, is because it is so involved that the other people that come on board, they would have to study these plans and get involved in it. It was told to the Commissioners that came to those meetings that that would add additional time. Is that correct?

Sheriff St. Lawrence said, it's the same thing that was told to me. You've got to — you know, when you're talking about a project this size, the biggest project that Chatham County has ever had, and you're talking about \$90,000,000, someone's got to post that bond, and I've been assured by Mr. Kaigler and the best value contractor we're going to accomplish what Commissioner Shay has brought up and what Commissioner Stone has. I've been assured that we will, and I'm going to do everything I can to see this done and I wish it could all be spent locally, but somebody has got to come forward, pre-qualify and tell us what they're going to do, and they've got to post that bond and they've got to be responsible for the job to protect the taxpayers of this County.

Chairman Liakakis said, and whoever is going to do this, because it's not an ordinary type of project like building a building, but building a jail that has a lot more intricacies in it that we have to have somebody that's familiar with building jails. Is that correct?

Sheriff St. Lawrence said, that's correct and, you know, we'll look at that, the amount of jail beds they've built, what projects they've been involved in and all. They've got to pre-qualify these people. We don't want somebody that's never built a — a general contractor that's never overseen the building of a jail.

Chairman Liakakis said, and the other thing, too, that we have. We will have to put that out — is this right, Mike [Kaigler] — we have to put that out if we go that CM At Risk and that has to go out in a large area, and so there's no guarantee that anybody would get that particular contract. Is that right? County Manager Abolt said, yes sir, you have to compete it, sir.

Sheriff St. Lawrence said, we've got good local contractors. They can't post them kind of bonds. I mean, we're talking about \$90,000,000 project here, the biggest project you've ever had. I think that the work should be as much local and minority participation we can have, and I'm assured that we can build that in it.

County Manager Abolt said, if I can, Mr. Chairman, to augment what the Sheriff and Mr. Kaigler has said, and what Commissioner Shay did, we commit to you that at your next meeting, we're going to have a score card, and the score card will address all these issues on best value. We're going to employ the services of a very good mind on this, Mr. Robert James. Mr. James and Mr. Kaigler had the lead on this. I had the good experience without naming the name of the individual, a private contractor, yesterday discussed how this can work effectively. This is not an issue of local participation versus no local participation. It's an issue, it's a course that we're now on, which I have to remind you was driven out of a horrible experience in building the Trade Center, and so we said going through that years ago, "We've got to have more control over it." In comes along this design/bid/build that gives us the maximum control. The design/bid/build versus Construction Management At Risk, we believe, has no difference in the outcome as far as what you want and I want — local people sharing in the wealth. Now this one individual going unnamed that I talked to yesterday said in his experience with the school board, the most important thing that could happen is just like today and the passion of Dr. Thomas and you all, it's very important throughout this to continue for public understanding to underscore your desire, commitment and requirement of local participation because what will happen absent that, we will get things that aren't real. And it's very important to know that the folks that are going to make the final decision — you all — say if you're going to come to the table, you've got to deliver this.

Chairman Liakakis said, and also what was told to us — is this correct, Michael [Kaigler] — that everyone that attended those meetings fully under — have expressed themselves that they want local people, they want minorities to have this in because they're the ones that pay the taxes, and it's not going to be a situation where the local people, minorities, and women are going to be excluded from this contract, and this is not conversation going to be absolute. Is that correct, Mr. Manager? County Manager Abolt said, yes sir.

Commissioner Shay said, best value process means that good intentions aren't going to be enough. What the best value process means is if you want to make the short list of people that bid this project, you have to commit what your program is to ensure this kind of local subcontractor and worker participation. Commissioner Thomas said, correct. Commissioner Shay said, if you're not willing to make those commitments, then you will not be allowed to turn in the number because we're not going to let somebody come in here from outside of our community and deliberately underbid this project and then subcontract it outside of the community or outside of the country in order to get it built.

Commissioner Holmes said, Pat [Monahan]. County Manager Abolt said, yes sir. Commissioner Holmes asked, when do we get the score card? County Manager Abolt said, you're going to get the score card at your next meeting on the 6<sup>th</sup>. Commissioner Holmes said, okay.

Chairman Liakakis said, okay. Alright then, next item.

**ACTION OF THE BOARD:**

County Manager Abolt made a report to the County Commission regarding alternative construction delivery methods for the Detention Center Expansion and there was a discussion of Construction Management At Risk and design/bid/build by the Commissioners. No vote was taken.

**AGENDA ITEM:** IX-7  
**AGENDA DATE:** October 16, 2009

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

**Issue:** To provide the Board of Commissioners with alternative construction delivery methods for the Detention Center expansion.

**Background:** The 2008-2014 SPLOST referendum included a project to expand the Chatham County Detention Center. Staff conducted an analysis of the proposed project based on the comprehensive evaluation and needs assessment conducted by the Facility Design Group. Based on Staff's analysis of the project and the various project delivery methods, Staff determined that the project would be constructed under a design-bid-build construction delivery method. There has been a request by several members of the Board to reconsider the current construction delivery method to determine if a change is feasible and if it would be a better solution to meet the Board's goal to maximize local and minority participation in the project.

**Facts and Findings:**

1. Staff discussed project delivery methods with the Sheriff, Jail Administrator, Chairman and County Manager prior to issuing the Request for Proposals (RFP) for architectural-engineering design services. After concurrence, design-bid-build (DBB) was specified as the project delivery method in the RFP.

1.1 Under DBB, the architect/engineers design the project and place the construction documents for competitive bidding. The Board would then award a construction contract based on lowest, responsible bid. The County has followed this method of delivery on almost all of its construction projects, which provides for separate contracts for design and construction. The general contractor bases its bid on pricing from subcontractors.

1.1(a) As a variation of DBB, Best Value Contracting provides a pre-qualification phase, which requires any competing contractor to commit to certain factors, such as local and minority participation, local employment, job training programs, safety and experience in similar work without excessive change orders. The County used Best Value Contracting in the Courthouse project, Phase 1.

1.2 Under Design-Build, the Board enters into a single contract for design and construction. The county has followed this method of delivery on a few projects, most recently the Aquatic Center renovation and in 1994 on the current Detention Center.

1.3 Under Construction Manger At-Risk, the Board contracts with a construction firm to work with a design team (separate contract) to participate in the design process for cost efficiency and constructability. When the construction documents reach a point of completeness (75 percent to 100 percent), the Construction Manager provides a Guaranteed Maximum Price (GMP) backed by a Payment and Performance Bond. The CM At-Risk also packages subcontracts to encourage local and minority participation.

2. The Staff report to the Board of Commissioners for award of the architectural-engineering design contract to The Facility Group on January 18, 2008, states the delivery method as a design-bid-build project. Since the Board did not indicate any other preference, staff incorporated this requirement into the design team's contract.

3. The Board of Commissioners adopted a resolution that established a policy to increase participation of women owned, minority Owned, and local businesses through its Purchasing Ordinance and Procedures, Minority Business Programs, Best Value Construction Program and Local Preference Policy.

4. There have been some concerns by several members of the Board of Commissioners that the current delivery method will not yield desired or maximum level of local and minority participation in the construction phase of this project. Staff is aware there is no firm in this area that has correctional construction expertise with the bonding or financial capacity to take on a project of this size.

5. The construction of the current Detention Center (Units 1-4) in 1994 was a design-build project overseen by a Program Manager(not at-risk). Considerable resources (i.e. design, time, funds) associated with the current project are being devoted to fixing problems from prior construction. A significant amount of work by County Staff and the architect has been dedicated to identifying the problems up-front before the construction documents are complete and the bid documents are published. More unknown conditions will undoubtedly be uncovered during the course of construction, which would likely lead to change orders regardless of the delivery method.

6. Several counties were given as an example of agencies that have used the construction manager at risk (CM At-Risk) delivery method for construction projects. The consensus from all entities contacted reveal that all like the CM At-Risk delivery method and will use it again. Our research also shows that agencies generally used CM At-Risk when they do not have the expertise on staff to provide construction management in-house.

7. The CM At-Risk delivery method in theory provides a level of flexibility that allows the County to evaluate and select firms based on criteria such as their level of minority participation. Under the current delivery method, the County plans to select the general contractor by pre-qualifying each firm using the best value contracting method. Using this method, the County has the ability to ensure that only the firms who demonstrate a willingness to partner with local and minority firms and utilize local labor have the opportunity to bid on this project. Best value contracting method has worked well on phase 1 of the Courthouse renovation project.

8. A review of the current project status reveals that the design process is approximately 70% complete. Changing the delivery method from a DBB to a CM At-Risk will require a change order to the architectural-engineering design contract. It will also cause a delay of approximately three to four months to go through the Quality Based Selection(QBS) process to select a CM At-Risk. It may also require an increase in the project cost which is estimated between four and six million dollars.

9. In an ideal situation the CM At-Risk comes into the project at the planning stage and has the ability to make suggestions to the design team that may incorporate certain value engineering alternatives to the project to keep this project within the construction budget. Due to the fact that the design is more than 70% complete, any changes to the design at this phase would more than likely increase the cost of the project thus potentially decreasing the number of jail beds.

**Conclusion:**

Both the CM At-Risk and DBB are acceptable delivery methods for large construction projects. CM At-Risk has been exclusively used by State agencies and local school boards. Both methods are approved for use by state agencies as outlined in the state construction manual. The basis for Staff using the DBB delivery method for this project was in large part due to the unknowns that have yet to be uncovered with the task of renovating a facility that is riddled with construction flaws from the initial construction and the complications associated with expanding the current facility. Due to the fact that the design phase is almost 70% complete, there may be little opportunity for a firm to come in and participate in the design process to add any benefit to the project. Changing the delivery method at this junction will add additional time to the project along with four to six million dollars to the project budget.

**Funding:** No additional funding is required at this time.

**Alternatives:**

1. Request Board concurrence with the current construction delivery method (design-bid-build) for the Detention Center expansion project.

- 2. The Board of Commissioners to direct Staff to change the current construction delivery method to a construction manager at risk for the Detention Center and direct Staff to develop an implementation plan and schedule for this delivery method.
- 3. Provide Staff with other direction.

**Policy Analysis:**

Recent changes in Georgia law provide increased flexibility in the delivery method for constructing projects. The decision about a preferred alternative depends upon the unique characteristics of each project, schedule, availability of qualified subcontractors and suppliers, the local labor market and the public policy goals established by the Board.

**Recommendation:**

The Board adopt Alternative 1

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**8. BOARD CONSIDERATION OF REQUEST FROM ISLE OF HOPE UNITED METHODIST CHURCH TO ABATE TAXES DUE FOR 2008 FOR PARCEL NUMBER 1-0304-01-026, HOLCOMB STREET.  
[DISTRICT 1.]**

Commissioner Stone said, I make a motion to approve. Commissioner Shay said, second.

Chairman Liakakis said, this has been recommended to us because this was a church issue and they were not supposed to pay that and they want us to abate that. Is that correct, Jon [Hart]? County Attorney Hart said, that's correct. Chairman Liakakis said, we need a motion on the floor to approve. Commissioner Shay said, it was moved and second. The motion carried unanimously. [NOTE: Commissioners Farrell, Odell and Kicklighter were not present.] Chairman Liakakis said, the motion passes.

**ACTION OF THE BOARD:**

Commissioner Stone moved to approve the request from Isle of Hope United Methodist Church to abate taxes due for year 2008 for parcel number 1-0304-01-026, Holcomb Street. Commissioner Shay seconded the motion and it carried unanimously. [NOTE: Commissioners Farrell, Odell and Kicklighter were not present.]

**AGENDA ITEM: IX-8  
AGENDA DATE: October 16, 2009**

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

**ISSUE:** To consider request of Isle of Hope United Methodist Church to abate taxes due for 2008 for parcel number 1-0304-01-026, Holcomb Street, Savannah, Georgia.

**BACKGROUND:**

This is a request by Isle of Hope United Methodist Church (Church) to abate taxes due for tax year 2008 regarding PIN 1-0304-01-026, Holcomb Street in the amount of \$2,922.31. The subject parcel has been utilized as a church. The Church, pursuant to O.C.G.A. § 48-5-41, applied for and was granted an exemption for the subject property in 2009. The Church did not apply in 2008.

**FACTS & FINDINGS:**

- 1. Isle of Hope United Methodist Church 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.

**FUNDING:**

Delinquent collections to be paid by Tax Commissioner.

**POLICY ANALYSIS:**

Isle of Hope United Methodist Church 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 \$2,922.31 ad valorem taxes or order an abatement and cancellation of taxes erroneously assessed and to correct and adjust errors in the digest for tax year 2008.

2. The Commission should not authorize the refund of \$2,922.31 ad valorem taxes nor order an abatement and cancellation of taxes erroneously assessed and to correct and adjust errors in the digest for tax year 2008.

**RECOMMENDATION:**

Alternative 1.

RJH/jr

enclosures

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**9. BOARD CONSIDERATION OF REQUEST OF GATEWAY COMMUNITY SERVICE BOARD TO ABATE TAXES DUE FOR YEAR 2008 FOR PARCEL NUMBER 2-0060-28-018, 2120 VERMONT AVENUE. [DISTRICT 3.]**

Commissioner Shay said, so moved, Mr. Chairman. Commissioner Holmes said, second.

Chairman Liakakis said, okay, we have a motion on the floor and a second to abate these taxes. Let's go on the board. The motion carried unanimously. [NOTE: Commissioners Stone, Farrell, Odell and Kicklighter were not present.] Chairman Liakakis said, the motion passes.

**ACTION OF THE BOARD:**

Commissioner Shay moved to approve the request of Gateway Community Service Board to abate taxes due for year 2008 for parcel number 2-0060-28-018, 2120 Vermont Avenue. Commissioner Stone seconded the motion and it carried unanimously. [NOTE: Commissioners Stone, Farrell, Odell and Kicklighter were not present.]

**AGENDA ITEM: IX-9  
AGENDA DATE: October 16, 2009**

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

**ISSUE:** To consider request of Gateway Community Service Board to abate taxes due for year 2008 for parcel number 2-0060-28-018, 2120 Vermont Avenue, Savannah, Georgia.

**BACKGROUND:**

This is a request by Gateway Community Service Board ("Gateway") to abate taxes due for tax year 2008 regarding parcel number 2-0060-28-018, 2120 Vermont Avenue, Savannah, Georgia in the amount of \$1,901.27. The subject parcel has been utilized as a behavioral home for the mentally challenged since the latter part of 2007. Gateway, pursuant to O.C.G.A. §§ 48-5-41 and 37-2-6.1(d), applied for and was granted an exemption for the subject property in 2009. Gateway did not apply for an exemption for the subject property 2008.

**FACTS & FINDINGS:**

1. Gateway Community Service Board is a community service board authorized by O.C.G.A. § 37-2-6 et seq. Pursuant to O.C.G.A. § 37-2-6, the Gateway Community Service Board is a public corporation and an instrumentality of the state.

2. Pursuant to O.C.G.A. § 37-2-6.1 (d) community service boards exist for nonprofit and public purposes, and shall not be required to pay any state or local ad valorem, sales, use, or income taxes.

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.

**FUNDING:**

Delinquent collections to be paid by Tax Commissioner.

**POLICY ANALYSIS:**

Gateway Community Service Board 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 year 2008.

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 year 2008.

**RECOMMENDATION:**

Alternative 1.

RJH/jr

Attachments

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**10. CNT MONTHLY REPORT GIVEN VERBALLY BY DIRECTOR HARRIS.**

Director Roy Harris said, good afternoon, Mr. Chairman and Commissioners. It's been a long day for you so I will be very short and brief upon recommendation of counsel. You have a copy of the report before you. If there are any questions, I will be glad to try to answer them for you.

Commissioner Gellatly said, excellent report. Director Harris said, thank you, Commissioner Gellatly.

Commissioner Shay said, I try and ask this as a yes or no question, but there was a recent media article about the prescription drugs as opposed to illegal — well, I guess if you use prescriptions illegally — I mean, is there anything that we can really do to help find out who the M.D.'s are that are, you know, issuing prescriptions for substances that are not related to their disease? Director Harris said, not so much physicians. Down through the years we have identified physicians in the State and many of them have been arrested and lost their licenses. The main problem we're facing in Georgia all the States around us have a pad law, or whatever you want to call it, prescription law where it's electronic and healthcare providers can go on online and check to see if somebody is structuring or their doctor shopping or whatever. One of the main issues we dealt with in this meeting we had recently with the emergency room personnel was we arrested one woman that in the course of about a month had been to every emergency room in this area and had used seven different aliases to obtain pain pills. So we created that website for the pharmacists and now we're making it available for other doctors to go on and they can see when someone has been arrested for this, which might give them cause to check a little further. Another recommendation we were making to the ER's is a different type of ID system that they're using because the people know if they go in their without an ID, they know how to get around that system. So it has become a problem. We talked about this a year or so ago and I think our local representatives are onboard now to push this bill again. We need it on a statewide basis and it's got to really come out of the Legislature. Commissioner Shay said, thank you, sir.

Chairman Liakakis said, and we can look at the report that was distributed by us that the CNT Department is doing an excellent job making quite a number of arrests and have quite a number of investigations going on. So, Commander Harris to you and to your staff, we appreciate that and thankfully to continue this hard work because that drug problem in our community, of course, we know is sometimes like you're talking about the prescriptions because not only do we have what the Commander has said, and he has put this in some of his communications

also, that you've got an individual and they will go to seven, eight, nine, ten doctors and get prescriptions, you know, to help themselves, and that's a big problem too with them doing that. That's in addition to the ones going into the emergency room, but we appreciate that information and how you are addressing that. Thank you, Commander.

**ACTION OF THE BOARD:**

Director Roy Harris gave an oral report on CNT for the month of September, 2009.

<p><b>Chatham~Savannah Counter Narcotics Team Monthly Report September 2009</b></p>
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<b>UNDERCOVER AGENT/CONFIDENTIAL INFORMANT BUYS</b>	
<b>Buys</b>	<b>Number</b>
Undercover (Agent) Buys	14
Confidential Information Buys	19

<b>NARCOTICS INVESTIGATIONS*</b>	
<b>Investigations:</b>	<b>Number</b>
Investigations Initiated During the month	47
Active <b>Joint</b> Investigations with other agencies (DEA, ATF, IRS, etc.)	9
Total Number of Investigations Cleared (Arrest, E.C., Unfounded)	13

<b>DRUGS SEIZED</b>			
<b>Drug Type</b>	<b>Value</b>	<b>Approx. Weight</b>	<b>Approx. Total Value</b>
Powder Cocaine	\$100 per gram*	13.6 Grams	\$1,360.00
Crack Cocaine	\$100 per gram*	114.9 Grams	\$11,490.00
Methamphetamine	\$100 per gram**	0 Grams	0.00
Marijuana	\$140 per ounce*	540.42 Ounces	\$75,659.00
Heroin	\$250 per gram*	0 Grams	00
Ecstasy	\$25 Dosage Unit	39 D/U	\$975.00
Misc. Pills	\$5 per D/U	334 D/U	\$1,670.00
Hallucinogens	\$10.00 per gram *	0	00

\*Source: Office National Drug Control Policy  
 \*\*Source: Established regional average price  
 \*\*\*Source: IAW GBI reporting – One marijuana plant equals 2.2 lbs of processed marijuana

<b>DRUGS PURCHASED</b>			
<b>Drug Type</b>	<b>Value</b>	<b>Approx. Weight</b>	<b>Approx. Total Value</b>
Powder Cocaine	\$100 per gram*	58.70 Grams	\$5,870.00
Crack Cocaine	\$100 per gram*	18.10 Grams	\$1,810.00
Methamphetamine	\$100 per gram**	0	0
Marijuana	\$140 per ounce*	2.2 Ounces	\$308.00
Heroin	\$250 per gram*	N/A	N/A
Ecstasy	\$25 Dosage Unit	50/U	\$1,250.00
Misc. Pills	\$5 per D/U	0 D/U	00

\*Source: Office National Drug Control Policy  
 \*\*Source: Established regional average price  
 \*\*\*Source: IAW GBI reporting – One marijuana plant equals 2.2 lbs of processed marijuana

<b>WEAPONS SEIZED</b>	
Firearms (including hand guns and long guns)	16

PERSONS ARRESTED*	
Felony*	7
Sales/Trafficking	45
Misdemeanor	5
Non-Drug**	4
<b>Total Arrests</b>	<b>61</b>

\*Felony includes Manufacturing Methamphetamine or Marijuana

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

ASSET FORFEITURES	
US Currency Seized (Initiated forfeiture proceedings)	\$24,607.00
US Currency Awarded	\$6,992.00
Motor Vehicles Seized (Initiated forfeiture proceedings)	1993 Chevrolet Silverado
Motor Vehicles Awarded	N/A
Real Property Seized (Initiated forfeiture proceedings)	N/A
Real Property Awarded	N/A
Personal Property Seized (Initiated forfeiture proceedings)	N/A

ADOPTION CASES FROM OTHER AGENCIES		
DATE	AGENCY	OFFENSE
9/4/2009	BRYAN COUNTY S.O.	Poss. Controlled Substance - Ecstasy
9/5/2009	SCMPD	Poss. Controlled Substance W/Intent
9/16/2009	SCMPD	Poss. Marijuana W/Intent
9/30/2009	SCMPD	Poss. Controlled Substance - Crack Cocaine

DRUG COMPLAINTS INVESTIGATED		
Drug Complaints	Received	Assigned
Project Log/Official Complaints	0	0
Hot Line / Call-In Complaints	4	4
Green Sheets/ Outside Agencies	2	2
Crime Stopper Complaints	22	22

<b>SIGNIFICANT EVENTS</b>
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1. On 09-08-2009, Investigations executed a search warrant in the 2200 block of East 60<sup>th</sup> Street that resulted in the seizure of three firearms, over 1 pound of marijuana, \$3,000.00 in currency and eight arrests.
2. On 09-10-2009, Investigators concluded an investigation involving several local ecstasy dealers. Three subjects were arrested for sale of ecstasy including a juvenile female.
3. On 09-11-2009, Investigations, while in the area of Westgate Apartments in Garden City to execute an arrest warrant, agents were able to arrest a second subject. This resulted in the seizure of crack cocaine, marijuana, and approximately \$7,700.00.
4. During the month of September 2009, a member of the notorious SCOTT family was arrested in the Atlanta area on outstanding CNT warrants. SCOTT was indicted on trafficking in cocaine over 400 grams.
5. On 09-29-2009, Investigations arrested a suspect who had absconded on numerous CNT charges of trafficking in methamphetamine, the sale of ecstasy and a Probation violation. The subject was in possession of 5 pounds of marijuana at the time.
6. On 9-30-2009, the Major Case Unit concluded several investigations involving a number of drug traffickers located on Tybee Island. This resulted in the arrests of six suspects for the sale of controlled substances/marijuana.

**DRUG INVESTIGATIONS**  
***HOURS WORKED BY ZONE***

SCMPD – All Precincts **TOTAL 1,296**

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Municipalities **TOTAL 163**

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Administrative Hours 800  
Case Administration 417  
Pharmaceutical Diversions 320  
Central Intelligence 480  
Out of County (Task Force Operations, etc.) 42  
Assistance Rendered to Outside Agencies 83  
Training 178  
Court Hours 62  
**TOTAL 2,382**

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**Total Hours Worked 3,841**

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**X. ACTION CALENDAR**

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

Chairman Liakakis said, we have under Action Calendar 1 through 18 and under 18 we have Items A through Q. Is there any item that any of the Commissioners would like to pull before we vote on the entire Action Calendar? Any items? Okay, we need a motion on the floor to approve all of the items on the Action Calendar.

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

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

**ACTION OF THE BOARD:**

Commissioner Gellatly moved to approve Items 1 through 18-Q, both inclusive. Commissioners Farrell and Thomas seconded the motion and it carried unanimously.

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

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**1. APPROVAL OF THE MINUTES OF THE SPECIAL CALLED MEETING OF SEPTEMBER 24, 2009, AND THE REGULAR MEETING OF SEPTEMBER 25, 2009, AS MAILED.**

**ACTION OF THE BOARD:**

Commissioner Gellatly moved to approve the minutes of the special called meeting of September 24, 2009, and the regular meeting of September 25, 2009. Commissioners Farrell and Thomas seconded the motion and it carried unanimously.

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**2. CLAIMS VS. CHATHAM COUNTY FOR THE PERIOD SEPTEMBER 17, 2009, THROUGH OCTOBER 7, 2009.**

**ACTION OF THE BOARD:**

Commissioner Gellatly moved to authorize the Finance Director to pay the claims against the County for the period September 17, 2009, through October 7, 2009, in the amount of \$11,699,809. Commissioners Farrell and Thomas seconded the motion and it carried unanimously.

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**3. REQUEST BOARD ACCEPT THE DEDICATED IMPROVEMENTS FOR BURNSIDE VIEW SUBDIVISION, PHASE D. [DISTRICT 1.]**

**ACTION OF THE BOARD:**

Commissioner Gellatly moved to accept the dedicated improvements for Burnside View Subdivision, Phase D. Commissioners Farrell and Thomas seconded the motion and it carried unanimously.

**AGENDA ITEM: X-3**  
**AGENDA DATE: October 16, 2009**

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

**ISSUE:** To accept the dedicated improvements for Betz Creek Subdivision, Phase 6C.

**BACKGROUND:** Betz Creek is a single-family, residential community located on Walthour Road. This Phase consists of 5 lots on 1.93 acres.

**FACTS AND FINDINGS:**

- 1. This is the final phase of the Subdivision to be accepted by Chatham County.
- 2. Construction was complete in 2001. The improvements were inspected and found to be constructed in accordance with the approved plans and Chatham County Standard Specifications.
- 3. Paving and drainage improvements are being dedicated to Chatham County for maintenance.

**ALTERNATIVES:**

- 1. That the Board accept the dedicated improvements for Betz Creek, Phase 6C.
- 2. Do not approve the request.

**POLICY ANALYSIS:** The request is in accordance with the Chatham County Subdivision Regulations.

**RECOMMENDATION:** The Board approve Alternative #1.

**District 4**

Prepared by: Suzanne Cooler

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**4. REQUEST BOARD ACCEPT THE DEDICATED IMPROVEMENTS FOR BETZ CREEK SUBDIVISION, PHASE 6C. [DISTRICT 4.]**

**ACTION OF THE BOARD:**

Commissioner Gellatly moved to accept the dedicated improvements for Betz Creek Subdivision, Phase 6C. Commissioners Farrell and Thomas seconded the motion and it carried unanimously.

**AGENDA ITEM: X-4**  
**AGENDA DATE: October 16, 2009**

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

**ISSUE:** To accept the dedicated improvements for Betz Creek Subdivision, Phase 6C.

**BACKGROUND:** Betz Creek is a single-family, residential community located on Walthour Road. This Phase consists of 5 lots on 1.93 acres.

**FACTS AND FINDINGS:**

- 1. This is the final phase of the Subdivision to be accepted by Chatham County.
- 2. Construction was complete in 2001. The improvements were inspected and found to be constructed in accordance with the approved plans and Chatham County Standard Specifications.
- 3. Paving and drainage improvements are being dedicated to Chatham County for maintenance.

**ALTERNATIVES:**

- 1. That the Board accept the dedicated improvements for Betz Creek, Phase 6C.
- 2. Do not approve the request.

**POLICY ANALYSIS:** The request is in accordance with the Chatham County Subdivision Regulations.

**RECOMMENDATION:** The Board approve Alternative #1.

District 4 Prepared by: Suzanne Cooler

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**5. REQUEST BOARD ACCEPT THE DEDICATED IMPROVEMENTS FOR THE SETTLEMENT SUBDIVISION, PHASE 4. [DISTRICT 4.]**

**ACTION OF THE BOARD:**

Commissioner Gellatly moved to accept the dedicated improvements for The Settlement Subdivision, Phase 4. Commissioners Farrell and Thomas seconded the motion and it carried unanimously.

**AGENDA ITEM: X-5**  
**AGENDA DATE: October 16, 2009**

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

**ISSUE:** To accept the dedicated improvements for The Settlement Subdivision, Phase 4.

**BACKGROUND:** The Settlement is a single-family, residential community located on Walthour Road. This Phase consists of 49 lots on 19 acres.

**FACTS AND FINDINGS:**

- 1. This is the final phase of the Subdivision to be accepted by Chatham County.
- 2. Construction was complete in 2000. The improvements were inspected and found to be constructed in accordance with the approved plans and Chatham County Standard Specifications.
- 3. Paving and drainage improvements are being dedicated to Chatham County for maintenance.

**ALTERNATIVES:**

- 1. That the Board accept the dedicated improvements for The Settlement, Phase 4.
- 2. Do not approve the request.

**POLICY ANALYSIS:** The request is in accordance with the Chatham County Subdivision Regulations.

**RECOMMENDATION:** The Board approve Alternative #1.

District 4

Prepared by: Suzanne Cooler

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**6. REQUEST BOARD ACCEPT THE DEDICATED IMPROVEMENTS FOR OLDE TOWNE SUBDIVISION, PHASE 9. [DISTRICT 4.]**

**ACTION OF THE BOARD:**

Commissioner Gellatly moved to accept the dedicated improvements for Olde Towne Subdivision, Phase 9. Commissioners Farrell and Thomas seconded the motion and it carried unanimously.

**AGENDA ITEM: X-6**  
**AGENDA DATE: October 16, 2009**

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

**ISSUE:** To accept the dedicated improvements for Olde Towne Subdivision, Phase 9.

**BACKGROUND:** Olde Towne is a single-family, residential community located on Walthour Road. This Phase consists of 14 lots on 4.91 acres.

**FACTS AND FINDINGS:**

- 1. This is the final phase of the Subdivision to be accepted by Chatham County.
- 2. Construction was complete in 2000. The improvements were inspected and found to be constructed in accordance with the approved plans and Chatham County Standard Specifications.
- 3. Paving and drainage improvements are being dedicated to Chatham County for maintenance.

**ALTERNATIVES:**

- 1. That the Board accept the dedicated improvements for Olde Towne, Phase 9.
- 2. Do not approve the request.

**POLICY ANALYSIS:** The request is in accordance with the Chatham County Subdivision Regulations.

**RECOMMENDATION:** The Board approve Alternative #1.

District 4

Prepared by: Suzanne Cooler

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**7. REQUEST BOARD ACCEPT THE DEDICATED IMPROVEMENTS FOR THE COLONY AT GEORGETOWN, PHASE 2. [DISTRICT 6.]**

**ACTION OF THE BOARD:**

Commissioner Gellatly moved to accept the dedicated improvements for The Colony at Georgetown, Phase 2. Commissioners Farrell and Thomas seconded the motion and it carried unanimously.

**AGENDA ITEM: X-7**  
**AGENDA DATE: October 16, 2009**

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

**ISSUE:** To accept the dedicated improvements for The Colony at Georgetown, Phase 2.

**BACKGROUND:** The Colony at Georgetown is a single-family, residential community located on Wild Heron Road. This Phase consists of 23 lots on 5.02 acres.

**FACTS AND FINDINGS:**

- 1. Phase 1 was accepted for maintenance by the County. This is the final phase of the Subdivision to be accepted by Chatham County.
- 2. Construction was complete in 1999. The improvements were inspected and found to be constructed in accordance with the approved plans and Chatham County Standard Specifications.
- 3. Paving and drainage improvements are being dedicated to Chatham County for maintenance.

**ALTERNATIVES:**

- 1. That the Board accept the dedicated improvements for The Colony at Georgetown, Phase 2.
- 2. Do not approve the request.

**POLICY ANALYSIS:** The request is in accordance with the Chatham County Subdivision Regulations.

**RECOMMENDATION:** The Board approve Alternative #1.

District 6

Prepared by: Suzanne Cooler

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**8. REQUEST BOARD APPROVAL TO END THE WARRANTY PERIOD FOR THE LAKES OF COTTONVALE, AKA COTTONVALE PLANTATION, PHASE 3A, RELEASE THE FINANCIAL GUARANTEE AND ACCEPT THE DEDICATED IMPROVEMENTS. [DISTRICT 7.]**

**ACTION OF THE BOARD:**

Commissioner Gellatly moved to end the warranty period for The Lakes of Cottonvale, aka Cottonvale Plantation, Phase 3A, and release the financial guarantee and accept the dedicated improvements. Commissioners Farrell and Thomas seconded the motion and it carried unanimously.

**AGENDA ITEM: X-8**  
**AGENDA DATE: October 16, 2009**

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

**ISSUE:** To end the warranty period for The Lakes of Cottonvale, aka Cottonvale Plantation, Phase 3A, release the financial guarantee and accept the dedicated improvements.

**BACKGROUND:** The Lakes of Cottonvale is a single-family residential subdivision located on Cottonvale Road. This phase of consists of 62 lots on 13.795 acres.

**FACTS AND FINDINGS:**

1. Water and sanitary sewer are maintained by Consolidated Utilities. Paving and Drainage will be maintained by Chatham County.
2. Construction of the required improvements is complete. The improvements have been inspected and found to be satisfactory.
3. The warranty period was initiated on March 9, 2007.
4. A letter of credit from First Chatham Bank was submitted as a financial guarantee during the warranty period.

**ALTERNATIVES:**

1. To end the warranty period, release the financial guarantee and accept the dedicated improvements.
2. Do not approve the request.

**POLICY ANALYSIS:** This action is consistent with the subdivision regulations.

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

**District 7**

PREPARED BY: Suzanne Cooler

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**9. REQUEST BOARD APPROVAL TO END THE TWELVE MONTH WARRANTY PERIOD AND RELEASE THE FINANCIAL GUARANTEE FOR GLENWOOD GROVE (AKA BERWICK TRACT A-3). [DISTRICT 7.]**

**ACTION OF THE BOARD:**

Commissioner Gellatly moved to end the twelve-month warranty period and release the financial guarantee for Glenwood Grove (aka Berwick Tract A-3). Commissioners Farrell and Thomas seconded the motion and it carried unanimously.

**AGENDA ITEM: X-9**  
**AGENDA DATE: October 16, 2009**

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

**ISSUE:** To end the twelve month warranty period and release the financial guarantee for Glenwood Grove (aka Berwick Tract A-3).

**BACKGROUND:** Glenwood Grove is a private townhome community in Berwick Plantation. The development consists of 132 townhome lots on 15 acres.

**FACTS AND FINDINGS:**

- 1. All common area, paving and drainage will be owned and maintained by the Glenwood Grove Homeowners Association. Water and sewer service are owned and maintained by Consolidated Utilities.
- 2. The required site improvements are complete. They have been inspected and found to be without fault.
- 3. The developer is requesting that the letter of credit issued by First Chatham Bank in the amount of \$221,487 be released.

**ALTERNATIVES:**

- 1. To end the twelve month warranty period and release the financial guarantee for Glenwood Grove.
- 2. Do not approve the request.

**POLICY ANALYSIS:** This action is consistent with the subdivision regulation regarding closeout and acceptance of subdivisions.

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

District 7

**PREPARED BY:** Nathaniel Panther, P.E.

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**10. REQUEST BOARD ACCEPT THE DEDICATED IMPROVEMENTS FOR OAKLANE SUBDIVISION.  
[DISTRICT 6.]**

**ACTION OF THE BOARD:**

Commissioner Gellatly moved to accept the dedicated improvements for Oaklane Subdivision. Commissioners Farrell and Thomas seconded the motion and it carried unanimously.

**AGENDA ITEM: X-10**  
**AGENDA DATE: October 16, 2009**

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

**ISSUE:** To accept the dedicated improvements for Oaklane Subdivision.

**BACKGROUND:** Oaklane is a single-family, residential community located on Wild Heron Road. This Phase consists of 28 lots on 6.21 acres.

**FACTS AND FINDINGS:**

- 1. This is the final phase of the Subdivision to be accepted by Chatham County.
- 2. Construction was complete in 2001. The improvements were inspected and found to be constructed in accordance with the approved plans and Chatham County Standard Specifications.
- 3. Paving and drainage improvements are being dedicated to Chatham County for maintenance.

**ALTERNATIVES:**

- 1. That the Board accept the dedicated improvements for Oaklane Subdivision.
- 2. Do not approve the request.

**POLICY ANALYSIS:** The request is in accordance with the Chatham County Subdivision Regulations.

**RECOMMENDATION:** The Board approve Alternative #1.

District 6

Prepared by: Suzanne Cooler

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**11. REQUEST BOARD ACCEPT THE DEDICATED IMPROVEMENTS FOR CYPRESS POINT SUBDIVISION, PHASE 2.] [DISTRICT 6.]**

**ACTION OF THE BOARD:**

Commissioner Gellatly moved to accept the dedicated improvements for Cypress Point Subdivision, Phase 2. Commissioners Farrell and Thomas seconded the motion and it carried unanimously.

**AGENDA ITEM: X-11**  
**AGENDA DATE: October 16, 2009**

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

**ISSUE:** To accept the dedicated improvements for Cypress Point Subdivision, Phase 2.

**BACKGROUND:** Cypress Point is a single-family, residential community located on Fort Argyle Road. This Phase consists of 9 lots on 7.5 acres.

**FACTS AND FINDINGS:**

- 1. This is the final phase of the Subdivision to be accepted by Chatham County.
- 2. Construction was complete in 2000. The improvements were inspected and found to be constructed in accordance with the approved plans and Chatham County Standard Specifications.
- 3. Paving and drainage improvements are being dedicated to Chatham County for maintenance.

**ALTERNATIVES:**

- 1. That the Board accept the dedicated improvements for Cypress Point Subdivision, Phase 2.
- 2. Do not approve the request.

**POLICY ANALYSIS:** The request is in accordance with the Chatham County Subdivision Regulations.

**RECOMMENDATION:** The Board approve Alternative #1.

District 6

Prepared by: Suzanne Cooler

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**12. REQUEST BOARD ACCEPT THE DEDICATED IMPROVEMENTS FOR RIVERBLUFF SUBDIVISION, PHASE 3. [DISTRICT 6.]**

**ACTION OF THE BOARD:**

Commissioner Gellatly moved to accept the dedicated improvements for Riverbluff Subdivision, Phase 3. Commissioners Farrell and Thomas seconded the motion and it carried unanimously.

**AGENDA ITEM: X-12**  
**AGENDA DATE: October 16, 2009**

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

**ISSUE:** To accept the dedicated improvements for Riverbluff Subdivision, Phase 3.

**BACKGROUND:** Riverbluff is a single-family, residential community located on Fort Argyle Road. This Phase consists of 24 lots on 15.28 acres.

**FACTS AND FINDINGS:**

- 1. This is the final phase of the Subdivision to be accepted by Chatham County.
- 2. Construction was complete in 2000. The improvements were inspected and found to be constructed in accordance with the approved plans and Chatham County Standard Specifications.
- 3. Paving and drainage improvements are being dedicated to Chatham County for maintenance.

**ALTERNATIVES:**

- 1. That the Board accept the dedicated improvements for Riverbluff Subdivision, Phase 3.
- 2. Do not approve the request.

**POLICY ANALYSIS:** The request is in accordance with the Chatham County Subdivision Regulations.

**RECOMMENDATION:** The Board approve Alternative #1.

**District 6**

Prepared by: Suzanne Cooler

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**13. REQUEST BOARD AUTHORIZE THE CHAIRMAN TO EXECUTE A MEMORANDUM OF AGREEMENT WITH THE CITY OF TYBEE ISLAND FOR LIFE GUARD PROTECTION SERVICES.  
[DISTRICT 4.]**

**ACTION OF THE BOARD:**

Commissioner Gellatly moved to authorize the Chairman to execute a Memorandum of Agreement with the City of Tybee Island for life guard protection services. Commissioners Farrell and Thomas seconded the motion and it carried unanimously.

**AGENDA ITEM: X-13**  
**AGENDA DATE: October 16, 2009**

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

**ISSUE:** To authorize the Chairman to execute a memorandum of agreement with the City of Tybee Island for life guard protection services

**BACKGROUND:** On August 28, 2009 the Board approved a funding allocation to Tybee Island of \$10,000 for life guard protection services. A memorandum of agreement has been developed outlining the services that the City of Tybee will provide.

**FACTS AND FINDINGS:**

- 1. On August 28, 2009 the Board of Commissioners approved a \$10,000 funding allocation to the City of Tybee Island for life guard protection services. Funds were transferred from the General Fund contingency account to the Special Appropriations department.

- 2. The attached memorandum of agreement reflects the agreement between the two parties. In exchange for services provided, the County shall remit \$10,000 to the City of Tybee Island.
- 3. The memorandum of agreement has been reviewed by the County Attorney and was found to be appropriate.

**FUNDING:** Funding is available in the Special Appropriations department budget, fiscal year ended June 30, 2010.

**POLICY ANALYSIS:** The memorandum of agreement reflects previous direction given by the Board of Commissioners.

**ALTERNATIVES:**

- 1. Authorize the Chairman to execute the memorandum of understanding with the City of Tybee Island, or
- 2. Provide other direction to staff.

**RECOMMENDATION:** Recommend alternative 1.

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**14. REQUEST BOARD CONFIRM THE CHAIRMAN’S SIGNATURE ON THE OFFICE OF JUSTICE PROGRAMS, BUREAU OF JUSTICE ASSISTANCE’S, JUSTICE AND MENTAL HEALTH COLLABORATION PROGRAM TWO-YEAR \$199,813 GRANT AWARD ISSUED TO THE SUPERIOR COURT’S CHATHAM-SAVANNAH MENTAL HEALTH COURT.**

**ACTION OF THE BOARD:**

Commissioner Gellatly moved to confirm the Chairman’s signature on the Office of Justice Programs, Bureau of Justice Assistance’s, Justice and Mental Health Collaboration Program two-year \$199,813 grant award issued to the Superior Court’s Chatham-Savannah Mental Health Court. Commissioners Farrell and Thomas seconded the motion and it carried unanimously.

**AGENDA ITEM: X-14**  
**AGENDA DATE: October 16, 2009**

**TO:** Board of Commissioners  
**THRU:** R. E. Abolt, County Manager  
**FROM:** Shawn L. Amacher, Superior Court Administrator

**Issue:**

To request that the Board of Commissioners confirm the Chairman’s signature on the Office of Justice Programs, Bureau of Justice Assistance’s, Justice and Mental Health Collaboration Program two-year \$199,813.00 grant award issued to the Superior Court’s Chatham-Savannah Mental Health Court.

**Background:**

In early 2006, Superior Court Judges Louisa Abbot and Penny Freeseemann together with Chief Judge of State Court Greg Fowler spearheaded efforts to create the first mental health court in our region. At that time, the planning committee received a \$50,000.00 planning grant to further the creation of the Chatham-Savannah Mental Health Court.

On September 27, 2007, the Chatham-Savannah Mental Health Court began official operations when it accepted its first four participants. In January 2008, the Chatham County Commissioner’s granted funding for a full-time coordinator’s position.

After operating the program for almost two years we have identified gaps in the system that if filled would allow the program to expand its capacity and to put services in place that will provide for a better success rate among program participants. Therefore, in March of 2009, we applied for an expansion grant through the Bureau of Justice Assistance.

On September 16, 2009, the received notice from the Bureau of Justice Assistance of this grant award. The Chairman provided his signature on September 28, 2009.

**Facts and Findings:**

- 1) Chatham County will serve as the fiscal agent for the \$199,813.00 being made available by the Bureau of Justice Assistance's Justice and Mental Health Collaboration Program.
- 2) The funds will be utilized by the Chatham-Savannah Mental Health Court to contract with one case manager to work directly with participants making connections to community resources, purchasing drug testing supplies to ensure participants refrain from using controlled substances, to allow for deputy supervision where deputies would complete curfew checks and administer drug screens, and monies to train team members on the various issues of mental health, substance abuse, and resource connection.
- 3) We are asking that the Commission confirm the Chairman's signature the Bureau of Justice Assistance award notice, thereby allowing the Chatham-Savannah Mental Health Court's to participate and access the grant funds.

**Funding:**

A 20% match was required for this grant. However, the Chatham-Savannah Mental Health Court Coordinator's salary was more than a sufficient match. Therefore, no additional monies are required.

**Alternatives:**

- 1) That the Board confirm the Chairman's signature accepting the Bureau of Justice Assistance's Justice and Mental Health Collaboration Program's two-year \$199,813.00 grant award.
- 2) That the Board not confirm the Chairman's signature accepting the Bureau of Justice Assistance's Justice and Mental Health Collaboration Program's two-year \$199,813.00 grant award.

**Policy Analysis:**

In the past, the Board has accepted funding which assisted the Chatham-Savannah Mental Health Court's operations.

**Recommendation:**

That the Board accept Alternative 1.

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**15. REQUEST BOARD APPROVAL OF APPLICATION TO THE GEORGIA CRIMINAL JUSTICE COORDINATING COUNCIL FOR A VICTIMS OF CRIME (VOCA) GRANT TO FUND A FULL-TIME BILINGUAL VICTIM ADVOCATE FOR SPANISH SPEAKING VICTIMS AND WITNESSES.**

**ACTION OF THE BOARD:**

Commissioner Gellatly moved to approve the application to the Georgia Criminal Justice Coordinating Council for a Victims of Crime (VOCA) grant to fund a full-time bilingual Victim Advocate for Spanish speaking victims and witnesses. Commissioners Farrell and Thomas seconded the motion and it carried unanimously.

**AGENDA ITEM: X-15**  
**AGENDA DATE: October 16, 2009**

TO: Board of Commissioners  
THRU: R. E. Abolt, County Manager  
FROM: Helen P. Bradley, Victim-Witness Assistance Program Director  
ISSUE:

To request approval of application to the Georgia Criminal Justice Coordinating Council for a Victims of Crime Act (VOCA) grant to fund a full-time bilingual Victim Advocate for Spanish speaking victims and witnesses.

FACTS AND FINDINGS:

1. The competitive grant for \$85,000 would include salary and benefits for the bilingual Advocate, equipment, supplies, outreach materials and brochures in Spanish, staff travel and training.
2. The grant requires a 20% match of \$17,000 which is already in place through the Victim-Witness Assistance Program. **No additional funds from the County are required.**
3. Chatham County has seen a steady increase in the Hispanic population during the past 10 years and this trend is reflected in the number of Hispanics who have contact with the criminal justice system.
4. The Savannah-Chatham Metro Police Department, the municipal police departments, the Office of the District Attorney, and Latin American Service Organization all report a reluctance of many Hispanic victims and witnesses to cooperate with criminal justice agencies. This lack of cooperation is often due to limited English language skills and a lack of support to maneuver the unfamiliar and intimidating legal system.
5. One priority of the grant is to provide services to under served victims. Spanish speaking victims are currently under served in Chatham County.
6. The deadline for the grant application is October 22, 2009.

FUNDING:

1. No additional County funds are required. The 20% match of \$17,000 is currently available through the Victim-Witness Assistance Program.
2. It is anticipated, that if successful, the bilingual Advocate's position and services could be funded through the VOCA continuation grants. The VOCA grant has been available since 1986 so has a long history of providing services to crime victims throughout the nation.

ALTERNATIVES:

1. That the Board approve the grant application to the Criminal Justice Coordinating Council.
2. That the Board not approve the grant application to the Criminal Justice Coordinating Council.

POLICY ANALYSIS:

The Board of Commissioners has in the past been the recipient of Victims of Crime Act funds which enhance the services to crime victims and witnesses in Chatham County.

RECOMMENDATION:

That the Board approved Alternative 1.

Prepared by /s/ Helen P. Bradley  
Helen P. Bradley

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**16. REQUEST BOARD APPROVAL FOR SECOND DISTRIBUTION OF SPLOST FUNDS TO RAPE CRISIS CENTER IN THE AMOUNT OF \$7,150.**

**ACTION OF THE BOARD:**

Commissioner Gellatly moved to approve the second distribution of SPLOST funds to Rape Crisis Center in the amount of \$7,150. Commissioners Farrell and Thomas seconded the motion and it carried unanimously.



community capital outlay projects including but not limited to cultural, historical, recreational and educational as determined by the County and authorized by Georgia law; and

**WHEREAS**, the Resolution, Referendum and Intergovernmental Agreements among the County and Municipalities provided for certain funding of other capital improvement projects, as designated in Attachment 4 of the SPLOST Resolution entitled "Other Capital Outlay Projects" (\$143,742,446) and incorporated by reference herein and a spreadsheet constituting an approved plan and dated February 14, 2003, which is incorporated into and made a part of this Agreement; and

**WHEREAS**, all funding amounts in Attachment 4 of SPLOST Resolution entitled "Other Capital Outlay Projects" and spreadsheet dated February 14, 2003, and subsequent Cash Flow Reports shall be subject to reductions based on actual proceeds collected; and

**WHEREAS**, the County has authorized a plan for the distribution of funds, as per Attachment 4 of the Resolution and in accordance with the spread sheet also dated February 14, 2003; and

**WHEREAS**, the County Commission and municipalities have set certain priorities contained in the official intergovernmental agreement for the purposes of funding and that the current project subject to this agreement would benefit by entering into this Agreement so as to delineate potential funding and timing or source of funds;

**NOW THEREFORE**, in consideration of the mutual promises and covenants contained herein, the parties agree as follows:

1. General Terms of Distribution

(a) Rape Crisis Center of the Coastal Empire, Inc. agrees that the County shall only be obligated to make the distribution of funding based on the actual collection of 2003 - 2008 SPLOST funds. Should the County not receive the fully anticipated amount through the final collection period of September 30, 2008, Rape Crisis Center of the Coastal Empire, Inc. shall receive a reduced amount from that contained in the spreadsheet approved by the Board of Commissioners on April 16, 2004, which is incorporated into and made a part of this Agreement, and be entitled only to a pro-rated amount of the actual collection.

(b) The Capital Outlay Project for 2003 - 2008 amounts estimated to be \$7,150.00 which is attached and made a part of the Agreement. Any payment shall be subject to Rape Crisis Center of the Coastal Empire, Inc.'s providing written confirmation of its progress to date of its Project, including all sums generated and expended to date, and use of SPLOST 2003 - 2008 proceeds in completing said Project, and the County's acceptance that Rape Crisis Center of the Coastal Empire, Inc.'s use to date of SPLOST 2003 - 2008 proceeds for the Project meets the requirements of this Agreement.

(c) Rape Crisis Center of the Coastal Empire, Inc. agrees that all SPLOST 2003 - 2008 funds received shall be used only for capital outlay for Rape Crisis Center of the Coastal Empire, Inc.'s Project.

(d) Rape Crisis Center of the Coastal Empire, Inc. agrees that all SPLOST 2003 - 2008 funds received shall be accounted for in a separate fund and not commingled with other monies prior to expenditure for allowable uses.

(e) Rape Crisis Center of the Coastal Empire, Inc. agrees that SPLOST 2003 - 2008 funds received shall not be used to retire general obligation debt nor for general operating expenses. However, SPLOST 2003 - 2008 funds may be used for the payment of loans secured for the purposes of advance funding of the capital improvement project as agreed by the County in anticipation of receipt of SPLOST funds and to avoid delay in implementation of the capital improvement project. The funds may be used for the design and engineering of approved capital outlay projects. SPLOST funds may not be used for purposes of payment of interest or financial carrying costs but only for the actual acquisition and construction implementation of the capital outlay project.

(f) Rape Crisis Center of the Coastal Empire, Inc. agrees that as required by Georgia law, Rape Crisis Center of the Coastal Empire, Inc. shall include in its annual audit and financial report specific information about the use of SPLOST 2003 - 2008 funds.

(g) Rape Crisis Center of the Coastal Empire, Inc. agrees to retain all records pertaining to the receipt and expenditure of SPLOST 2003 - 2008 funds for a period of four years subsequent to the County's Year 5 distribution and to make the inspection and copying of such records available to the County upon request within at least three working days.

(h) Rape Crisis Center of the Coastal Empire, Inc. agrees that it shall abide by any other requirements regarding the use and accounting of SPLOST funds as specified by Georgia law and that in event it fails to follow the applicable requirements of law, Rape Crisis Center of the Coastal Empire, Inc. shall hold the County thereto harmless from any such failures.

(i) All SPLOST funds and interest received may only be used for projects constituting approved capital outlay projects. If circumstances arise which dictate that a project which initially seemed feasible is no longer so, prior to Rape Crisis Center of the Coastal Empire, Inc. making any substantial change in scope or pursuing an alternative capital improvement project, it shall seek approval from Chatham County to ensure that said change in scope or alternative capital improvement project is SPLOST eligible and meets the requirement of law.

(j) Should for any reason that the generation of revenue from imposition of the SPLOST tax not create sufficient funding so as to pay in full the amount designated under the SPLOST plan of April 16, 2004, then Rape Crisis Center of the Coastal Empire, Inc. shall have the amount received reduced on a pro-rata basis with other similar situated agencies.

(k) The County reserves the right upon reasonable notice to conduct an audit of projects to ensure lawful use of funds.

(l) The County reserves the right to impose an administrative procedure and such other requirements as may be reasonable be necessary to ensure that distribution and use of SPLOST proceeds are lawfully used.

(m) The County shall distribute in its discretion, as cash flow permits, in a manner so as not to impede the acquisition or construction of the capital outlay project to Rape Crisis Center of the Coastal Empire, Inc..

(n) The acceptance of distribution of SPLOST proceeds by Rape Crisis Center of the Coastal Empire, Inc. shall constitute an agreement that said Rape Crisis Center of the Coastal Empire, Inc. shall not during the period of distribution request additional funding from the County as to other capital improvement projects.

(o) Rape Crisis Center of the Coastal Empire, Inc. agrees to reimburse the County for all SPLOST proceeds distributed which have been used in any capital improvement project in a manner that is not lawful or constitutes use of proceeds in a non-SPLOST eligible capital improvement project.

(p) Rape Crisis Center of the Coastal Empire, Inc. shall provide certification to County upon request and in a form acceptable to the County that funds shall be used for SPLOST eligible projects. The County may withhold distribution of SPLOST funds until such certification is made to County.

**IN WITNESS WHEREOF**, the Rape Crisis Center of the Coastal Empire, Inc. and the County have caused this Agreement to be duly executed by their proper officers and so attested with their corporate seals affixed hereto set forth in multiple originals as of the date first written above.

CHATHAM COUNTY, GEORGIA

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

ATTEST:

\_\_\_\_\_  
Sybil E. Tillman  
Clerk of Commission

APPROVED AS TO FORM AND LEGALITY

\_\_\_\_\_  
County Attorney

Rape Crisis Center of the Coastal Empire, Inc.

BY: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

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**17. INFORMATION NOTICE FROM TAX COMMISSIONER ON ADJUSTMENT FOR THE SECOND INSTALLMENT PAYMENT OF REAL PROPERTY TAXES FROM NOVEMBER 15 TO DECEMBER 10.**

**ACTION OF THE BOARD:**

Commissioner Gellatly moved to accept the information notice from Tax Commissioner on adjustment for the second installment payment of real property taxes from November 15 to December 10. Commissioners Farrell and Thomas seconded the motion and it carried unanimously.

**AGENDA ITEM: X-17**  
**AGENDA DATE: October 16, 2009**

**TO:** Board of Commissioners  
**THRU:** R. E. Abolt, County Manager  
**FROM:** R. Jonathan Hart, County Attorney and Daniel T. Powers, Tax Commissioner  
**ISSUE:** Ad Valorem Real Property Tax - Adjustment of Second Installment Due Date

**ISSUE:**

Informational notice from Tax Commissioner to members of the Board of Commissioners of the adjusted due date for the second installment payment of real property taxes from November 15<sup>th</sup> to December 10<sup>th</sup>.

**BACKGROUND:**

Tax Commissioner that the due date for the second installment payment for real property taxes has been moved from the 15th of November to the 10th of December. This adjustment is necessary due to the delayed approval of the tax digest resulting from a number of legislative changes and related circumstances that were beyond the control of the Board of Assessors and Tax Commissioner.

**FACTS AND FINDINGS:**

See attached.

**FUNDING:**

N/A

**POLICY ANALYSIS:**

N/A

**ALTERNATIVES:**

For information only.

**RECOMMENDATION:**

For information only.

RJH/jr

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

<u>ITEM</u>	<u>DEPT.</u>	<u>SOURCE</u>	<u>AMOUNT</u>	<u>FUNDING</u>
A. Two (2) animal transport compartments	Animal Control	Custom Fiberglass (Sole Source)	\$27,664	CIP - Animal Control
B. Construction contract to pave Catherine Street and Adeline Street	Engineering	Savannah Paving Company, Inc.	\$180,774	•SPLOST (2003-2008) - Catherine Street (\$108,285) •SPLOST (2003-2008) - Adeline Street (\$72,488)
C. Construction contract for the Conaway Branch Canal - Phase 1A drainage improvement project	Engineering	Pine Valley Concrete Company, Inc.	\$605,078	SPLOST (2003-2008) - Conaway Branch Canal drainage improvement
D. Replace the fire alarm system in Unit Five (5)	Detention Center	Brewer Technology Solutions	\$88,000	CIP - Detention Center Fire Alarm System
E. Change Order No. 2 to the contract for design work associated with utility relocations and professional services for the Henderson Canal drainage improvement project for additional services	Engineering	B.P. Barber and Associates, Inc.	\$52,325	SPLOST (1998-2003) - Drainage - Gateway/Henderson project
F. Contract amendment to recognize a name change	Juvenile Court	Seimens Industry, Inc.	N/A	N/A
G. Contract for striping of various roads within the County	Public Works and Park Services	Thompson Pavement Marking	\$53,954	SSD - Public Works
H. Purchase and installation of a LED message board for the Resource Conservation Education Center	Public Works and Park Services	Sign-a-Rama	\$12,000	Solid Waste Restricted
I. Construction contract for plumbing services for the Resource Conservation Education Center	Public Works and Park Services	E & D Contracting Services, Inc. (WBE)	\$11,828	Solid Waste Restricted
J. Professional engineering services contract for the expansion of Charlie Brooks Park	Public Works and Park Services	Mactec Engineering and Consulting, Inc.	Not to Exceed \$158,000	SPLOST (2003-2008) - Charlie Brooks Park
K. Purchase and installation of workstations	District Attorney	Modern Business Systems	\$103,505	SPLOST (2003-2008) - Courthouse Construction
L. Annual contracts with automatic renewal options for two (2) additional one (1) year terms for the purchase of gasoline and diesel fuel	Fleet Operations	•Sommers Oil Company (Transport loads) •Strickland Oil Company (Tank wagon loads)	Varies by item	•General Fund/M&O - Various •SSD - Various
M. Three (3) Ford F150 4x4 XL long bed pickup trucks	Fleet Operations	J. C. Lewis Ford	\$55,050	CIP - Fleet Replacement
N. One (1) truck chassis	Fleet Operations	Bunch Truck and Equipment	\$98,883	Solid Waste
O. One (1) truck body	Fleet Operations	Consolidated Disposal Systems	\$58,400	Solid Waste

<u>ITEM</u>	<u>DEPT.</u>	<u>SOURCE</u>	<u>AMOUNT</u>	<u>FUNDING</u>
P. Upgrades to the Pipemakers Canal Sluice Gate structure	Engineering	Golden Harvest, Inc. (Sole Source)	Not to Exceed \$60,000	SPLOST (1998-2003) - Pipemakers Canal Drainage Project
Q. Construction contract for the Quacco Road/Regency Park drainage improvement project	Engineering	R. B. Baker Construction, Inc.	\$931,800	SPLOST (1998-2003) - Quacco Road/Regency Park drainage improvement project

**ACTION OF THE BOARD:**

Commissioner Gellatly moved to approve Items 18-A through 18-Q, both inclusive. Commissioner Farrell and Thomas seconded the motion and it carried unanimously.

**AGENDA ITEM:** X-18 A thru Q  
**AGENDA DATE:** OCTOBER 16, 2009

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

**ITEM A**

**ISSUE:** Request Board approval of a \$27,664 sole source purchase of two (2) animal transport compartments from Custom Fiberglass for Animal Control.

**BACKGROUND:** When the Board adopted the FY2010 budget, funds for animal transport compartments were included in the adopted Capital Improvement Program budget.

**FACTS AND FINDINGS:**

1. The Board has previously approved funding for animal transport compartments in the FY2008 CIP. This purchase will continue the replacement project started in 2008. These compartments replace the current open cages.
2. Custom Fiberglass, Homosassa Springs, FL, was the successful vendor for the previous purchase. The units have proven to be satisfactory and cost effective. Staying with the current vendor will allow for standardization.
3. Staff believes the purchase price of \$27,664 from Custom Fiberglass to be fair and reasonable.

**FUNDING:** CIP- Animal Control  
 (3503910 - 54.22001 - 3503029Z)

**ALTERNATIVES:**

1. Board approval of a \$27,664 sole source purchase of two (2) animal transport compartments from Custom Fiberglass for Animal Control.
2. Provide staff other direction.

**POLICY ANALYSIS:** It is consistent with Board policy to approve sole source purchases that will benefit the County in the standardization of purchases.

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

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

**ITEM B**

**ISSUE:** Request Board approval to award a \$180,774 construction contract to Savannah Paving Co, Inc. to pave Catherine Street and Adeline Street.

**BACKGROUND:** Catherine Street and Adeline Street are on the list of unpaved roads in Unincorporated Chatham County. The Board approved a design contract with Jordan, Jones & Goulding, Inc. on 13 January 2006.

**FACTS AND FINDINGS:**

1. The project was properly advertized and ten (10) bids were received and opened 15 September 2009. The responses are as follows:

	Savannah Paving Company, Inc. Brooklet, GA	\$180,774
*	Sandhill ALS Construction, Inc. Hardeeville, SC	\$185,414
	Sitework Construction, LLC Savannah, GA	\$201,917
**	Clifton Construction, Inc. Garden City, GA	\$201,970
	A. D. Williams Construction Co., Inc. Savannah, GA	\$215,407
	Griffin Contracting, Inc. Pooler, GA	\$215,425
	Ellis Wood Contracting, Inc. Statesboro, GA	\$235,657
	Bryco, Inc. Pembroke, GA	\$254,379
**	E&D Contracting Services, Inc. Savannah, GA	\$258,711
*	Harbor Construction Company, Inc. Savannah, GA	\$291,466

\* MBE firm  
\*\* WBE firm

2. Staff believes the bid received from Savannah Paving Co., Inc. is fair and reasonable and within the construction cost estimate.

3. The project is expected to be completed within 130 days from the Notice To Proceed.

**FUNDING:** SPLOST (2003 - 2008) - Catherine Street (\$108,286)  
(3234220 - 54.14001 - 32356317)  
SPLOST (2003 - 2008) - Adeline Street (\$72,488)  
(3234220 - 54.14001 - 32356357)

**ALTERNATIVES:**

1. Board approval to award a \$180,774 construction contract to Savannah Paving Co, Inc. to pave Catherine Street and Adeline Street.

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 C**

**ISSUE:** Request Board approval to award a \$605,078 contract with Pine Valley Concrete Co., Inc. for the Conaway Branch Canal- Phase 1A Drainage Improvements project.

**BACKGROUND:** The Conaway Canal Drainage Improvement project was approved for funding under the 1998 - 2003 SPLOST. Phase 1A of the project includes channel and crossing improvements from Conaway Road north to Pipemakers Canal.

**FACTS AND FINDINGS:**

1. The project is located in the municipalities of Pooler and Bloomingdale in west Chatham County. The project will improve drainage capacity by installing larger culverts. Channel widening and an all-weather maintenance road will be provided in a future project.
2. Design work for Phase 1A, from Pipemakers Canal to Conaway Road, was completed by in the summer of 2006 and acquisition of drainage rights of way was completed in early 2009.
3. The project was properly advertized and ten (10) bids were received and opened 23 September 2009. The responses are as follows:

Pine Valley Concrete Co., Inc. Meansville, GA	\$ 605,078
Tyson Utilities Construction, Inc. Metter, GA	\$ 699,226
L-J, Inc. Columbia, SC	\$ 816,089
Griffin Contracting, Inc. Pooler, GA	\$ 887,069
** E&D Contracting Services, Inc. Savannah, GA	\$ 932,460
Cleland Site Prep, Inc. Ridgeland, SC	\$ 942,000
R. B. Baker Construction, Inc. Garden City, GA	\$ 1,028,830
TIC (The Industrial Company) Savannah, GA	\$ 1,060,250
* Sandhill ALS Construction, Inc. Hardeeville, SC	\$ 1,160,000
Terry R. Lee Contracting Co., Inc. Hardeeville, SC	\$ 1,121,500

\* MBE firm  
\*\* WBE firm

4. Staff reviewed the bids and believes that the price quoted by Pine Valley Concrete Co., Inc. is a reasonable cost for the work involved and that the bid is responsive to the needs of the County.

**FUNDING:** SPLOST (2003 - 2008) - Conaway Branch Drainage Project (3224250 - 52.12003 - 32280247)

**ALTERNATIVES:**

1. Board approval to award a \$605,078 contract with Pine Valley Concrete Co., Inc. for the Conaway Branch Canal- Phase 1A Drainage Improvements project.
2. Provide staff other direction.

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

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

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

**ITEM D**

**ISSUE:** Request Board approval of an \$88,000 contract to Brewer Technology Solutions, Brunswick, GA., to replace the Unit Five Fire Alarm System at the Chatham County Detention Center.

**BACKGROUND:** The Chatham County Detention Center Unit Five Fire Alarm failed the last inspection from the Fire Department. It was deemed the that the system required replacement.

**FACTS AND FINDINGS:**

1. The project was properly advertised and opened 1 September 2009. Responses are as follows:

Bluffton Alarm Company, LLC Bluffton, SC	Disqualified (Did not provide the required documentation).
Brewer Technology Solutions. Brunswick, GA	\$ 88,000

2. Staff believes the bid from Brewer Technology Solutions to be fair and reasonable.

**FUNDING:** CIP - Detention Center Fire Alarm System  
(3503326 - 54.13009 - 35031257)

**ALTERNATIVES:**

1. Board approval of an \$88,000 contract to Brewer Technology Solutions, Brunswick, GA, to replace the Unit Five Fire Alarm System at the Chatham County Detention Center.
2. Provide staff other direction.

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

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

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

**ITEM E**

**ISSUE:** Request Board approval of Change Order 2, in the amount of \$52,325, to the engineering services contract with B.P. Barber & Associates, Inc. for additional design work associated with utility relocations and for professional services during construction.

**BACKGROUND:** The Gateway/Henderson Drainage project is a part of the Chatham County Drainage Improvement Program. Problems include the limited drainage capacity of the existing canal and several road crossings over the canal.

**FACTS AND FINDINGS:**

1. Problems associated with the existing Henderson Canal drainage system include overtopping of Al Henderson Boulevard and the Brown Thrush Road area. These problems are attributed to the low elevations near the Al Henderson Blvd/Brown Thrush intersection and the limited drainage capacity of the existing canal and bridge structures.
2. Recommendations developed by a consultant include widening of the Henderson Canal and replacing two (2) road culverts and a golf cart culvert to increase

capacity. The existing culvert structures and their replacements are located in Chatham County rights of way.

3. In accordance with the Chatham County Rights of Way Encroachment Ordinance, utility operators were notified of the project in March 2009 and requested to relocate the portions in conflict with the new construction. The utility operator (City of Savannah) was reminded of its responsibility to relocate its systems in April 2009. By correspondence dated 29 September 2009, the City announced that it will not pay for relocation of its utilities.
4. Construction of the drainage improvements and realization of reduced flood hazard cannot happen without relocating these utility systems. This Change Order includes \$9,675 as the cost to design the relocations.
5. When a construction contract is awarded, staff will track separately the cost to construct the relocations. In accordance with the Chatham County Rights of Way Encroachment Ordinance, staff will coordinate efforts with the County Attorney to recoup the actual design and construction costs related to relocation of the City of Savannah water and sewer utilities.
6. This Change Order also includes \$42,650 to pay for additional professional services (i.e. construction inspection, reviewing pay applications and responding to questions) during construction not included in the existing contract scope of work or fee. These services cannot be provided by existing staff due to current workloads and the freeze on hiring new staff. The consultant's services will be provided on an "as needed" basis up to the maximum amount described herein.
7. Contract history:

Original Contract Amount (10-20-06)	\$97,300
Change Order 1 (5-11-07)[Additional Topographic Survey and Wetlands Delineation]	\$30,000
Change Order 2 (pending)	<u>\$52,325</u>
Revised Contract Amount	<u>\$179,625</u>

**FUNDING:** SPLOST (1998 - 2003) - Drainage, Gateway/Henderson Project  
(3224250 - 52.12003 - 32280353)

**ALTERNATIVES:**

1. Board approval of Change Order 2, in the amount of \$52,325, to the engineering services contract with B.P. Barber & Associates, Inc. for additional design work associated with utility relocations and for professional services during construction.
2. Provide staff other direction.

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

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

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

**ITEM F**

**ISSUE:** Request Board approval of an amendment to the existing agreement with Siemens Building Technologies, to recognize a name change to Siemens Industry, Inc.

**BACKGROUND:** Chatham County entered into an agreement with Siemens Building Technologies, Inc., for the maintenance of the HVAC Control Services for Juvenile Court on 22 September 2006.

**FACTS AND FINDINGS:**

1. Staff was notified by Siemens Industry, Inc., of the change on 7 October 2009.
2. All terms and conditions of this contract will remain the same.

**FUNDING:** N/A

**ALTERNATIVES:**

- 1. Board approval of an amendment to the existing agreement with Siemens Building Technologies, to recognize a name change to Siemens Industry, Inc.
- 2. Provide staff other direction.

**POLICY ANALYSIS:** It is consistent with Board policy to amend contracts that require any changes made to the name, terms, and conditions.

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

BUDGET APPROVAL \_\_\_\_\_  
GLORIA SAUGH

**ITEM G**

**ISSUE:** Request Board approval to award a \$47,864 contract to Thompson Pavement Marking of Port Wentworth, Georgia for striping of various roads within the County for Public Works and Park Services.

**BACKGROUND:** Each year the Road Maintenance Superintendent identifies roads that require re-striping. Because the department has no commercial grade equipment to accomplish striping on a grand scale a vendor is required to meet the maintenance need.

**FACTS AND FINDINGS:**

- 1. Staff identified a need for 110,880 linear feet of yellow skip, 180,576 linear feet of yellow solid, 229,680 linear feet of white solid and 25,872 linear feet of white skip striping for contracting this year.
- 2. Of the total, 157,872 linear feet will be re-striped using thermoplastic coating which should remain serviceable for approximately seven (7) years. The remaining routes will be striped using standard road striping paint.
- 3. The routes to be addressed include sections of Truman Parkway, LaRoche Ave., Montgomery Cross Rd., Al Henderson Blvd., John Carter Rd., Norwood Ave., Walthour Rd., Whitefield Ave., Shipyard Rd., Sullivan St., Eastridge Dr., Nottingham Dr., Mendle Ave., Estill Hammock Rd., Hutchinson Island Rd., Louis Mills Blvd., Old River Rd., Red Fox Dr., and Cane Brake Rd.
- 4. The project was properly advertised and two (2) bids were received and opened on 22 September 2009. The responses are as follows:
 

*	Thompson Pavement Marking Port Wentworth, GA	\$53,954
	Peek Pavement Marking, LLC Columbus, GA	\$112,137 (non-responsive)

\*WBE firm
- 5. Peek Pavement Marking, LLC is declared non-responsive since they did not bid to the solicitation specifications. They bid all routes thermoplastic.
- 6. Due to a budget shortfall, Norwood Ave., Whitefield Ave., Hutchinson Island Rd., and Cane Brake Rd, were removed from the original solicitation. A total of 118,806 painted linear feet was removed at a cost of \$6,090. Staff contacted Thompson Pavement Marking to determine if they would honor their bid with the removal of the above mentioned routes, and they concurred.

**FUNDING:** SSD - Public Works  
(2704100 - 52.39001)

**ALTERNATIVES:**

- 1. Board approval to award a \$47,864 contract to Thompson Pavement Marking of Port Wentworth, Georgia for striping of various roads within the County for Public Works and Park Services.
- 2. Provide staff other direction.

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

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

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

**ITEM H**

**ISSUE:** Request Board approval to award a \$12,000 purchase of a sign with a LED message board from Sign-a-Rama for the Resource Conservation Education Center.

**BACKGROUND:** Chatham County Public Works and Park Services and the Chatham County Board of Commissioners is opening the Resource Conservation Education Center to expand services to residents. The sign with the LED message component will be used to not only let residents know where the center is located, but to display education events, tours, speakers, and exhibits. The sign will allow for a larger possible audience and bigger impact on the environmental matrix.

**FACTS AND FINDINGS:**

1. A purchase of this sign with a LED message board is an addition to the County's efforts to deliver quality of life services to its residents. The sign will have a lighted double-sided 4 foot x 8 foot pan faced sign and 15 inch by 64 inch LED message board. The project consists of site preparation, foundation, slab, risers, electrical access and installation of sign.
2. Staff obtained quotes from the following three (3) vendors:

Sign-a-Rama Savannah, GA	\$12,000
Doug Bean Sign Savannah, GA	\$12,230
Kennickell Savannah, GA	No Bid
3. The County Zoning Administrator has reviewed the sign plan and determined it meets the County's sign code and zoning requirements.
4. Staff believes the low quote by Sign-a-Rama to be fair and reasonable.

**FUNDING:** Solid Waste Restricted  
(5404510 - 53.17009)

**ALTERNATIVES:**

1. Board approval to award a \$12,000 purchase of a sign with a LED message board from Sign-a-Rama for the Resource Conservation Education Center
2. Provide staff other direction.

**POLICY ANALYSIS:** It is consistent with Board policy to award purchases to further the commitment of recycling for the Citizens.

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

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

**ITEM I**

**ISSUE:** Request Board approval to award an \$11,828 construction contract to E & D Contracting Services, Inc., a WBE firm, for plumbing services at the Resource Conservation Education Center.

**BACKGROUND:** Chatham County Public Works and Park Services is proceeding with direction from the County Commissioners to open the Resource Conservation Education Center. Plumbing services to the facility brings the County closer to completing the Center and meeting the goals of the master plan.



4. Proposals were solicited using the Qualification Based Selection (QBS) process for Design/Engineering Services for the expansion project. Thirteen design firms submitted proposals. The proposals were scored by the selected evaluation committee and the top three high scoring firms were interviewed. (See attached matrix pages 23-25 for detailed scoring). MACTEC Engineering & Consulting, Inc. received the highest score.
5. The Director of Public Works and Park Services and MACTEC Engineering & Consulting, Inc. has since negotiated a final Scope of Services and the fee of \$153,000.

**FUNDING:** SPLOST (2003 - 2008) - Charlie Brook Park  
(3234961 - 52.12003 - 32360204)

**ALTERNATIVES:**

1. Board approval to award a \$153,000 design/engineering contract to MACTEC Engineering & Consulting, Inc. for the Expansion of Charlie Brooks Park.
2. Provide staff other direction.

**POLICY ANALYSIS:** It is consistent with Board policy to award design/engineering contracts to the highest scoring firm.

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

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

**ITEM K**

**ISSUE:** Request Board approval of a \$103,505 purchase of new office work stations from Modern Business System of Savannah, GA for the Chatham County District Attorney.

**BACKGROUND:** The Chatham County District Attorney's office is currently using workstations which fail to provide adequate storage, work surfaces, and has become extremely tattered over the many years of use. The new cubical system will be more functional and efficient.

**FACTS AND FINDINGS:**

1. Request for Bid's were properly advertised, and opened 9 July 2009. The user department determined that two (2) of the bids were non-responsive. Bid responses are as follows:

McWaters Savannah, GA	\$91,575. (Non-responsive) (See attached letter page 26)
Modern Business System Savannah, GA	\$ 97,134 (Original Bid)
Business Interiors By Staples Savannah, GA	\$105,000 (Non-responsive) (See attached letter page 27)
National Office System Savannah, GA	\$119,809
Mason's Inc. Savannah, GA	\$125,810
* VIP Office Furniture & Supply Savannah, GA	\$139,733
Georgia Correctional Decatur GA	\$145,995

\* WBE Firm

2. Specifications were for 25 workstations, 25 chairs, 40 five(5) drawer file cabinets.
3. The price increase, \$6,371, over the original bid received is to cover the cost of the installation of the workstations over the Thanksgiving holiday.

**FUNDING:** SPLOST (2003 - 2008) - Courthouse Renovation  
(3234980 - 54.13011 - 32360427)

**ALTERNATIVES:**

1. Board approval of a \$103,505 purchase of new office work stations from Modern Business System of Savannah, GA for the Chatham County District Attorney.
2. Provide staff other direction.

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

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

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

**ITEM L**

**ISSUE:** Request Board approval to award annual contracts for the purchase of gasoline and diesel fuel for use by various County departments to The Sommers Company of Savannah, GA and Strickland Oil Company Pooler, GA.

**BACKGROUND:** The joint solicitation was a consolidation of the requirements of Chatham County, City of Savannah, Savannah Airport Commission, Savannah-Chatham Board of Education, Tybee Island, Thunderbolt, and Bloomingdale. Chatham County acts as the "lead agency" in this solicitation. The individual government entities are billed separately by the suppliers at the contract price and each entity is responsible for payment to the vendors.

**FACTS AND FINDINGS:**

1. The price of fuel purchase is based on Oil Price Information Service (O.P.I.S.) prices (which vary daily) at the time of delivery, plus or minus overhead and delivery charges (per gallon), which are consistent for the term of the contract. Competition between offerors is based on overhead and delivery charges since all competing firms use the same O.P.I.S. fuel price prevailing at time of delivery.
2. The total yearly estimated fuel requirements for all participants is approximately 3.7 million gallons. Chatham County's usage is approximately 785,000 gallons.
3. A significant factor affecting price is how much fuel is delivered to a location. If 8,000 or more gallons are delivered, the delivery is considered a "transport" load and a lower fee is charged. If a smaller delivery is made to a site, it is considered a "tank wagon" load and a higher fee is charged. For this reason, you will note that the same type of fuel (e.g. regular unleaded gasoline) is separately listed to reflect the price difference based on the number of gallons delivered.
4. The solicitation was publicly advertised and mailed to 19 prospective bidders, of which 13 were local firms and six (6) firms were F/MBE. Responses were received from three local vendors and one out of town. The "out of County" firms, Petroleum Traders of Ft. Wayne, IN submitted a bid however, it was Non Responsive to the solicitation, which has resulted in contracts being awarded to local firms. A recap of the responses received are listed per the detailed attachment (pages 28-30 )
5. The Sommers Company and Strickland Oil Company, are the successful low responsive bidders. Sommers current bid prices reflect an average increase of 0% over their 2005 contract prices.'s This is the first contract award to Strickland Oil so there is no data to compare price. Staff acknowledges that the Fuel Market is still very volatile and we must work toward fuel reduction practices.
6. Staff recommends awarding of this bid to the low responsive bidders for each type of delivery as follows:

Strickland Oil Company  
Pooler, GA

TANK WAGON LOADS (Less than 5,500 Gallons): MARK-UP:

Regular Unleaded (Regular Working Hours)	O.P.I.S.+ \$.099/Gallon
Regular Unleaded (Weekend/Holiday)	O.P.I.S.+\$.24/Gallon
Unleaded Premium (Regular Working Hours)	O.P.I.S.+ \$.099/Gallon
Unleaded Premium (Weekend/Holiday)	O.P.I.S.+ \$.24/Gallon
Mixed Unleaded (Regular Working Hours)	O.P.I.S.+ \$.099/Gallon
Mixed Unleaded (Weekend/Holiday)	O.P.I.S.+ \$.24/Gallon
ULS Diesel Fuel On/Off Road (Regular Working Hours)	O.P.I.S.+ \$.099/Gallon
ULS Diesel Fuel On/Off Road (Weekend/Holiday)	O.P.I.S.+ \$.24/Gallon

The Sommers Company, Inc.  
Savannah, GA

TRANSPORT LOADS (8,000 Gallons or More): MARK-UP:

Regular Unleaded (Regular Working Hours)	O.P.I.S.+ \$.005/Gallon
Regular Unleaded (Weekend/Holiday)	O.P.I.S.+\$.005/Gallon
Unleaded Premium (Regular Working Hours)	O.P.I.S.- \$.01/Gallon
Unleaded Premium (Weekend/Holiday)	O.P.I.S.- \$.01/Gallon
Mixed Unleaded (Regular Working Hours)	O.P.I.S.- \$.01/Gallon
Mixed Unleaded (Weekend/Holiday)	O.P.I.S.- \$.01/Gallon
ULS Diesel Fuel On/Off Road (Regular Working Hours)	O.P.I.S.+ \$.0125/Gallon
ULS Diesel Fuel On/Off Road (Weekend/Holiday)	O.P.I.S.+ \$.0125/Gallon

**FUNDING:** General Fund/M&O- Various Departments  
SSD- Various Departments

**ALTERNATIVES:**

1. Board approval to award annual contracts for the purchase of gasoline and diesel fuel for use by various County departments to The Sommers Company of Savannah, GA and Strickland Oil Company, of Pooler, GA.
2. Provide staff other direction.

**POLICY ANALYSIS:** It is consistent with Board policy to combine municipality requirements whenever possible to assure the most competitive pricing.

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

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

**ITEM M**

**ISSUE:** Request Board approval of the \$55,050 base price purchase of three (3) 2010 Ford F150 4x4 XL Longbed Trucks from J. C. Lewis of Savannah.

**BACKGROUND:** These trucks are replacements vehicles for the Public Works Department. They will replace trucks that are worn out beyond economic repair and has poor dependability.

**FACTS AND FINDINGS:**

1. Bids were publicly advertised, mailed to three (3) prospective bidders, and opened 7 October 2009. Bid responses are as follows:

	<u>2010 Ford F150</u>
Legacy Ford McDonough, GA	\$18,350 per truck
Duval Ford Jacksonville, FL	\$19,1745 per truck
J. C. Lewis Ford Savannah, GA	\$19,854 per truck

Hoover Chrysler, Jeep, Dodge \$21,248 per truck  
Savannah, GA

- 2. On 27 March 1998, the Board approved a "local preference" policy which, when a firm from outside Chatham County submits the "absolute low bid, allows the lowest bidding Chatham County firm to match the "absolute low" bid. If the local firm does match the "absolute low"bid, the local firm is awarded the purchase. As indicated above, a non-Chatham County firm offered the "absolute low" bid. The Chatham County firm was asked if they would match the outside firm's bid. J. C. Lewis Ford has agreed to match the "absolute low" bid.
- 3. Staff believes this price is fair and reasonable.

**FUNDING:** CIP - Vehicle Replacement  
(3501567 - 54.22001 - 3503004B)

**ALTERNATIVES:**

- 1. Request Board approval of the \$55,050 base price purchase of three (3) 2010 Ford F150 4x4 XL Longbed Trucks from J. C. Lewis of Savannah.
- 2. Provide staff other direction.

**POLICY ANALYSIS:** It is consistent with Board policy to approve the purchase of replacement vehicles for the using department.

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

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

**ITEM N**

**ISSUE:** Request Board approval of the \$98,883 purchase of a new Chassis Truck, 66,000 lb GVW for Public Works Solid Waste from Bunch Truck and Equipment of Savannah.

**BACKGROUND:** This Chassis Truck is a replacement for one refuse truck with a body to be installed.

**FACTS AND FINDINGS:**

- 1. This truck is an essential tool used for the Solid Waste division in their daily operation.
- 2. Bids were publicly advertised, mailed to three (3) prospective bidders, and opened 7 October 2009. Bid responses are as follows:

	<u>New Chassis Truck</u>
Bunch Truck & Equipment Savannah, GA	\$98,883
Roberts International Trucks Richmond Hill, GA	\$101,883
Nalley Motor Trucks Atlanta, GA	\$108,312

- 3. Staff believes the total cost of \$98,883 for the new Chassis Truck be fair and reasonable.

**FUNDING:** Solid Waste  
(5404502 - 54.22001)

**ALTERNATIVES:**

- 1. Request Board approval of the \$98,883 purchase of a new Chassis Truck, 66,000 lb GVW for Public Works Solid Waste from Bunch Truck and Equipment of Savannah.
- 2. Provide staff other direction.

**POLICY ANALYSIS:** It is consistent with Board policy to purchase equipment essential for the daily operation of the using department.

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

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

#### ITEM O

**ISSUE:** Request Board approval of a \$58,400 purchase off of the City of Savannah's solicitation for one (1) New Way Brand King Cobra refuse body for Solid Waste from Consolidated Disposal Systems, Inc., of Smyrna, GA.

**BACKGROUND:** Due to the lost of two (2) refuse trucks and the demand for the services requires dependable equipment.

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

1. This refuse truck body is required to make a complete unit.
2. The City of Savannah issued a solicitation for the purchase of a refuse body. Staff contacted Consolidated Disposal Systems, Inc., to "piggy-back" off of the solicitation. Consolidated Disposal Systems, Inc., has agreed to honor the same price, terms and conditions.
3. Staff believes this cost of \$58,400 for a refuse truck body to be fair and reasonable.

**FUNDING:** Solid Waste  
(5404502 - 54.22001)

#### **ALTERNATIVES:**

1. Board approval of a \$58,400 purchase off of the City of Savannah's solicitation for one (1) New Way Brand King Cobra refuse body for Solid Waste from Consolidated Disposal Systems, Inc., of Smyrna, GA.
2. Provide staff other direction.

**POLICY ANALYSIS:** It is consistent with Board policy to approve the equipment parts that are essential to the using department.

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

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

#### ITEM P

**ISSUE:** Request Board approval to award a "Not to Exceed" \$60,000 sole-source purchase order with Golden Harvest, Inc. for the upgrades to the Pipemakers Canal Sluice Gate Structure.

**BACKGROUND:** The Sluice Gate Structure was constructed as a part of the Pipemakers Canal Drainage Improvements, Phase I project and completed in 2006. The County has also added remote monitoring and data collection capabilities to improve operation.

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

1. The sluice gate structure is a first-of-its kind type of flow control structure for the County because of its electrical-mechanical systems and control of its automatic operation. As a result, the facility has required study of rainfall events and canal water levels, adjustments to the control sequence, and learning how to best manage the unique characteristics of the mechanical systems.
2. In September 2009, an extensive on-site evaluation of the gates and mechanical systems was conducted to determine system functionality and condition. The evaluation revealed that built-in system redundancy has been compromised and requires the replacement of parts of the mechanical sluice gate actuators. The

actuators are the components that transfer the energy of the electrical motors into opening and closing the gates.

- 3. Golden Harvest is the manufacturer of the installed equipment, including the actuators. In order to maintain optimum performance and to not have to retrofit existing equipment, replacement of the parts with parts from alternative sources is not recommended.
- 4. The necessary parts are not stock items. The manufacturer has indicated it will not build the parts until a firm price has been determined and an order is received. Staff is currently negotiating a firm price for the replacement parts and believes it will be less than \$60,000. The Board of Commissioners will not meet again until November 6, 2009 and the lead time associated with ordering and building the parts will be several weeks.
- 5. Board approval of this agenda item will expedite return of the sluice gate structure to restore full operating capability.

**FUNDING:** SPLOST (1998 - 2003) - Pipemakers Canal Drainage project (3224250 - 54.14021 - 3228021Z)

**ALTERNATIVES:**

- 1. Board approval of a "Not to Exceed" \$60,000 sole-source purchase order with Golden Harvest, Inc. for the upgrades to the Pipemakers Canal Sluice Gate Structure.
- 2. Provide staff other direction.

**POLICY ANALYSIS:** It is consistent with Board policy to approve sole-source contracts when it is in the best interest of the County.

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

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

**ITEM Q**

**ISSUE:** Request Board approval to award a \$931,800 construction contract with R. B. Baker Construction Inc. for the Quacco Road / Regency Park Drainage Improvements project.

**BACKGROUND:** The Quacco Road / Regency Park Drainage Improvements project is a part of the Chatham County Drainage Improvement Program. Problems to be addressed include the limited drainage capacity of the existing culverts within the canal and flooding to the Regency Mobile Home Park.

**FACTS AND FINDINGS:**

- 1. The project is located along Quacco Road in Unincorporated Chatham County. Problems associated with the existing canal drainage system include moderate flooding of the Regency Mobile Home Park. This problem is attributed to the low elevations near the Quacco Canal and the limited drainage capacity of the existing culverts.
- 2. Recommendations developed by a consultant include replacement of a culvert within the Quacco Canal system crossing Quacco Road to increase capacity as well as installing a closed system along Quacco Road. Staff has accepted this recommendation based on flood reduction benefits and cost.
- 3. This project was properly advertized and 12 bids were received and opened 10 September 2009. The responses are as follows:

R. B. Baker Construction , Inc. Garden City, GA	\$ 931,800
J. Heirs Company Baxley, GA	\$ 939,124
Griffin Contracting, Inc. Pooler, GA	\$ 1,017,374

	Cleland Site Prep Bluffton, SC	\$ 1,017,685
	Seaboard Construction Brunswick, GA	\$ 1,063,328
	Savannah River Utilities Springfield, GA	\$ 1,096,680
	Pine Valley Concrete / C & H Paving Meansville, GA	\$ 1,264,734
**	E & D Contracting Services, Inc. Savannah, GA	\$ 1,350,320
	McLendon Enterprises Vidalia, GA	\$ 1,368,887
	Terry R. Lee Contracting Co., Inc. Hardeeville, SC	\$ 1,529,475
	Ruby-Collins Smyrna, GA	\$ 1,642,139
*	Sandhill ALS Construction , Inc. Hardeeville, SC	\$ 1,756,270

\* MBE firm  
 \*\* WBE firm

- Staff reviewed the bids quoted and believes the price quoted by R. B. Baker Construction, Inc. is a reasonable cost for the work involved and that the bid is responsive to the needs of the County.

**FUNDING:** SPLOST (1998 - 2003) - Quacco/Regency Park drainage project.  
 (3224250 - 54.14021 - 32280387)

**ALTERNATIVES:**

- Board approval to award a \$931,800 construction contract with R. B. Baker Construction, Inc. for the Quacco Road / Regency Park Drainage Improvements project.
- Provide staff other direction.

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

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

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

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

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**XI. FIRST READINGS**

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

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: October 16, 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>
25 loads of fill dirt and 12 loads of top soil	Public Works and Park Services	ABC Crushing	\$2,750	SSD - Public Works
Additional services to provide comparative analysis for building sites	Public Works and Park Services	Barnard & Associates Architects	\$2,811	SPLOST (2003-2008) - Public Works building
Installation of two (2) solid surface counter tops in bathrooms in Courthouse basement	Special Projects	Atlantic Coastal Homes, Inc.	\$3,703	SPLOST (2003-2008) - Courthouse Construction
Remove, refill and install one (1) fire suppression system in the 911 Call Center	Facilities Maintenance and Operations	Simplex Grinnell	\$7,917	E911 Fund

<b>ITEM</b>	<b>DEPT.</b>	<b>SOURCE</b>	<b>AMOUNT</b>	<b>FUNDING</b>
Annual hardware and software maintenance on Xiotech equipment	ICS	Xiotech (Sole Source)	\$8,448	•General Fund/M&O - Sheriff - \$2,790.64 •General Fund/M&O - Detention Center - \$5,657.36
Purchase and installation of emergency equipment for two (2) Police vehicles	Fleet Operations	West Chatham Warning Devices	\$5,008	CIP - Fleet Operations
Paint and bodywork to wrecked CNT vehicle	Fleet Operations	A & L Autobody, Inc.	\$3,525	General Fund/M&O - Fleet Operations
Professional audit services for the year ending 30 June 2009	Tax Commissioner	Karp, Ronning and Tindol	\$7,500	General Fund/M&O - Tax Commissioner
Two (2) metal doors as part of the County renovation project	Special Projects	McCarthy, Inc.	\$3,921	SPLOST (2003-2008) - Courthouse Construction
Replace transmission in trash truck	Fleet Operations	W. W. Williams of Savannah	\$5,435	General Fund/M&O - Fleet Operations
177 cases of anti-bacterial soap	Detention Center	Coastal Sail (Sole Source)	\$4,584	General Fund/M&O - Detention Center
Layout, setup and printing of the Budget book	Finance	Print Shop of Savannah	\$4,456	General Fund/M&O - Finance
Annual maintenance on Records Management software	I.C.S.	Zasio Enterprises (Sole Source)	\$4,224	General Fund/M&O - I.C.S.
20 printer toner cartridges	Tax Commissioner	Media South	\$4,225	General Fund/M&O - Tax Commissioner
Repairs to chiller at the Detention Center	Detention Center	Boaen Mechanical	\$3,663	General Fund/M&O - Detention Center
Reimbursement for landfill fees for site preparation of Truman Parkway, Phase 5	Engineering	B & D Clearing, Inc.	\$4,500	SPLOST (1998-2003) - Truman Parkway
Termite treatment bond	Mosquito Control	Allgood Services, Inc.	\$5,950	General Fund/M&O - Mosquito Control
Sign shop supplies to include caps, crosses and post adapters	Public Works and Park Services	Evangeline Specialties Company	\$5,130	SSD - Public Works
18,500 printed file folders	Magistrate Court	VIP Printing and Office Supply (WBE)	\$4,029	General Fund/M&O - Magistrate Court
Repair module power supply and face plate encoder unit	Detention Center	Convertteam, Inc.	\$3,046	General Fund/M&O - Detention Center
100 cases letter size copy machine paper	Detention Center	Staples Business Advantage	\$3,145	General Fund/M&O - Detention Center
Folger Adams locks and mounting hardware	Detention Center	Sentry Security Fasteners, Inc. (Sole Source)	\$3,416	General Fund/M&O - Detention Center
Replaced circuit control board at the President Street Bridge and primed generator injectors at the Skidaway Island Bridge	Public Works and Park Services	Yancey Power Systems	\$2,933	General Fund/M&O - Bridges

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### 3. ROADS AND DRAINAGE REPORTS.

#### ACTION OF THE BOARD:

Staff reports were attached as information.

**AGENDA ITEM: XIII-3 - Roads**  
**AGENDA DATE: October 16, 2009**

**TO:** Board of Commissioners

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

**FROM:** A.G. Bungard, P.E., 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. The GDOT submitted for funding under the Transportation Investment Generating Economic Recovery (TIGER) Discretionary Grants Program on September 15, 2009. GDOT moved the let date to February 19, 2010 to await TIGER results.

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. Proposals are scheduled to be opened on October 16.

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 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 expected to be complete in November 2009.

c. Pyeland Avenue. Board approved award of construction contract September 25, 2009. Estimated completion is February 2010.

d. Wright Avenue and Fenwick Avenue. Under design for paving.

e. Intersection improvements on Chatham Parkway at Veterans Parkway and Garrard Avenue. Project will install signals at ramps from Veterans Pkwy to Chatham Pkwy. Board awarded a construction contract on September 11, 2009. Estimated completion is May 2010.

f. 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.

g. Charlie Brooks Park Entrance. Construction complete on this project.

RECOMMENDATION: For information.

Districts: All

**AGENDA ITEM: XIII-3 - Drainage**  
**AGENDA DATE: October 16, 2009**

**TO:** Board of Commissioners

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

**FROM:** A.G. Bungard, 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 and limited site work for the future widening of Dean Forest Road. The bid opening for construction of the SR 307 bridge project is set for October 20, 2009. Construction is expected to take about a year, with temporary closure of Dean Forest Road 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. A contract for construction of Phase 1A is pending Board approval.

4. 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 will be complete by November 2009.

5. Queensbury Drainage Improvements. The project area is south of Montgomery Cross Road and west of Ferguson Avenue and includes Tara Manor, Lakeview and the Forest City Gun Club. The project includes canal widening, culverts and access for maintenance. Staff is currently working on an early phase to mitigate inadequate drainage capacity of the system serving the Ennis Mobile Home Park and in the area between the Gun Club and the Truman Parkway.

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. Staff is discussing acquisition of drainage easements from the Gun Club that will enable construction of drainage improvements around the back side of the subdivision.

7. 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 began 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 September 2009. Award of the construction contract is pending Board approval.

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. Design work is also underway 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. Approval of an amendment to the engineering contract for design of the water and sewer relocation work is pending Board approval. 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. Work continues 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. An engineering firm has been engaged to perform an evaluation of the storm water drainage system and the outfall to Haneys Creek. Recommendations are expected in November 2009.

19. Quacco Canal Drainage Extension. The project will relieve drainage issues causing street and nuisance flooding in the Willow Lakes Subdivision. Preliminary design work is underway to extend the piping network to the existing lake within the subdivision.

RECOMMENDATION: For information.

Districts: All

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**EXECUTIVE SESSION**

Upon motion being made by Commissioner Stone and seconded by Commissioner Holmes, the Board recessed at 2:03 p.m. to go into Executive Session for the purpose of discussing litigation, land acquisition and personnel.

Following adjournment of the Executive Session, the meeting of the Board of Commissioners was reconvened at 2:40 p.m.

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**ITEMS FROM EXECUTIVE SESSION**

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

**ACTION OF THE BOARD:**

Commissioner Gellatly moved to 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 Farrell seconded the motion and it carried unanimously. [NOTE: Commissioners Odell and Kicklighter were not present.]

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**APPOINTMENTS**

- 1. **AGING SERVICES ADVISORY COUNCIL**

**ACTION OF THE BOARD:**

Commissioner Farrell made a motion to appoint Howard Dawson, Sr., to serve on the Aging Services Advisory Council to fill the term held by Dorothy Cannon with a term to expire November 3, 2012. Commissioner Holmes seconded the motion and it carried unanimously. [NOTE: Commissioners Odell and Kicklighter were not present.]

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- 2. **COASTAL REGION MPO (CORE)**

Commissioner Holmes moved to appoint Dr. Daniel Brantley to the Coastal Region MPO (CORE) Citizens Advisory Committee with a term to expire June 30, 2010. Commissioner Shay seconded the motion and it carried unanimously. [NOTE: Commissioners Odell and Kicklighter were not present.]

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**ADJOURNMENT**

There being no further business to be brought before the Commissioners, Chairman Liakakis declared the meeting adjourned at 2:42 p.m.

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**APPROVED:** THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2009

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

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