

**MINUTES OF THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF CHATHAM COUNTY, GEORGIA, HELD ON FRIDAY, JULY 9, 2010, 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 Liakakis called the meeting to order at 9:25 a.m.

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**II. INVOCATION**

Commissioner Patrick K. Farrell gave the Invocation.

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**III. PLEDGE OF ALLEGIANCE**

Commissioner Dean Kicklighter led everyone in the Pledge of Allegiance to the Flag of the United States of America.

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**IV. ROLL CALL**

Chairman Liakakis said, and now, I'd like for Barbara Wright, who is our interim County Clerk, to give the roll call, please.

The Acting Clerk called the roll.

Present:           Pete Liakakis, Chairman  
                  Dr. Priscilla D. Thomas, District 8, Vice Chairman  
                  Dean Kicklighter, District 7, Chairman Pro Tem  
                  Helen L. Stone, District 1  
                  James J. Holmes, District 2  
                  Patrick Shay, District 3  
                  Patrick K. Farrell, District 4  
                  Harris Odell, Jr., District 5  
                  David M. Gellatly, District 6

Also present:     Pat Monahan, Assistant County Manager  
                  R. Jonathan Hart, County Attorney  
                  Barbara B Wright, Acting County Clerk

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**V. PROCLAMATIONS AND SPECIAL PRESENTATIONS**

None.

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**VI. CHAIRMAN'S ITEMS**

None.

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**VII. COMMISSIONERS' ITEMS**

- 1. Henderson Golf Club, Jim Zinn (Commissioner Kicklighter).

Chairman Liakakis said, Commissioner Kicklighter.

Commissioner Kicklighter said, thank you, Mr. Chairman. I spoke with Mr. Zinn, I guess, sometime in --

Mr. Zinn said, Commissioner, I'm here. Commissioner Kicklighter said, sir? Mr. Zinn said, I'm present. Commissioner Kicklighter said, I'll -- Mr. Zinn said, okay, I didn't know if you knew I was present.

Commissioner Kicklighter said, I do. I spoke with him in 2009 and basically, Mr. Monahan actually worked with him, went out and took a look at the golf course. He has some concerns about Henderson Golf Club and I spoke with him the other day, and he basically wanted to come up here and address the Commission and asked what it would take, and I said, basically, that's it, so I put him on the agenda. Here he is. But before I introduce him and before he comes up, I'd like to ask Pat to just give us a little history of what's going on here.

Mr. Monahan said, just as a reminder to the Board, the Board entered into an agreement with CGL of Savannah to lease Henderson. The County Attorney and I structured the lease as a business enterprise. It allows CGL certain discretion in managing the day-to-day responsibilities of the golf course. In exchange, the County receives a guaranteed payment of somewhere between 48 and \$75,000 a year. As part of that lease, CGL of Savannah must set aside 3% of gross revenues for capital repairs and maintenance. Now, remember, this is a business, and it's generated by the revenues, and so the capital repairs are based on the revenues. When revenues are down, just as golf play around America is down, the revenues are not there to generate the amount of capital improvements fully for the golf course. Now, in CGL's defense, since the lease, it has placed almost \$105,000 capital repairs, maintenance, and equipment replacement. But it is CGL's decision. I think Mr. Zinn's concern is -- and I'll let him speak for himself -- that there are a couple of the golf holes in which the concrete cart paths need replacing. Those are on the schedule, but they're not being done as quickly as Mr. Zinn would prefer, but I'll allow him to speak on his own behalf. But just remember, this is a lease agreement the County Attorney and I structured as a business operation to provide as much independence to CGL of Savannah to operate as a business. The County has certain guarantees as far as that it must remain open to public play, that, you know, the pricing of the grounds must be within the median of public golf courses within Savannah, the Savannah area, so we have assurances to maintain the public aspect of it, but it is a business and it needs to be run like a business.

Commissioner Kicklighter said, thank you. Mr. Zinn, come on up and if you will, please, limit your comments to five minutes or less. And before you start, I have a question. Just curious. Do you live on Hole 13? Mr. Zinn said, no. Commissioner Kicklighter said, all right, proceed. Mr. Zinn said, why do you ask that question? Commissioner Kicklighter said, I don't know. We live in a world of selfish people and I -- Mr. Zinn said, is that right? Commissioner Kicklighter said, -- wanted to see if you might be one that lived on the hole or not.

Mr. Zinn said, are you referring to me as a selfish person? Commissioner Kicklighter said, no, sir, I'm not. Mr. Zinn said, I took it that way. First of all -- Commissioner Kicklighter said, you answered the question that you're not, so -- Mr. Zinn said, okay. Well, I appreciate you coming over and introducing yourself this morning, Commissioner, to me. Commissioner Kicklighter said, I didn't know you. I've never seen you. I've only been talken (sic) to very down -- in a down-like manner on the telephone by you.

Mr. Zinn said, I apologize for getting off on this term. To all of you, including Dean, I appreciate the time, the five minutes that you're giving me. And I want to thank you for your service to the community. I know it's a thankless job. In reading your Connection -- I guess it's a monthly newsletter -- I noted that in July of 9 it stated, adopted a plan to become the greenest community -- excuse me -- greenest county in Georgia. On April -- this latest -- I guess it's the latest -- our goal is preserving green space for the public recreation and making opportunities for recreation for the public. I bring these two items up, because it's kind of ironic. We have a golf course out here and, I don't know how many acres, I believe it's 80 acres. I'd like to ask just a couple, three questions, and I guess somebody's going to do the time. I don't know how much -- I had five minutes, so please, hold up your hand when I have a minute. How many of you have visited the golf course within the last three months? Just driven by, driven out, looked at it. Dean. How many the last year? Two years? Three years? Okay, thank you. My point is, if I was a owner of a ranch, an 80-acre ranch with buildings on it, and I owned that and I leased it off to someone else to take care of it, I think that there would be a need for me, the landlord, the owner, to look at that community, or look at that ranch once in a while, and take note of whether it was being taken care of or not. I've been in the community for ten years, okay? I've lived in Henderson, 2 Marion Court, which backs up to Number 6 hole, for the last four years. I've played golf at the golf course for ten years. I play golf 12-14 times a month, so I'm not a johnny-come-lately. I'm certainly not selfish. I have a grave concern at the condition of the course. In 2007, it started going down. I think it's ironic, because around that time, I believe, a lease -- or close to it -- the lease was given. Since then, that course has deteriorated to a point now where literally, golfers, and I am in a golfing community, and I talk to golfers, they say they are embarrassed to take their business partners and guests to the course because of the shabby condition. Now, I will give the course two benefits here, two kudos. One, the greens are in fairly good shape and the fairways are not good, but okay. But the cart paths -- and I believe Pat mentioned two or three holes -- there's six holes where the cart paths are in shambles. They're not only broken down, decayed, cracked open, literally, two, three, four, and six-inch drops into holes on the cart paths, but they -- they're actually dangerous. Someone that doesn't know the condition of the paths could actually hurt themselves. Okay? Then you go to the bridges. Literally, the bridges are so poorly maintained and so loud that you cannot carry a conversation in the cart with your partner as you cross the bridge, they're so loud because of the rickety situation. Then we come to the buildings. They're decayed. They're mildewed, unpainted, dry rot, water damage, and they just sit there. And then on the way to 7, Hole 7, you pass by what was a fence. It's broken down now and they've taken it and thrown it over to the side, piled up against some cans, and it's laying there. There's a sign about 200 yards from the golf course, maybe 300. It says Gateway. And it is amazing that one of the real jewels of this community, Henderson Golf Course could be a jewel. Henderson Golf Course could demand attention from all over, from states around. They would come and play at Henderson. But because of the lackness -- I'm not saying it's you, I'm not saying it's Pat, I'm not saying it's Dean, I'm not saying it's anybody, but something should be done to help the situation.

Immediately, I know all of you are sitting there and saying, oh, well, the economic situation, boy, we've got a really concern. In 2007, there wasn't an economic problem, but that's when it started, and it's like taking care of a house or taking care of a car, you can't let it completely go down the tube and then resurrect it. You must or should maintain it ongoing, and that's exactly what has not happened. It has not happened, Gentlemen, Lady. It has not happened. Okay? How much time do I have, Dean?

Chairman Liakakis said, go ahead. Commissioner Kicklighter said, just keep going.

Mr. Zinn said, okay, excuse me. As you can see, I'm a little uptight about this, because I had gone -- sincerely and unselfishly gone to the management of the course, and they cry, no money. No money. And I said, I cannot believe this. You've got this huge investment in this community, and yet you do not seem to care, you just seem not to care. Okay? So it's a real problem. I had a 45-minute presentation, but that was one of the other things, too. I called on the 29th of June to come to this meeting, be on the agenda, and I asked the person that I spoke to, which I have the name, and I won't mention, to call me back and let me know that I was on the agenda. Last night at seven when I got in, okay, I hadn't got the call, so last night at seven when I got in, I said, well, gee, I'd better check that thing, you know, something might have happened. And sure enough, there's, right on the agenda, Jim Zinn. So I had no opportunity to completely develop my presentation, which Dean said I had five minutes, so it wouldn't have made any difference. I had actual photographs that I had taken that I was going to have printed and show you the damages. Okay?

Now, unselfishness. In 2009, because -- and I'll use the term, and I hope it doesn't hurt anybody's feelings -- I was always raised to bitch, but not be a bitcher. Now, the definition of that is, in other words, you do something. You don't just talk about it and complain. You do something. So in 2009, I went to the club and said, hey, I want to form a beautification committee. And I asked for volunteers, okay? And we formed a committee. And since then, in the last year and a half, we have spent in excess of 150 man hours doing things on the club, little things, but doing things to try to improve the condition of the golf course. Little beautification items. Okay? We've raised funds. We've had, you know, fund raising events. So I think that, you know, the word selfishness, I think, should -- that should resolve that and eliminate that concern. We have tried. Okay? Members and myself, and I'm not boasting. It's a fact. Okay? You can ask Allen Cail, he'll tell you that we have done some pretty nice things. But the major things, the cart paths, the bridges, and the buildings, are in terrible condition. And losing revenue? Hey, you're losing more than revenue. You're losing reputation. Reputation is what we're losing, because people fly into the airport, they get off and stay at a hotel six blocks away from the golf course and they say, hey, let's go over there. One time, they'll play; then they go somewhere else to one of the other twenty clubs in the area. Okay?

I'll be happy to -- you know, I have -- had my comments not completed, but most of my comments printed out to give each of you a copy. I'll just close by saying again, I want to thank you. I hope -- I would more than be happy if you would give me your audience and come out and let me take you around the course and show you my concerns, one, two, all of you. I know you're busy people, and I know you have a lot to do, and this is a very trivial thing in a lot of aspects of your jobs as Commissioners of this wonderful county, but I also know that Henderson Golf Course is a valuable, valuable piece of property and should be maintained rightfully so. I'll leave you with this thought. I was in Knoxville for about three years. I was a district manager for a company and I traveled there. And the Knoxville Golf Course closed because it wasn't maintained. That was the primary reason. And when it closed, they built you know what, okay? Multi-family units, apartment buildings, on this beautiful piece of land. That's exactly what's going to happen to the Henderson Golf Course if it's not maintained properly. The second thing is the value of the property there. I own a home there, and I -- my little house, 25 or 30 percent of the value of my house is based on the fact that there's a golf course out the back of my house. And I guarantee you, those homeowners would raise holy heck if they found out that the golf course would close. I will -- any questions?

Chairman Liakakis said, Dean?

Commissioner Kicklighter said, thank you, Mr. Chairman. I just want to state that first, I say I can never speak for this body, but I'm going to speak for them, and they can correct me if I'm wrong in this. This body will never close the golf course and allow apartments to be built there. If anybody disagrees, feel free to tell me. I don't think there's one person up here that's going to close it and put apartments on there. Second, I want to just kinda put everything in perspective, because I understand and respect the fact that you not only made the complaint, that you got out there and helped offer possibly some solutions and tried to make some things happen. But to really put things in perspective, it's not that we dislike golf courses or we want to neglect the golf course or we're anti-golfers and anti-golfing communities. To put it in perspective, we are actually over a budget that we have to look out for other people's safety, we -- actually on the table because of the economy recently, it was a possibility to cut the subsidy for EMS services, and that would be basically West Chatham and the Islands areas, and had something like that had to have taken place, we would not have a guarantee that there would even be ambulances out in that area to cover emergencies. But we had enough money, thank goodness, to not have to go that route. I want you to realize when you're talking about a golf course, that we, being we, you and me, Chatham County, we have no organized recreation programs for children anywhere, other than out on the islands. And, you know, that's pretty big, because I think sports programs helps keep children out of trouble and everything, so that's something that we're also trying to work on and get organized and come into play, so we don't even have that.

You talk about potholes on the cart -- golf cart path? I have residents throughout my district other than you that they have holes in their dirt roads that they can't even hardly get in and out of, and we can't afford to pave the roads right away for them. So thank goodness, they don't, in your words, bitch as much as you do, because they have a lot more to bitch about than you do, but they don't. It's perspective. Priorities in life. Paving their road is more important to me than paving a pothole in your golf cart path. So we've prioritized the way things should go, and I think we've done a pretty good job at it, with the amount of money that's available. But I'm very much willing to ask the people running the golf course to put Number 13 golf path for next year of their path improvements as their priority. And, Pat, I spoke to him beforehand, and I don't think he opposes asking them to do that, and I don't -- you know, I don't know if anybody

opposes that, but I would be more than willing to ask them to do that. I would be more than willing in the future, if needed, if the facilities and the buildings are truly falling apart and need -- we can put it in SPLOST monies in the future to maintain it, because absolutely, it makes no sense to have an investment and let it just go completely downhill to nothing. So a priority? Yes. I mean, it's something I think staff here agrees, we keep our eyes on it. Pat, correct me if I'm wrong, you told me on this one, we have an agreement with them to maintain. If something's rotting or whatever out there, would the County not pretty much tell them they either had to do it or we would go do it if it was --

Mr. Monahan said, within the lease agreement, the County has established certain standards, both in terms of maintenance, as well as aesthetic acceptability. CGL does plan to replace two cart paths starting within the next thirty days. I don't know if it's any of the cart paths that Mr. Zinn mentioned, but I'm sure that of the six he noted, that probably includes a third of them, will start within the next thirty days. I just think we need to be cautious about directing our lessee on the specific improvements. For example, I do know that CGL spent over \$30,000 on replacing a pump. And the reason the pump's important is, Mr. Zinn noted the quality of the greens. Well, if you're a golfer, the most important thing that you're looking for, probably the quality of the greens. Next would be the fairways, tee boxes, and then, of course, the infrastructure that he mentioned. So there's a priority that CGL establishes. The County reviews it, but the County does not -- I don't change those priorities. Now, we could do as you suggest. I did offer one time that if the funding was available, the County could include it into its Capital Improvement Program, but then again, that's another precedent that I think we need to be cautious about, because then, where does it stop? I'll work with Mr. Zinn. I think Alan Cale, the director of golf at Henderson, has maintained an open door. Mr. Zinn finds him approachable, I'm assuming, to talk to either Allen or Chris, Chris Ulmer, the assistant director there. He e-mails me frequently, so I know he has my contact information. But we'll continue to work with him, but I just think we need to be cautious about telling our lessee to set priorities, when the County has entered into a binding agreement that provides that lessee with that discretion.

Mr. Zinn said, can I make a comment, sir? Chairman Liakakis said, hold it. Commissioner Kicklighter said, can I finish my -- Chairman Liakakis said, yeah, go ahead.

Commissioner Kicklighter said, is it safe to say that before the next SPLOST comes up and around, the place will be evaluated and recommendations will come forth as needed?

Mr. Monahan said, yes, sir. I only review the coming year's Capital Improvement plans, but I will ask Alan Cale, the director of golf, to provide me with an entire list, just as the County does with its Capital Improvement plan or Capital Improvement Program and then the County establishes priorities, just as CGL handles its business. But I will get the comprehensive list, and we can take a look at it.

Commissioner Kicklighter said, yeah, take a look and make sure there's no safety issues on the bridges that he was speaking about. Mr. Monahan said, right. Commissioner Kicklighter said, but it popped into my head again, in putting things in perspective, we've had to shut down people's access to their houses, to their homes, because the bridges were deemed unsafe until they were actually repaired, and we had to cart them back and forth to their homes with our emergency services, the county emergency services, and that's bridges to their -- actually get in and out of their homes. And, you know, again, in priorities, a loud golf cart bridge versus fixing bridges so people can access their homes, that's something we truly have to deal with, and I know --

Mr. Zinn said, may I comment, please?

Commissioner Kicklighter said, when I'm finished, you can. Mr. Zinn said, excuse me.

Chairman Liakakis said, Patrick? Mr. Monahan said, yes, sir.

Commissioner Kicklighter said, I'm finished with that, and I do appreciate you being here, and I'm sorry about my tone with you -- I'm not actually sorry, this is the tone you've given me on the phone for a couple years now. Mr. Zinn said, it is not. Commissioner Kicklighter said, and you gave me when I put you on the agenda, and we will work on it, and I assure you that it will be worked on and handled in a manner that meets the priorities of triage of sorts.

Chairman Liakakis said, hold it, Mr. Zinn. Let me make a statement. Patrick, here's what I want. I want you to send the people that's in charge of recreation -- they know more about that, I assume, or somebody else with the County Staff. I want them out there as soon as possible to bring back a report and distribute it to all of these County Commissioners, and I want to know about -- I mean, what Mr. Zinn is talking about, is it more than something that just happened overnight. These people have a responsibility to take care of that course. They've got a lease. And I'm sure there's things in there with our good County Attorney, that things have been put in there that they have a responsibility. Now, we're hearing all of these things, and what we need to know is, these Commissioners, all about that, and want to know about what their responsibility is leased, because even if it's gone down, then the people out there that run that, that have the lease, they should have been coming and talking to you a long time ago so that you could bring it up, you know, to the County Commission, and I want to see about that done as soon as possible, so what we can do as this Commission to address this particular situation. Patrick and then Mr. Zinn.

Commissioner Farrell said, Mr. Chairman, I would just suggest that we get the gist of -- there's some questions of the upkeep of Henderson Golf Course, and until we get the staff report back to let us know, then I think we should move on to the next subject.

Commissioner Kicklighter said, the thing is --

Chairman Liakakis said, wait a minute, Dean. Hold it just a minute. Priscilla and then Mr. Zinn.

Commissioner Thomas said, thank you, Mr. Chairman. I am in agreement with what has been said in terms of finding out what the procedures are and what has been done in terms of what are the future plans, as far as the upkeep of Henderson. I also want to remind us that when Henderson was initiated, it came under, if my memory serves me correctly, under the SPLOST system, and one of the things was to make sure that it would be open to the public, children, and youth. I'm going to still hold whomever responsible for those things to happen. A lot of people are not aware of the fact that it is accessible to the public. They think it's a private thing, and so we've got to do a better job as far as making sure that the public's aware that this is available to them, and particularly, I want to make sure that our children and youth have access to that.

Commissioner Kicklighter said, Mr. Chairman, may I please add this for you? I can answer one thing for you -- Chairman Liakakis said, all right.

Commissioner Kicklighter said, as far as the capital improvements being provided by the people that's running the facility, they are meeting and sometimes exceeding what they have been contracted to do by the County. In the contract, they are supposed to place or provide 3% of their gross revenues each year, that's supposed to go towards maintenance and capital improvements and all on the golf course, so they definitely meet that, their requirements on there. But what needs to take place is not -- not insinuating Staff has not been, Staff has been looking at this here. Staff needs to take another look and just simply come up with a figure and then this body, if we have the money, I would love to let's bring it up brand new. That would be wonderful. But that's the question, is, does the County have the funds available to bring it up to how ever it needs to be? And I would love for you to instruct Mr. Monahan to bring us a figure of bringing it up to, you know, where it needs to be, because the -- or changing the contract or whatever is needed, but --

Chairman Liakakis said, Harris?

Commissioner Odell said, Pat, just a couple of questions. When you return with your staff report, I would appreciate receiving a copy of any audit or audits that have been done on this. We're talking about gross receipts. I'd like to make certain that we have an independent verification of what those gross receipts are. Also, the contract, Jon, that, I would presume has some kind of annual physical checklist where our people, our staff, our designee, can in fact go to the facility, audit the facility upon agreed upon standards. If that be the case, then, for the last two years, there's supposed to be attached to any report that comes back to us, that might be helpful, too. Thank you.

Chairman Liakakis said, Mr. Zinn?

Mr. Zinn said, I'll just take a moment, sir. Again, I want to read this: Preserving green space and promoting new public recreational facilities. Basically what they're saying is, they're seeking out ways to improve recreation in this community. And in fact, later in the article, they're even saying purchasing. Okay? So there are monies available, I assume. I believe a year ago or so, there was -- I want to say a million and a quarter dollars in the Recreation Department set aside. Isn't a golf course in this community a recreation site? To Dr. Thomas' comments regarding children, a golf course, golly, that is one of the major number one most important and most publicized child/youth programs, is Number One Tee in golf. Getting these young people out on the golf course to see the beautiful land, I mean, there are deer out there. There are birds, foxes, everything. It's a wonderful place to bring youth to play, and there are teachers out there that could teach the youth. So a place for youth? It's there. And the final thing is, I have a copy of the lease, and it states under maintenance and repairs, the County has attempted to maintain and keep in good condition and repair Henderson Golf Course and improvements thereon. I don't know when this lease was signed, 2007, 2008, whatever. 2007, as I indicated, was when it started going downhill. I've been a member for ten years. I've played ten years, so I know the history of the course. It was fine the first seven years I played there. Fine. Excellent. Outstanding. And now it's not. Thank you.

Chairman Liakakis said, thank you very much, Mr. Zinn. I appreciate your --

Commissioner Kicklighter said, yeah, I need to understand why that conflicts with the 3%, what he just read, Pat.

Mr. Monahan said, first, I'd like to -- one, we have to remember, that golf course is sixteen years old now. The buildings are sixteen years old, the infrastructure, including the cart paths, the irrigation system, the bridge, they've got some age to them. They're not -- it's not as though -- when the County entered into that lease, the lease provided the property as is. I mean, the lessee knew that. So that's part of it. That's just the age. And I will personally go and inspect the golf course and the buildings. As you might recall, I actually developed -- I served as the project manager in the development of the course, including all the buildings, so I'm familiar with the course, and I think I probably have a better eye for that than anyone in Public Works and Park Services. And as to Commissioner Odell's statement, yes, we do have -- actually, the Internal Audit Department provides the annual audit. But I will get you that information, as well as the checklist on the maintenance items. But I will go and inspect the course, report back to the Commission within a month, provide current conditions, and then provide a Capital Improvement list that the Board can consider for future funding.

Commissioner Kicklighter said, would you notify Mr. Zinn when that will be in front of us, where he can be present if he chooses? Mr. Monahan said, yes, I will do that.

Mr. Zinn said, would it be possible for me to attend -- Commissioner Kicklighter said, that's what I just asked, Mr. Zinn. Staff will notify you and let you know, and that way, you can be here. Mr. Zinn said, thank you.

**AGENDA ITEM: VII-1**  
**AGENDA DATE: July 9, 2010**

**INTEROFFICE MEMORANDUM**

**DATE:** July 1, 2010  
**TO:** R. E. Abolt, County Manager  
**FROM:** Pat Monahan, Asst. County Manager  
**SUBJECT:** Complaint from Mr. Jim Zinn

Mr. Jim Zinn's complaint relates to the cart paths at Henderson Golf Club. I spoke to Mr. Zinn in 2009 and he again raises the same issues this year. He did not accept my response as follows:

1. Chatham County leases Henderson Golf Club to CGL of Savannah, which eliminates Chatham County's financial responsibility. The County makes guaranteed \$48,000 to \$75,000 annually but leaves management decisions to CGL as the lessee.
2. The lease requires CGL to place 3% of gross revenues into capital improvements and repairs, but CGL determines priorities.
3. Alan Cale, the Director of Golf at Henderson, has corresponded with Mr. Zinn, who believes the state of the cart paths around hole #13 reflects poorly on Chatham County and ultimately Chatham County remains responsible. Since this condition existed prior to the lease with CGL, I agreed to look at whether other funds might be available from the County's Capital Improvement Program; however, given the condition of the CIP and other county priorities, the Henderson projects will need to await funding availability from CGL.

**DATE:** July 9, 2010  
**TO:** Chatham County Commissioners  
**FROM:** Jim Zinn  
**RE:** Henderson Golf Club, Chatham County, GA

**Comment:** Thank You for allowing me to visit with you this morning. I called on Tuesday 6/29 requesting to be on the agenda at the next meeting. However, I was never contacted as requested that I would be on the agenda. I'll bet if I wouldn't have showed up this morning you would have not thought very highly of me.

Questions prior to comments: I like to ask a few questions if I may before making my comments?

1. How many commissioners have played at or visited Henderson within the last 3 months?
2. What is the value of the land that Henderson Golf Club covers?
3. Is Henderson Golf Club considered a revenue generator? If not, then is it considered a "cost" to the county?
4. Who owns the course?
5. Who is ultimately responsible for the course?

Comments:

I have played at Henderson for over 10 years and have been a paying member since August 2003.

I play the course on the average of 12-14 times a month. I believe my history with the club indicates that I'm not a "Jonnie come lately".

I have served on the Membership committee.

And in 2009 concerned about the general condition of the course I formed a Beautification Committee made up of volunteers. For the past year and one half the committee has spent over 150 man hours working on projects to help improve the condition of the club.

The committee has never received one cent or in anyway been compensated for our work.

The primary reason I come before you this morning is to voice my sincere concern of the poor and in some cases unsafe condition of the course.

In 2007 I notice a change in the condition of the course. At first it was minor but as time passed the conditions got worse. Today, I personally believe, Henderson is the POOREST CONDITIONED GOLF COURSE IN THE AREA. Currently monthly membership stand at around 50. It was once over 100. Some of this has been caused by the economic conditions we all face. But I sincerely don't believe that all of the reduction in membership can be contributed to the poor economy. Golfers will golf. But, they will always want to play on a course that is in good condition. Henderson is currently at the bottom of the list and in some cases might not be on some golfer's list at all.

The following are a few of the problems:

1. The condition of the cart path is deplorable. They are not only unsightly but unsafe.
2. All the buildings, cart barn, maintenance building and club house are covered with mildew, chipped paint and rotten wood.
3. Broken down fences greet golfers as the drive to number 7.
4. Fairways and traps are in poor condition.
5. Tee boxes usually are covered with broken tees discarded one, two, three days before.
6. The bridges are in very poor condition and because of the loose boards are so loud that it is impossible to carry on a conversation as you drive across them.

I hope you have taken my comments as constructive and voice by one who is genuinely interested in having Henderson Golf Club to be the finest conditioned golf course in the area.

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## **2. Mother Mathilda Beasley Park (Commissioner Holmes).**

Chairman Liakakis said, Commissioner Holmes.

Commissioner Holmes said, thank you, Mr. Chairman. It's strange that both issues on the Commissioners are dealing with recreation, but it's a different type of recreation that I would say. Back in the Eighties, there's some County representative came to my office and asked about the SPLOST, and I agreed to go along with the SPLOST. After the County left, then the City came and, of course, I'm going to agree to anything that's going to help and enhance our community. But during that process, we began lobbying our supporters, our parents, to get everything done. That's when I was just a citizen employed at Frank Callen Boys & Girls Club. But as I look back at what happened, there was a old junk yard on East Broad Street, and the junk yard closed down. And when the junk yard closed down, we were looking for another site to practice, and we walked down on East Broad Street and we began to throw all the tires and broken bottles off that old lot that once used to be a junk yard. As we go along, the City filled in a whole lot of dirt. Sooner or later, we came with some grass. And then the next we had was Mother Mathilda Beasley Park. But when Mother Mathilda Beasley Park was implemented, we put together a major plan and a master plan, and that plan is well put together. But I must say that the citizen of the 2nd District, as I go around to meetings, beginning to attack and ask, when is the park going to be completed. And from the Eighties to now, I think the citizen of the 2nd District have been very patient. Now, remember, now, I did this as a citizen working and employed at Frank Callen. Now, I'm representing the same thing as a County Commissioner, and it still sits before my eyes.

So the point that I want to make to you, and I sat down and talked with Pat and with Russ, and I must say with all due respect, Pat have stepped up and did all he can do and all that he wanted to do and he have met with me on several occasion, met with me to all the meetings, and we presented these items that are going be placed in Mother Mathilda Beasley Park. But last year, what really prompted me to start paying attention to it, last year, there was a old lady out of our church, and she had Joe Rivers jacked up in the corner, and I heard her say, well, you keep promising me this, you keep promising me that. Now, mind, Joe ain't been a Commissioner for a while, but when I saw that, I walked and went the other way. I did not get into that. But Joe looked at me and smiled, and we smile, and I said, well, Joe, everything is in the works, and then I came back and talked to Pat. The Staff here have did everything they can do to this point to see that we get Mother Mathilda Beasley Park developed. I'm just bringing it before the Board now to let you know, and you've got a listing of the things that are in here. And, Pat, I would like for you to respond to what I have listed here. I know -- Al, do you want to come to the mike and see if you can clarify some of these issues? Go ahead, Pat.

Mr. Monahan said, let me speak on this issue. I've talked to Mr. Drewry about this, too, the Director of Public Works & Park Services. Let's do this, Commissioner, and for the rest of the Commission, I've talked to Mr. Drewry, and he and I are going to meet and we're going to take your list and we're going to develop milestones and, just as we provide a monthly update on roads and drainage, we're going to provide you with a monthly update on Mother Mathilda Beasley Park. Fortunately, a lot of the capital projects I've been involved in are now starting to wane. We've completed the courthouse basement. The communications tower will be done in a month. The Animal Shelter will be done within the next two weeks. We still have the records center, but that'll be done in the next three months. So I think our attention towards other capital projects can be directed more to Mother Mathilda Beasley Park. And just for the Board, there are actually two aspects. One is the recreational aspect, and that's being handled by the Parks Services division, and the other is the historical interpretive that relates to Mother Mathilda Beasley's contributions to the community. We're planning a restoration of her old house, relocation and restoration. We've gotten to a slight hiccup, because

there's some questions of whether the house is actually of its original historical integrity that would allow its move. I mean, does it really become a sense of where she lived, if it's been -- if it's been changed and altered through the years, because it's been tenant housing for, you know, well over 80 years, and whether it is actually of historical significance. So we're going to address those issues. And also, we've got the bronze statue, as well as the pavilion. Those are my responsibilities. But Mr. Drewry and I will work on those jointly, and we will report back to you and the Board every month and let you know our progress.

Commissioner Holmes said, okay, anything for tending that backstop and bleachers? Have you talked with AI?

Mr. Robert Drewry said, good morning, Robert Drewry, Director of Public Works & Park Services. Unfortunately, Mr. Lipsey is out this week. I mean, he will be returning next week, so I haven't detailed it with him as thorough as I need to. But I also want to mention, I completely support Pat's approach -- Pat Monahan's approach. And I will personally work with him and make sure those items are taken through until they're completed.

Commissioner Holmes said, one other thing I do want to -- I do realize that we had a lot of projects. I do realize that. And Pat and I met several time over the years, and I know now that some of those projects have been completed. What I want, as you promised, Pat, to take this on now as a priority so we can get this Mother Beasley Park completed. I see someone back there who I think reported in his meetings, and he's constantly asking me, when is the park going to be completed. So, Mr. Patrick, would you like to say anything? Thank you. This is a guy that's kinda staying on my back about that park, and I told him it was --

Mr. Freddie Patrick said, thank you very much for the opportunity, and this will be very short and brief. I want to thank Pat for the comments he just made. I think what's really important here, I think Commissioner Holmes has this on the agenda because --

Commissioner Holmes said, would you state your name, Pat?

Mr. Patrick said, oh, I'm sorry, my name is Freddie Patrick. I'm with Eastside Concerned Citizens Neighborhood Association. One of the things that's real important on this issue is that when the SPLOST issue came up, Commissioner Holmes and others came to the neighborhood and talked to residents about supporting this particular issue and, of course, outlined the importance of having the SPLOST money and all the wonderful things it could do. And at the time as being President of the Neighborhood Association, I took that message to residents, and we actually went door-to-door. So what's really important is that when we go to residents and begin to explain to them about the importance of this type of funding, talk about the kinds of things that are going to happen in this particular case, especially Mathilda Beasley Park incident, we talked about all of the SPLOST money would bring to the park, how this would help the recreational type of facilities, how it will work with having things for our children, for our senior citizens, and so when we did that, they supported that. I've been asking Commissioner Holmes over the years, he's come to our meetings and people, of course, like he said, jack me up about it, because there are issues, handicap accessibility, restrooms. You know, the park is a beautiful place, but unless you have those kind of things, it is only accessible to a certain group of people. Those persons who have physically challenges cannot avail themselves of it. If you're out there for recreational types of things, you cannot have the restrooms available to you, so it limits that.

I think the issue here is that if we're going to go to residents and ask for their support of these type of issues, it's very important that the Commission and the powers-to-be follow up on it, because the next time these issues come up, it becomes very difficult for me to go and say to residents, we need to support this. The first question that come up is, we supported this last issue. You told us these things were going to happen, and they have not happened. So it affects my credibility as you can well imagine, and, in my neighborhood, we have quite a few seniors who depend on persons like myself and Commissioner Holmes to give them this information, because they don't understand it, so they kind of lessen my credibility, Commissioner Holmes' credibility, and, of course, your credibility is at stake in these particular issues. So again, I was very pleased to hear that we are going to be working on that. And I would like to ask, very much, if we can push those two issues, the handicap accessibility, that's extremely important, and the restrooms. If we could push those issues as soon as possible. That's very, very important. So again, thank you very much. Again, we'll be monitoring this, because they're monitoring me, and I'm monitoring Commissioner Holmes, and we're going to ask that you all please work on this for us and get back with us so that Commissioner Holmes can let us know at our resident meetings when things are going to take place and when those time lines will be established.

Chairman Liakakis said, thank you, Patrick. Patrick Shay is next.

Commissioner Shay said, thank you, I'd like to join Commissioner Holmes in urging that we move forward with this. I've been on the Commission off and on since 1992, and I certainly was a part of creating those expectations in the community, that there were going to be these kind of improvements, and there have been larger projects that have taken, you know, priority. That's reasonable. But let's also remember that having a park is a really important aspect of city life. People in the city -- and I don't mean the City of Savannah; I just mean people that are in relatively dense populated neighborhoods -- don't have the same kind of access that a lot of other folks may have, to being able to get into green space and into recreational space, so let's put a priority on this area, as well. I know we're in the process of acquiring additional open space in the county. I know that we're hearing issues like today about how well golf cart paths are maintained. All of those are germane to the County, but these neighborhoods especially depend on having access to safe, clean, and green spaces so that their residents and their elderly and children especially have someplace to go to get away from the heat in the summertime, for example, right now, so I join in saying that this should be a priority in moving forward.

Mr. Monahan said, on that note, I think of all the e-mails I receive, thanks to Commissioner Holmes and introducing me to the Beach Institute Neighborhood -- Historic Beach Institute Neighborhood Association, of all the e-mails I receive, I get more from that neighborhood than any other, because they are so active in that park already. It's

complaints, well, the sprinklers are going off too early before I walk, because of the existing walking path. The dog park, those are probably five to eight complaints about the bags. We go through 600 bags a week at that park, because it's so well used. We set aside that one area for dogs, and it's so well used, that's 600 bags we go through. If we happen to run out on Saturday or Sunday, I have an e-mail waiting for me when I get in on Monday, so it is well used. I don't know if you've been there, but it is a jewel. The landscaping project that the County did in partnership with Savannah Tree Foundation just added to it and it will continue to grow and flourish. But I think what we're talking about with Commissioner Holmes are the finishing touches, and we will make those a priority.

Chairman Liakakis said, Priscilla?

Commissioner Thomas said, thank you, Mr. Chairman. I couldn't agree more. Mr. Patrick, thank you so much for your leadership. You certainly have been a stalwart for that community and the community as a whole, because not only are you very active there, but you're active all over, because you're also serving as a partner with other community organizations within my district, I know, and I think that's one of the key points there. I just want to say that you have really put it very, very mildly, and the fact that we have to make sure that we keep our word with what we ask people to do, because when it comes time again for another SPLOST, we're going to need these same people to help us put the project over, and I don't want us to forget other projects that have been put on the back burner as well, that has the same priority as the Mother Mathilda Beasley Park has, as well. We know what they are and we'll move forward with those, as well. But anyway, thank you so very much for your leadership, and I look forward to continue working with you.

Mr. Patrick said, and can I close by saying that I heard it mentioned earlier about the economy. Realize that our particular area, which is located, we have a high rate of poverty in that area, so when you have that kind of recreational facility that is free, it avails families the opportunity to get out and do some things that does not cost anything for them. So, again, thank you very much for the time and the opportunity.

Commissioner Shay said, thank you. Thank you, Pat.

Chairman Liakakis said, Harris?

Commissioner Odell said, Mr. Monahan, regarding James -- and I supported James' position -- will we have a plan of action to resolve some of Commissioner Holmes' concerns, that will show cost and source and time tables?

Mr. Monahan said, well, what's interesting now, the last time I checked the Mother Mathilda Beasley project account, there's well over a million dollars left, so there's sufficient funds.

Commissioner Odell said, so we've got money.

Mr. Monahan said, yes, sir. And this Board has already awarded the contract on the pavilion, which is being designed, and even though I refer to it as the picnic pavilion, it also serves with restrooms. We will ask the County's handicap accessibility coordinator to take a look at the handicap issues. We'll be able to get those two items addressed. I'm pretty sure I can get the pavilion and restrooms out within the next 90 days to bid, and then I'll get Mr. Abramson to take a look at the handicap accessibility. We'll make those our first two highest priorities. I know there's some easy things we can do. The rubber mulch around the playground, even though that's more on the recreation side, there's some easy things we can do within the next 30 days, so I'm confident that we'll be able to tackle this list quickly and particularly to show some immediate improvement within the next 30 days.

Commissioner Odell said, let me just finish up one thing. And, James, thank you, and I appreciate you bringing that to us. I have to comment that I'm extremely pleased that we have an Assistant County Manager who is of the quality, knowledge, and character as Pat Monahan. Commissioners Shay and Thomas said, amen. Commissioner Odell said, I see this guy without a note giving 20 minutes of intricate detail. So, James, I think we've got a good chance of getting this done. Commissioner Thomas said, all right.

Commissioner Holmes said, Pat, I just want to conclude it with, tell Mr. Zinn that Mother Mathilda is going take over the golf course, please. Mr. Monahan said, I'll leave that to you.

Chairman Liakakis said, Dean?

Commissioner Kicklighter said, Mr. Chairman, I just want to, for the people at home and in the audience, to understand the reason a million dollars is available for Mother Mathilda Park here is because that was a SPLOST project. The people voted and the monies are there. It's sales tax monies and that will be applied to do this, and we all support doing it. As far as the golf course goes, that project has no SPLOST monies available, so that money would have to come out of just the general fund and would take away from, you know, everything else, so that's why the money is there for one and not for the other right now.

**AGENDA ITEM: VII-2**  
**AGENDA DATE: July 9, 2010**

#### INTER-OFFICE CORRESPONDENCE

**DATE:** July 1, 2010  
**TO:** Chairman and Members of the  
Chatham County Commission

R.E. Abolt, County Manager  
Patrick Monahan, Assistant County Manager

**FROM:** Commissioner James J. Holmes

**SUBJECT:** Mother Beasley Parks

With all due respect to each of you, I have several serious concerns regarding the promises that were made to the citizens of the 2<sup>nd</sup> District to develop Mother Beasley Park from the SPLOST fund. We have modified and made changes from the original plans. I pride myself in being a patient man, but how long should one remain patient?

Listed are areas that concern me:

- Baseball/softball backstop and bleachers
- Enlargement of playground and new equipment
- Relocation of mother Beasley Home to the park
- Placement of bronze statute of Mother Beasley in the park
- Conduct a study of dirt erosion under the fence on the west side of the park
- Volleyball court
- Better maintenance of grass on playing field
- Monitor irrigation on playing field
- Handicap access on the north and south side of the park
- Handicap access on curb cut
- Movable fence for playing of baseball/softball
- Additional picnic tables
- Restroom facility

These are items I would like to have addressed at a Commission meeting or by an updated staff report. I realize that we are committed to several projects. I also realize that we have completed several projects. This project has been in the works for quite some time and I am anxiously awaiting its completion.

Chairman Liakakis said, okay, we're going to recess as County Commission and convene as the Chatham Area Transit Authority now.

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**CHATHAM AREA TRANSIT AUTHORITY**

The Board recessed as the County Commission at 10:20 a.m. and convened as the Chatham Area Transit Authority. Following adjournment of the Chatham Area Transit Authority, the Board reconvened at 10:50 a.m., as the County Commission.

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**VIII. TABLED/RECONSIDERED ITEMS**

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

None.

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**IX. ITEMS FOR INDIVIDUAL ACTION**

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

1. TO REQUEST APPROVAL OF THE FOLLOWING BUDGET AMENDMENTS AND TRANSFERS: (1) transfer \$800,000 from Truman Parkway Phase 4 and \$500,000 from Whitefield Avenue to Truman Parkway Phase 5 in the Sales Tax I Fund, and, (2) transfer \$900,000 among unincorporated county roads projects in Sales Tax IV Fund as outlined in the attached schedule.

Chairman Liakakis said, we need a motion on the floor. Commissioner Stone said, Mr. Chairman, I'll make the motion, but I just want again to state for the record that none of this money will affect the current projects that are going on with

the widening of Whitefield or the Truman Phase 5, and that was presented in the pre-meeting and that is correct. Chairman Liakakis said, need a second. Commissioner Thomas said, second, Mr. Chairman. Chairman Liakakis said, all in favor, let's go on the board. Motion passes.

**ACTION OF THE BOARD:**

Commissioner Stone moved for approval of the following budget amendments and transfers: (1) transfer \$800,000 from Truman Parkway Phase 4 and \$500,000 from Whitefield Avenue to Truman Parkway Phase 5 in the Sales Tax I Fund, and, (2) transfer \$900,000 among unincorporated county roads projects in Sales Tax IV Fund as outlined in the attached schedule. Commissioner Thomas seconded the motion and it passed unanimously. [Commissioner Kicklighter was not present.]

**AGENDA ITEM: IX-1**  
**AGENDA DATE: July 9, 2010**

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

**ISSUE:** To request approval of the following budget amendments and transfers: (1) transfer \$800,000 from Truman Parkway Phase 4 and \$500,000 from Whitefield Avenue to Truman Parkway Phase 5 in the Sales Tax I Fund, and (2) transfer \$900,000 among unincorporated county road projects in Sales Tax IV Fund as outlined in the attached schedule.

**FACTS AND FINDINGS:**

1. The County Engineer has requested transfers of \$800,000 from Truman Parkway Phase 4 and \$500,000 from Whitefield Avenue to Truman Parkway Phase 5 in the Sales Tax I Fund. Correspondence is attached. The attached correspondence contains detail on the transfers.
2. The County Engineer has requested transfers totaling \$900,000 among unincorporated county roads projects in Sales Tax IV Fund. The attached correspondence contains detail on the transfers.

**FUNDING:** Funds are available in the Sales Tax I and Sales Tax IV Funds fro the transfers.

**ALTERNATIVES:**

- (1) That the Board approve the following:

**SALES TAX I FUND**

Transfer \$800,000 from Truman Parkway Phase 4 and \$500,000 from Whitefield Avenue to Truman Parkway Phase 5.

**SALES TAX IV FUND**

Transfer \$900,000 among unincorporated county roads projects as detailed on the attached schedule.

- (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

**INTEROFFICE MEMORANDUM**

**DATE:** June 30, 2010  
**TO:** Linda Cramer, Finance Director  
**FROM:** A. G. Bungard, P.E., County Engineer  
**SUBJECT:** Budget Amendment, Fund 320 (Sales Tax 1), Truman Parkway, Phase 5

Please amend the 1985-1993 SPLOST (Fund 320) budget by transferring \$800,000 from Truman Parkway, Phase 4 (Project No. 50460) and \$500,000 from Whitefield Avenue (Project No. 50820) to Truman Parkway, Phase 5 (Project No. 50470) for the purpose of having sufficient funds available for condemnation settlements on ten parcels acquired to provide the right of way for the construction of Phase 5.

**INTEROFFICE MEMORANDUM**

**DATE:** July 1, 2010  
**TO:** Linda Cramer, Finance Director  
**FROM:** Leon Davenport, P.E., Assistant County Engineer  
**SUBJECT:** Project Account Modifications to Unincorporated County Roads (Fund 323 (Sales Tax 4))

Please modify the following accounts in the SPLOST Fund 323, Sales Tax Iv, Unincorporated County Roads, in order to establish budges for additional dirt road paving projects.

Project Number	Project Description	Current Budget	Change	Proposed Budget
	<b>Unincorporated Road</b>			
5565	LARP	\$ 250,000	\$ (150,000)	\$ 100,000
5620	Little Neck Rd	\$ 600,000	\$ (100,000)	\$ 500,000
5640	Skidaway Boat Ramp	\$ 600,000	\$ (35,153)	\$ 564,847
5654	Pyeland	\$ 250,000	\$ (69,485)	\$ 180,515
5658	Chatham Pkwy/Veterans	\$ 500,000	\$ (282,079)	\$ 217,921
5660	Kim Street	\$ 200,000	\$ (150,000)	\$ 50,000
5628	Charlie Brooks Park Roads	\$ 500,000	\$ 98,950)	\$ 401,050
TBD	Marshall Avenue	\$ 0	\$ 150,000	\$ 150,000
TBD	Mims Street	\$ 0	\$ 150,000	\$ 150,000
TBD	Beard Creek Lane	\$ 0	\$ 150,000	\$ 150,000
TBD	Second Street	\$ 0	\$ 150,000	\$ 150,000
TBD	East Boulevard	\$ 0	\$ 150,000	\$ 150,000
TBD	Cohen Street	\$ 0	\$ 150,000	\$ 150,000
5951	Reserve for Unincorporated County Roads	\$ 18,005	\$ (14,333)	\$ 3,672

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**2. TO HOLD THE THIRD PUBLIC HEARING AS REQUIRED BY STATE LAW ON THE COUNTY'S INTENT TO LEVY A MILLAGE RATE THAT DIFFERS FROM THE CALCULATED "ROLLBACK" MILLAGE RATE FOR AD VALOREM TAX PURPOSES.**

Chairman Liakakis said, Ladies and Gentlemen, this hearing is being held in compliance with state law. The Chatham County Board of Commissioners has announced publicly its intention to increase the property taxes it will levy this year by 0 percent over the rollback millage rate for General Maintenance and Operation taxes, 0 percent over the rollback millage rate for Special Service District taxes, and 0 percent over the rollback millage rate for Chatham Area Transit Authority.

The purpose of this hearing is to provide members of the public the opportunity now to comment.

The current millage rate for the General Fund is 10.537 mils, which is .415 mils lower than the calculated rollback millage of 10.952 mils.

The current millage rate for the Special Service District Fund is 3.475 mils, which is .091 mils lower than the calculated rollback millage of 3.566 mils.

The current millage rate for the Chatham Area Transit Authority is .820 mils, which is .030 mils lower than the calculated rollback millage of .850 mils.

A list is provided at the front of the room for you to record your name and address, as well as the group or organization you represent. We ask that you be brief in your remarks. Now, I ask anybody in the public that would like to come and discuss our millage proposal today? Anyone in the audience? This is our third and last Public Hearing. Come forth and state your name, please.

Mr. Bret Hume said, I'm Bret Hume. I just have a question about what the Board recently passed with the millage increase. Does that factor into this? Because all I heard was rollback, rollback, rollback. Is that a separate issue?

Chairman Liakakis said, no, we're required by law – go ahead, Patrick.

Mr. Monahan said, I think Mr. Hume's referring to the report on the School Board. Mr. Hume said, correct, correct. Mr. Monahan said, not the County Board of Commissioners. Mr. Hume said, that's why I was just asking for clarification. Mr. Monahan said, no, that will be on the next agenda. The Board of Commissioners will be asked to confirm the School Board's adoption of its millage rate. Mr. Hume said, thank you, Pat.

Chairman Liakakis said, so we want all of our citizens to know, in all three categories, there was zero millage increase, and we'd like to thank our staff, our finance people, our County Manager, Assistant County Manager, and all the staff people, and, of course, all the departments, because they worked really hard to present a number of budget requests to us. Helen?

Commissioner Stone said, thank you, Mr. Chairman. I just wanted to state in talking to some of the other Commissioners throughout the State, I really do commend the Staff and this Board for keeping the millage, no increase to the citizens of this community in these very tough economic times. I think it's phenomenal that we were able to do this. I take a lot of pride, along with my fellow Commissioners in the fact that we were able to do this, and it does not fall on deaf ears, I think, throughout this community that it was through the diligence and hard work of all the departments, as well as our Chairman and the members of this Board, so I want to thank you all. I think it's phenomenal that we were able to do this during these economic times.

Chairman Liakakis said, I call the Public Hearing, since there are no persons speaking on this particular item, I close it at this particular point, and we start back on our Individual Actions.

**AGENDA ITEM: IX-2**  
**AGENDA DATE: July 9, 2010**

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

**ISSUE:**

To hold a Public Hearing as required by State law on the County's intent to levy a millage rate that differs from the calculated "rollback" millage rate for ad valorem tax purposes.

**BACKGROUND:**

Chatham County is required by State law (O.C.G.A. Code Section 48-5-32.1) to compute a "rollback" millage rate, which is the previous year's millage rate minus the millage equivalent of the total net assessed value added by reassessments of existing real property. The law further provides that, if the levying authority proposes to levy a millage rate in excess of the computed "rollback" rate, certain advertisements and three public hearings must be held before the adoption of the final millage rate.

**FACTS AND FINDINGS:**

- 1) The 2010 digest has a decrease in the total net assessed value. This has resulted in a calculated rollback rate that is higher than the current millage rate. The current millage rates are lower than the rollback rates computed using the formula in state law.
- 2) At its June 11, 2010, meeting, the Chatham County Commission instructed staff to proceed with the necessary advertisements and schedule the public hearings necessary to adopt the millage rates for the 2010 Tax Digest:
  - a) The advertisements required by state law stated that the Board of Commissioners has tentatively adopted a millage rate which will require a zero percent increase in General maintenance and Operations, Special Service District and Chatham Area Transit Authority taxes. This gives the Board of Commissioners the option of adopting the computed rollback rates.
  - b) For the General Fund the current millage rate is 10.537 mils. This is lower than the calculated "rollback" rate of 10.952 mils, by 0.415 mils, a 3.79% decrease.
  - c) For the Special Service Districts the current millage rate is 3.475 mils. This is lower than the calculated "rollback" rate of 3.566 mils, by 0.091 mils, a 2.55% decrease.
  - d) For the Chatham Area Transit Authority the current millage rate is 0.820 mils. This is lower than the calculated "rollback" rate of 0.850 mils, by 0.030 mils, a 3.53% decrease.
- 3) Public hearings were held at 9:30 a.m and 6:00 p.m. on June 22, 2010. These hearings were advertised in the Savannah morning News on June 10, 2010.
- 4) A third public hearing is scheduled for 9:30 a.m. July 9, 2010. This hearing was advertised in the Savannah Morning News on June 28, 2010. After the public hearing is complete, the Board can adopt the millage rate.

- 5) Also, as required by law, on June 10, 2010, Chatham County issued a press release to the Savannah morning News and the television media announcing the above mentioned millage rates and the three public hearings.
- 6) Notification of the public hearings is being broadcast on Channel 16.

**FUNDING:**

N/A

**ALTERNATIVES:**

- (1) Hold the third public hearing on July 9, 2010.  
 (2) Give staff alternate direction.

**POLICY ANALYSIS:**

State law requires three advertised public hearings before the adoption of any millage rate that exceeds the "rollback" rate.

**RECOMMENDATION:**

That the Board approves Alternative 1.

Prepared by: Read Dehaven

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**3. REQUEST BOARD ADOPT YEAR 2010 CHATHAM COUNTY GENERAL MAINTENANCE AND OPERATIONS, SPECIAL SERVICE DISTRICT, AND CHATHAM AREA TRANSIT DISTRICT MILLAGE LEVY RESOLUTION PURSUANT TO ADVERTISEMENT HAVING BEEN PUBLISHED IN ACCORDANCE WITH O.C.G.A. 48-5-32.1. IN ADDITION, FORM PT-35 COUNTY MILLAGE RATE CERTIFICATION AND FORM PT 32.1 COMPUTATION OF MILLAGE RATE ROLLBACK AND PERCENTAGE INCREASE IN PROPERTY TAXES FOR TAX YEAR 2010 MUST BE CERTIFIED AND SUBMITTED TO THE GEORGIA DEPARTMENT OF REVENUE FOR DIGEST APPROVAL FOR THE TAX YEAR 2010.**

Chairman Liakakis said, we need a motion on the floor. Commissioner Holmes said, so move. Commissioner Stone said, second. Chairman Liakakis said, I have a motion on the floor and a second to approve. Let's go on the board.

**ACTION OF THE BOARD:**

Commissioner Holmes moved that the Board adopt year 2010 Chatham County General Maintenance and Operations, Special Service District, and Chatham Area Transit District millage levy resolution pursuant to advertisement having been published in accordance with O.C.G.A. 48-5-32.1. In addition, Form PT-35 County Millage Rate Certification and Form PT 32.1 Computation of Millage Rate Rollback and Percentage Increase in Property Taxes for Tax Year 2010 must be certified and submitted to the Georgia Department of Revenue for digest approval for the tax year 2010. Commissioner Stone seconded the motion and it passed unanimously. [Commissioner Kicklighter was not present.]

Mr. Monahan said, excuse me, Mr. Chairman, if I may, I apologize for interrupting you, but just to clarify, the Board adopted Alternative 1. Not just adopt the motion, but you actually adopted Alternative 1. Chairman Liakakis said, right. Commissioner Shay said, correct. Commissioner Farrell said, agreed. Mr. Monahan said, the record needs to reflect that.

**AGENDA ITEM: IX-3**  
**AGENDA DATE: July 9, 2010**

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

**ISSUE:**

Adoption of year 2010 Chatham County General Maintenance and Operations, Special Service District, and Chatham Area Transit District millage levy resolution pursuant to advertisement having been published in accordance with O.C.G.A. 48-5-32.1.

In addition, Form PT-35 County Millage Rate Certification and Form PT 32.1 Computation of Millage Rate Rollback and Percentage Increase in Property Taxes for Tax Year 2010 must be certified and submitted to the Georgia Department of Revenue for digest approval for the tax year 2010.

**BACKGROUND:**

A tax levy resolution must be submitted to the State of Georgia Department of Revenue, and is scheduled for delivery by the Tax Assessor's Office during the week of July 26, 2010.

**FACTS AND FINDINGS:**

- (1) At its June 11, 2010 meeting, the Chatham County Commission instructed staff to proceed with the necessary advertisements and schedule the public hearings necessary to adopt the millage rates for the 2010 Tax Digest. This has been done. This gives the Board of Commissioners the option of adopting the computed rollback rates.
- (2) The current millage rates are as follows:
  - (a) General M&O, 10.537 mils. This is lower than the calculated rollback millage rate of 10.952 mils by 0.415 mils.
  - (b) Special Service District, 3.475 mils. This is lower than the calculated rollback millage rate of 3.566 mils by 0.091 mils.
  - (c) Chatham Area Transit District, .820 mils. This is lower than the calculated rollback millage rate of 0.850 mils by .030 mils.

The rollback rate referred to here is the millage rate resulting from the rollback rate calculation relating to reassessed values as documented on Form PT-32.1 Computation of Millage Rate Rollback and Percentage Increase in Property Taxes for Tax Year 2010.

- (3) The 5-year history of levy for Chatham County was advertised on June 23, 2010, as required by State Law and incorporated millage rates equal to the current rates.
- (4) In addition to the rollback rate calculation relating to reassessed values as documents on Form Pt-32.1, State law also requires that the County compute a millage rate and rollback rate associated with Local Option Sales Tax and Insurance Premium Tax (O.C.G.A. 48-8-91 and O.C.G.A. 33-8-8.3 respectively). These rollback rates are based on the amount of Local Option Sales Tax and insurance Premium Tax collected in 2009. These rollback rates are based on revenue collected rather than property values, and are different from the rollback rates referred to in Fact & Finding #2 above. The M&O Sales Tax rollback rate is computed at 0.942 mils. The SSD Insurance Premium Tax rollback rate is computed at 0.802 mils. These rollback rates are documented in the attached resolution.

**FUNDING:**

N/A

**ALTERNATIVES:**

- (1) Adopt the year 2010 levy resolution pursuant to advertisement having been published and the Millage Rates as follows:
  - (a) General M&O, 10.537 mils (net of sales tax rollback of 0.942 mils).
  - (b) Special Service District, 3.475 mils (net of insurance premium rollback of 0.802 mils).
  - (c) Chatham Area Transit District .820 mils.
  - (d) Authorize the Chairman to sign the Georgia Department of Revenue Forms PT 35 and PT 32.1.
- (2) Modify the tax levy resolution.

**POLICY ANALYSIS:**

State law requires that the Board adopt a tax levy resolution annually for submission of the Digest to the State of Georgia, Department of Revenue (Ga. Code 48-5-302). Georgia law 48-5-32 and 48-5-32.1 further specifies method of publication by County of ad valorem tax rate.

**RECOMMENDATION:**

Approval of Alternative 1.

Prepared by: Read DeHaven

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#### **4. REQUEST THE BOARD APPROVE A RESOLUTION CLARIFYING THE MILLAGE LEVY FOR FISCAL YEAR JULY 1, 2010, THROUGH JUNE 30, 2011.**

Commissioner Stone said, so move, Mr. Chairman. Commissioner Holmes said, second. Chairman Liakakis said, I have a motion on the floor and a second for the resolution. Let's go on the board. Motion carries.

**ACTION OF THE BOARD:**

Commissioner Stone moved that the Board approve a Resolution clarifying the millage levy for fiscal year July 1, 2010, through June 30, 2011. The motion was seconded by Commissioner Holmes and it carried unanimously. [Commissioner Kicklighter was not present.]

**AGENDA ITEM: IX-4**  
**AGENDA DATE: July 9, 2010**

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

**ISSUE:**

To request that the Board approve a Resolution clarifying the millage levy for fiscal year July 1, 2010 through June 30, 2011.

**BACKGROUND:**

On July 28, 2000, the County Commissioner approved the year 2000 Tax Levy. Prior to January 1, 2000, the adoption of the annual millage levy for the Chatham County government was for generating taxes for the County's fiscal year budget which was January 1 through December 31. With the change of the fiscal year effective in year 2000, it is necessary to clarify the tax year 2010 Millage Levy.

**FACTS & FINDINGS**

- (1) A meeting was held on September 25, 2000, with the County Attorney, Richard Tindol with the audit firm Karp, Ronning & Tindol, P.C., and the Finance Director of the County to discuss the year 2000 Millage Levy and the funding for the short fiscal year.
- (2) The County Auditor, Richard Tindol with the audit firm Karp, Ronning & Tindol, P.C., requested that the County Commission clarify the application of the taxes from year 2000 Millage Levy for the audit for the fiscal year ending June 30, 2000.
- (3) The attached Resolution is intended to clarify the Tax Levy for the tax year 2010.
- (4) The millage levy applies to all three taxing districts: The General Fund M&O, Special Service District Fund and Chatham Area Transit District Fund.

**FUNDING:** N/A

**ALTERNATIVES:** N/A

**POLICY ANALYSIS:**

State law requires that the Board adopt a tax levy resolution annually for submission of the digest to the State of Georgia, Department of Revenue (Ga. Code 48-5-302).

**RECOMMENDATION:**

That the Board approve the attached Resolution.

Prepared by: Read DeHaven

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**5. BOARD CONSIDERATION OF A REQUEST FROM SAVANNAH TECHNICAL COLLEGE FOUNDATION, INC., TO FORGIVE OR ABATE ASSESSED TAXES FOR PINS 2-0980-04-007, 2-0980-04-008, AND 2-0980-04-009 (198, 192 AND 170 CROSSROADS PARKWAY), SAVANNAH, GEORGIA.  
[District 7.]**

Chairman Liakakis said, would you like to comment on that?

Assistant County Manager Monahan said, I believe this is the County Attorney's recommendation.

County Attorney Hart said, the County Attorney's office has recommended denying the request. This is kind of an unusual situation from the state law viewpoint. If it were a college-owned piece of property, it would have an educational exemption. Since it's in the Foundation, that's a separate and distinct legal entity and the state law says that if you hold real estate as an investment property as part of your endowment, which the Foundation would, it is not considered exempt for taxation purposes. The property has now been sold to the State, so it'll be exempt from here on, and I think they're going to build their school on it. Quite frankly, when we started this, we thought, yeah, the exemption could probably be granted, but when we started reading the law, there's just this quirk between holding it in the college name, holding it in the Foundation name, and holding real estate in your endowment part of your foundation.

Chairman Liakakis said, I see we have representatives. If you'd like to come forth, state your name and you can make your statement.

Ms. Melinda Laager said, good morning, Chairman Liakakis.

Chairman Liakakis said, come a little closer to the microphone there.

Ms. Laager said, and Fellow Commissioners. I'm Melinda Laager, and I'm the Executive Director of the Savannah Technical College Foundation, and this is Dr. Ken Boyd, and he is our Vice President of Economic Development. Little did I know when I wrote this letter that we were going to be standing here today. Our Foundation had requested that we look at the possibility of this refund based on the fact that the actual land was purchased by the Foundation because there was no money by the college to purchase the land at the time. The land was actually purchased for the intent of building a school and, thank you, Attorney Hart, for everything that you have done on this proposal. We would like for you to consider the second alternative, if you would, on the memo that Attorney Hart has written to you as Commissioners, and we would like to see if there is any way that we could justify that very quickly for you. Unfortunately, the State took a long time to purchase this property. It took letters, it took calls, it took visits, and it took three Presidents trying to get actually the land to be purchased by the State. Our intention was to either build an educational facility on the property, which we have the drawings almost from the day that the land was purchased, or to actually put another facility out, which I'm going to let Dr. Boyd talk to you about, on the land, as well, also as an educational facility. Dr. Boyd?

Dr. Ken Boyd said, good morning, and thank you again. Just to reiterate what Melinda just mentioned, I would like the Board to consider the intent. It was never done for an investment perspective. The intent always was an education facility since the land was first purchased. From an economic development perspective, we have partnered with the various organizations and companies and industries that Savannah Technical College serves, and we know now the demand that is needed in this particular situation from an aviation perspective, and we have done various training programs, and we've had to put them down at our Savannah campus on White Bluff just simply because of the space limitations and not having enough building locations out at the Crossroads Parkway. Since the land was purchased approximately 2004, we have hired staff and people, as well as purchased equipment using both staff -- excuse me -- state money, as well as grant money to purchase that equipment, and we've kept some of that in storage and used some of it as we have started those programs. So the intent, again, is always and always will be education in that particular area. In summary, the tax money that was paid came out of private dollars and it was raised very hard. Those dollars will now be used for the direct benefit of students that are going to enter the programs as we move forward with a new facility on that property. Education and training equals jobs, and I think we all understand that, and, as our area continues to grow, particularly in the aviation area, we've established those partnerships. We have those curriculums approved. We've hired more people to outfit that particular organization of the college as we move forward.

Chairman Liakakis said, okay.

Commissioner Odell said, may I just ask a question? Okay, I'm sorry.

Chairman Liakakis said, Helen and then you.

Commissioner Stone said, it doesn't matter. My question is for the County Attorney. If we approve this, is this setting a precedence for other institutions to follow in asking for tax abatements?

County Attorney Hart said, yes, in short. This is sort of a unique situation in that the college property is exempt, but when you stick the property into a foundation, which is done a lot in college institutions for liability reasons and all sorts of other reasons, but the Code Section says, all funds or property held or used as an endowment of the college or nonprofit, and it goes on and talks about some other stuff, says, shall be exempt when property are not invested in real estate. So it's carved out the real estate. I talked to the Department of Revenue person about this and their concept was, they didn't want the foundations going out buying property and holding it, taking it off the tax rolls, and it not serving as an educational purpose. So there's a policy decision there. It's the same policy decision you all have to wrestle with when the church goes out and buys the lot adjacent to the church, they don't use it for church purposes yet, you know, they hope one day to build their educational building on it, okay? Well, until they either put it in use as a parking lot or in use as a religious service or proceed with planning, this Commission and the Board of Assessors has not granted that exemption. So that's the reason we had to come down the way we did.

Commissioner Stone said, so, would we in essence, by doing this, be going against state law?

County Attorney Hart said, yes, ma'am, I believe I'd to say yes, ma'am. You have -- it's very clear you have no right to rebate the 2006 taxes, because that's outside the three year limit that you're allowed to by state law, clearly. 2007 and 2008, you know, with this provision and it being held in the endowment, I think it runs square into that provision, and, to be honest with you, I did not know that was the law until we looked at it.

Chairman Liakakis said, Harris?

Commissioner Odell said, I've heard what Jonathan has said and our vote here, or the motion to follow, is not our saying that education is not important. That's not it. We are -- whether we agree with it or not -- obligated to follow the law. The status of the law now from our County Attorney is that we cannot do that. If we do that, then I think we have violated our oath in the face of a recommendation from the County Attorney. And it should not be read as this Commission is against education. That's not it. This Commission, whether we agree or disagree, we're obligated to follow the law, and the law is what it is, and with that, I make the motion that we deny.

Commissioner Gellatly said, second.

Chairman Liakakis said, I have a motion on the floor and a second. And I have to make a statement. I know the good work that the Foundation helped so many students over the years and all, but because I'm a member of the Board and have been, the longest-serving member on the Foundation, I will not vote today on the item. Is that permissible?

County Attorney Hart said, yes, sir, you need to recuse yourself. The Board needs to vote on the recusal first.

Commissioner Odell said, I really wish someone had told me that he was on the Board prior to my making the motion.

County Attorney Hart said, technically, what we need to do is, temporarily have Commissioner Odell withdraw that motion, you make a motion to recuse yourself, the Board has to vote on that recusal under the Enabling Act. It's just one of the quirks of our Enabling Act, so we need a motion to recuse.

Commissioner Shay said, Mr. Chairman, I'd like to make a motion that we recuse you from voting on the upcoming matter for the reasons that you stated for the record. Commissioner Thomas said, second.

Chairman Liakakis said, all right, let's go on the board. Motion passes.

**ACTION OF THE BOARD:**

Motion was made by Commissioner Shay and seconded by Commissioner Thomas to recuse Chairman Liakakis from voting on the matter under IX.5. The motion passed unanimously. [Commissioner Kicklighter was not present and Chairman Liakakis did not vote.]

Chairman Liakakis said, all right, now, do you want to restate your motion, please?

Commissioner Odell said, yeah, I guess procedurally we should have done the motion to withdraw, then the motion to recuse.

County Attorney Hart said, I think we incorporated that into the motion to recuse. Commissioner Shay said, yeah, that was what I meant.

Commissioner Odell said, okay, I'll make a motion to deny. Commissioner Gellatly said, second.

Chairman Liakakis said, okay, all in favor -- let's go on the board.

**ACTION OF THE BOARD:**

Commissioner Odell moved that the Board deny consideration of a request from Savannah Technical College Foundation, Inc., to forgive or abate assessed taxes for PINs 2-0980-04-007, 2-0980-04-008, and 2-0980-04-009 (198, 192 and 170 Crossroads Parkway), Savannah, Georgia. The motion was seconded by Commissioner Gellatly and it passed unanimously. [Commissioner Kicklighter was not present and Chairman Liakakis did not vote.]

Chairman Liakakis said, Okay, motion passes. Sorry. I know how important Savannah Technical College, they have done wonders there. They've got well over 5,000 students, and really have helped change the lives of thousands of people in our community. Ms. Laager said, thank you.

**AGENDA ITEM: IX-6**  
**AGENDA DATE: July 9, 2010**

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

**ISSUE:**

To consider request of Savannah Technical College Foundation, Inc. to forgive or abate assessed taxes for PINs 2-0980-04-007, 2-0980-04-008, and 2-0980-04-009 (198, 192, and 170 Crossroads Parkway), Savannah,

**BACKGROUND:**

This is a request by Savannah Technical College Foundation, Inc. ("Foundation") to forgive or abate taxes paid for tax years 2004, 2007, and 2008 for parcels 2-0980-04-007, 2-0980-04-008, and 2-0980-04-009 (198, 192, and 170 Crossroads Parkway), Savannah, Georgia, in the amount of \$52,851.75 (\$11,240.86 for 2006; \$20,966.81 for 2007; and \$20,644.08 for 2008). Prior to tax year 2009, the parcels were under one PIN: 2-0980-04-003. The Foundation has applied for and been granted an exemption for the subject parcels for tax year 2009, under O.C.G.A. §48-5-41. They are now seeking an abatement of the taxes on the property for tax years 2006, 2007, and 2008.

**FACTS & FINDINGS:**

1. Savannah Technical College Foundation, Inc. is a non-profit corporation. The Foundation is a separate and distinct legal entity from the Technical College.
2. Pursuant to O.C.G.A. §48-5-41(a)(7) "all funds or property held or used as endowment by colleges, nonprofit hospital, incorporated academies, or other seminaries of learning when the funds or property are not invested in real estate" are exempt from ad valorem property taxes.
3. The parcels at issue for the tax years at issue were vacant lots owned by the Foundation. The property has since been sold to the State.
4. There are two potential exemptions that may be used by educational institutions which are contained in O.C.G.A. §48-5-41(a)(6) and O.C.G.A. §48-5-41(a)(7).
5. O.C.G.A. §48-5-41(a)(6) grants exemptions to properties with buildings and is not applicable since these are vacant lots. O.C.G.A. §48-5-41(a)(7) states that all property held in an endowment by a college is exempt so long as not invested in real estate. Since this property is not being used for educational purposes (vacant lot) and is real property, it is excluded from the exemption contained in the subject code section.

The exemption for 06, 07, and 08, had it been applied for, would not have been granted.

6. O.C.G.A. §48-5-380(b) provides in relevant part that when a tax has been erroneously or illegally collected or voluntarily or involuntarily overpaid, the taxpayer may file a claim for a refund with the county or municipality within three years after the date of the payment of the tax to the county or municipality. Accordingly, a taxpayer's right to recover property taxes erroneously collected is limited to the three-year period prior to filing of refund claim. The payment for the taxes due on the subject property for tax year 2006 (\$11,240.86) was made on February 14, 2007. The Savannah Technical College Foundation, Inc.,'s refund request was received on June 9, 2010. Hence, the 06 tax year is beyond the statute of limitations.

The property has now been sold to the State and will be exempt in the future.

7. 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:**

Refund of ad valorem taxes paid by Savannah Technical Foundation, Inc. out of the County's General Fund account.

#### **POLICY ANALYSIS:**

The Savannah Technical College Foundation, Inc. is a separate and distinct legal entity from the school and held three vacant lots. The vacant lots had no buildings on them and the real estate held as part of the endowment do not meet the requirements of either of the two sections providing for exemptions. Assuming the exemptions were applied for in a timely manner, it should not have been granted. The taxes paid for tax year 2006, is beyond the statute of limitations and cannot be refunded. The request for refund should be denied. The property is now exempt since it is owned by the State.

#### **ALTERNATIVES:**

1. The Commissioner should deny the request for the refund of tax years 2006, 2007, 2008.
2. The Commission should deny the refund for tax years 2006 and grant the refunds for tax years 2007 and 2008.

#### **RECOMMENDATION:**

Alternative 1.

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## **6. PREDICTABLE PERMITTING PROJECT PHASE ONE RECOMMENDATIONS.**

Mr. Gregori Anderson said, good morning, Mr. Chairman, Members of the Board. Gregori Anderson, Director of Building Safety & Regulatory Services. We're here this morning to make a presentation to you on the Predictable Permitting Phase One Recommendations. As a matter of history, this is a project that was initiated by this Board in last year, 2009, and what's before you today is a recommendation that has come out of that process. The recommendations will help to meet the goals of the project, which are to provide some predictability, some efficiency

in the development process from beginning of issuance of building permits and plan and review, to the issuance of a certificate of occupancy on the back end, and access in documentation and placed on the tax rolls. What we have today -- with me is Amanda Dietz with the Ryan Development Group. She is our consultant. She's Vice President of that group and has been our shepherd through this process. She'll be giving you about a 10-minute Power Point to kinda go through the high points of the process. She'll also talk about the recommendations that we brought forward that will assist in meeting the goals of the project. She'll also talk about the implementation of these recommendations going forward, and what the schedule of that is to be. She'll also talk about the phasing of this project and the steps that we went through.

We, at the beginning, established a steering committee that comprised of members of County Staff, Engineering Department, my department, MPC, as well as members from the development community, both residential and commercial. We went forward, developed the scope of that project, and as a matter of that process also developed a stakeholder group, and that stakeholder group, I think, is represented today by one member in the audience that had an opportunity to look at the recommendations, to participate in the process, to properly vet our debate about this, and they stand in support of these recommendations going forward. That stakeholder group included members of the Homebuilders Association, the development groups, AIA, also, the Chamber of Commerce, so we've had a wide range of participants in this process, and we feel that the recommendations will assist in that. So with no further ado, I'd like to bring forward Amanda Dietz. She'll go through this, and we can address any questions on the back end. Thank you.

Ms. Amanda Dietz said, good morning. He just shortened my presentation, I think, a little bit. He's covered a number of the items. I think each of you received a copy of the recommendations report. This is really just a highlight of some of the key points that follow along with that. So as Gregori mentioned, we've got just a couple of updates that I want to go through with you just very quickly. The objectives, I think he highlighted the ones that I would also agree are most important, and those include the predictability of the process, as well as the efficiency of the process. And I think as we got in and looked at the details of the processes, those were good objectives to have, and we've had a chance to tackle a number of those over the last several months. A couple others that I would point on there -- and I'm struggling with the screen setup here -- the process management capability. This is not a one-hit wonder. What we want to do is to make sure that not only do we improve the process performance currently, but we also build a capability for the folks in Engineering, MPC, and Building Safety & Regulatory Services to manage the processes effectively going forward. The organization chart, as Gregori mentioned, I think, is a good representation not only of the county leadership, but the county departments that are involved, and the building community, as well. So the community was involved through a couple of different means. We had their participation in various stakeholder meetings, we had some one-on-one sessions, and I believe in the report that you all were given, you would see the surveys that were given to the building community. We used their responses as part of our analysis of the work that we did, but we very much appreciate the time from the community that they gave us.

So in terms of the work that is done in the permitting, inspection, and review activities, there's some up-front work to get the initial approvals, and then there's the ongoing vertical construction and inspection work. And the work of this project was really zeroed in specifically on the application, submission, and the plan review process activities. So that's what we are doing in Phase One. Phase Two, that will get started in not too distant future, will be the vertical construction side of that, and I'll talk about that again in just a minute. So in terms of the process and the methodology, again described a little bit in that report, one of the things we do before we actually start mapping the process is to get a good understanding of who gets something out of the process and are they getting what they want out of the process. And as you'll see on the slide in front of you now, the most significant gaps there were in the development community. The process was unpredictable and the process was taking way too long. There's some data points that I'll bring up in a few minutes that we really keyed in on the time frames associated with development activity in the 2006 to 2008 time frame, because of the high volumes associated with that and, again, from a Commission perspective, getting the most for the resources that you have is certainly a critical part of this.

Again, any process is limited to the effectiveness of the inputs coming in and, as we found with this process, a significant issue is that the application files that are being submitted are incomplete, they have errors. And they don't just have that one time, it takes multiple iterations, and we'll see that in the presentation in just a moment. At a real high level, you can see what the process looks like. This is a summary process map of the inspection -- or the planning, the plan submission process, and as I walk through this, I'm not going to hit all the boxes, so you can rest assured, but I do want to key in on where some of the key issues are. At the very beginning of it, and as I said, for many processes, that's where the significant gaps are, we had some gaps in terms of there's a pre-submission meeting that is available to developers and the various contractors as a part of a project, and we have a limited use of that meeting. And those who have used the pre-submission meeting have been able to address questions early on and get the good results, and so that's one of the things that we have people not taking advantage of that. There are also -- it became clear for us, that there's some lack of clarity in terms of some of the changes to code and ordinances and how those apply. Another one for us was that sometimes we don't get all the fees in -- in the first round, when the files are submitted. Within the process, we found that files were not getting out to the staff to review on a timely basis and so that was another area for us. Incomplete applications coming in was the most significant gap for us, I think. They're not following checklists that are available.

And then once it came in, the problem -- some of the issues with the files were not identified in the first pass, so there's some things that were occurring in the process. Comments are going through multiple reviews. You'll see some data for that in just a moment. And we also were not including the developers or the owners as part of the evaluation process. And then finally, not all of the corrections are made on the first time, so it takes multiple submissions, and a lot of time is lost in the process. That time issue -- so here's a recap of those points that I just made for you. And that last bullet point, the time is an important measure for us, so we went off and gathered some data associated with that. And again, all of this information is in your report, but I think it's important to note application submission part of the process was about a day, but when we looked at both for MPC and for the engineering group, our time frames were

much more significant, and you'll see in the initial review, the average for MPC was about six days, so from the time at which we received the file in MPC until initial comments are issued, that was about six days. And then the engineering group -- again, this is data back from 2006 to 2008 -- the initial time frame was about seventeen days. But most significantly for both of those groups, if you'll look, the big chunk of time is the resubmission time frame and, more graphically, you can see from an MPC view that 80% of the time is spent on the resubmissions, so the file goes back out to the development community, comes back in, goes back out. In some cases, they're waiting on approvals from some other agencies, as well, for both the MPC side and the engineering. So you can see where, in terms of the process analysis, if you will, we were trying to get the biggest bang for the buck. Our focus needed to be on that resubmission, and that happened a lot, because information wasn't coming in correctly the first time around.

So in terms of the recommendations, we had about fourteen recommendations, ten of which we considered to be our highest priority, and I'll just run through these real quickly. Requiring parties to attend the pre-submission or pre-application meeting. This really is for their own good. This is beneficial. We've got a great opportunity to keep the file from coming in, in the first place, incorrectly. And we also can help ourselves within the county by updating our checklists and making sure that it's got usable information on there to help the development community as they're submitting their applications. The third recommendation, we have actually already implemented, and that is, when they would come in, they would go into a committee and then up to a week later, it would get distributed out to the staff, and it was important to get it out to the staff right away. They still have their weekly meetings, but those would be used for a different purpose. Establishing a front-end cursory file review, that's something we want to do to -- if there's things we can figure out before it even gets to the engineering staff and MPC staff, let's try to tackle that. So again, both of those are in-process opportunities to improve what we're tackling. We also had some opportunity to do a better job of managing the process and holding accountability, and one of those is that the developers were not copied on the resubmissions, and so it actually came as a surprise to some to find out how much is going back and forth with the contractor, so very simple idea of including them on the distribution and then putting together ongoing performance data. And I think that'll again speak to the ongoing accountability for the process.

Communication is another key part of that, and that's making sure we've got a master list, so some of this is -- I wouldn't call it rocket science, by any means, but it's important stuff to improve the process as we go forward. If you talk to anybody on the engineering staff or the MPC staff, they could pretty quickly tell you, well, if you could just fix these four or five things on your files coming in, that we could avoid this going forward, and so they're a great resource for the Top 10s, if you will, the Letterman Top 10s, and so we're going to put together a list and keep that published on an ongoing basis on the web site so that the development community can best submit their files correctly the first time. Three strikes you're out. Just as if you have to submit a third time, there's fees. We're going to require an in-person meeting if we have to go through three resubmissions, because something's obviously wrong, so let's nip that in the bud. And then ultimately, we'd like to make some updates to the web site that will make it more development community friendly, more responsive, and more applicable to getting good files in, so that we can get the properties on the tax rolls faster. So you'll see on the slide in front of you, this is a recap of all the recommendations. Again, those are described in more detail in your report. The ones that have the highlighted numbers on the left-hand side are the ones that we considered our top priority. The numbers across to the right-hand side represent those process issues that I was discussing earlier, so you can see how the recommendations that we've come up with specifically address the items that we identified as part of our recommendations report. This is a summary of our implementation plan. There are more detailed tasks that go along with that. You'll see that most of the activities have already started. We have one that's been completed. The extended completion time frames for these is a result that some of the recommendations that we're making here will require changes to the -- they'll be part of the Uniform Zoning Ordinance and the Consolidated Development Ordinance, and both of those are in process, so many of these, we hope to have implemented by the end of the year. We've got, I think, one that extends into 2011. So going from here, we're going to be implementing the steps, begin the Phase Two, the vertical construction piece, and the other bullet point on there is to validate the results. We want to make sure that what we've recommended actually closes the gaps we identified and achieves the objectives. So I appreciate your time.

Chairman Liakakis said, Patrick?

Commissioner Farrell said, I have one observation or comment, and I like everything that's going on and what we're doing to make the process work better. As far as -- you know, in the current times, our building permits are down 90% since 2005, and to encourage a climate of openness and reception to people spending money to improve our community through different types of developments and investments, perhaps we should consider a mission statement that assumes that we're working with people that are unfamiliar with the system, whether they've never done this before or they're from out of this area and they're not familiar with our system, rather than, you know, somebody comes in cold, so to speak, and, hey, you should have known that, hey, you should have known that. You know, I'm just thinking that to encourage economic development and a friendly atmosphere, why not do business in Chatham County rather than somewhere else, where they're kinda looking after the folks that already know the system, you know, they're going to be able to navigate it better because they already know it, anyway. But if we take the onset of this process and make the assumption that folks coming in are coming in cold and don't know our system, and that we have -- that we're prepared to answer every single question they may have on every single thing, and then, as they do more development or more building or whatever, then that time is going to reduce drastically, because they're going to already know. But in order to encourage folks to come in and do business in Chatham rather than in some other area, you know, I would think that a mission statement to that effect for this process would be a recommendation that I put on the table.

Ms. Dietz said, okay, may I? Chairman Liakakis said, yes. Ms. Dietz said, I think that's a great idea, and we'll tackle that. And I would also say the pre-application meetings and the updated checklist and the accessibility to the web site would reinforce that mission statement, so, thank you.

Chairman Liakakis said, Helen?

Commissioner Stone said, thank you, Mr. Chairman. In reading this, I read this with some frustration and some relief, coming from the MPC side, because Recommendation 1, 2, 5, and 7 was something that I recommended eight years ago when I sat down with the incoming chairman -- no, excuse me -- the incoming Executive Director of the MPC. These are not new problems. These are problems that have existed for a long time. Again, I can only speak from the MPC side of this, but I remember sitting there saying, we don't have a master checklist. The person that walks through those doors does not know what is all necessary to complete this process. And so I say, I greet this with some frustration, having said this eight years ago, but some relief that it's now going to be done. There is one thing that I would like to be reviewed and looked at very carefully, and it's another situation that I encountered often on the MPC as Chairman of the MPC. We were asked to grant approval to petitions that were still subject to reports that hadn't come in, especially from -- and I'm going to use the county side point -- from the County Engineering. And in talking to Milton Newton, who was there prior to Tom Thompson, he said it wasn't always done that way, and I don't know how capable we are, or if this could be done, but it does seem to be a problem to ask a Board to approve something and then wait for the submission of the report from an engineering department. And I don't know whether it could be coordinated quickly enough so that all the information can come before the MPC Board before they have to make a recommendation for approval.

County Attorney Hart said, Mr. Chairman?

Chairman Liakakis said, Jon?

County Attorney Hart said, yeah, I'd like to comment on that, and I understand what you're saying, and that certainly -- I understand what position, to some extent, it puts the Board in, but we do have to remember that when a developer or a development is going before the MPC for site plan approval, they're seeking to know that they can develop that site subject to engineering, okay? Now, that doesn't sound like a big deal, let's wait on the engineering report, but let's go out and spend \$100,000 on an engineering study and then come back and be told no, that plan doesn't work. So traditionally, as being developer friendly, there has been an attempt to get the plan approved assuming that the engineering can be done, and that the person who is designing it, has the site plan, is not going to design something that can't be constructed. Okay? The problem is, site plans change when you go before the MPC and it becomes exceedingly expensive. I was with a developer that redesigned a building five times one time, for example. Every time you thought you had it, it changed somewhat, sometimes for good reasons, sometimes for reasons that were unrelated to what we're doing there. But I do think that we have to be mindful from a developer standpoint of view that not all things can be done specifically in that engineering department, because you just have so much intensive time in the preparation of those type of reports. That's the only observation --

Commissioner Stone said, and I understand that, but I would say that in this economy, perhaps we could do a little better to make it easier for the Board, because that was one of the frustrating points of being asked to approve something when all the reports were not final. And I understand what you're saying and I appreciate what you're saying; I'm just saying, could we make an attempt to do it a little better, especially in light of what's going on with the economy right now, because once the Board approves that, you know, as far as site plan review, it's final. So I'm just -- I just want to get it right the first time and, like I said, Items 1, 2, 5, and 7, I'm very familiar with, because we sat down and made these same recommendations eight years ago. So I'm glad that it's going forward. I would just like to make it as thorough as possible, to expedite it for the developer, but also to make sure that as few mistakes as possible are made on the review side of it. That's all.

Commissioner Shay said, I'm in agreement with Helen in the sense of being equally ecstatic and frustrated. It's a lot of work that's been done. I think the improvements are all really important. The idea was brought forward in an environment where we had an overwhelming number of applications and limited resources in order to do that. We have the exact opposite circumstance now, where we have a lot of capacity and a lot of infrastructure, human infrastructure and process infrastructure, to deal with a very small number of applications. This is the time we should work very hard to make sure that that process gets fixed, so that we can hopefully look forward to the day when we will be attractive to developers again and that we will be able to get people to bring their money from somewhere else in the world and invest it in our community, helping us with a lot of other problems that we have with our tax base and so forth. I would hope that, regarding this issue of site plan review, that we might move to the day when, instead of approving site plans by a Board of well-meaning interested stewards who are not professionals in that particular area, that site plans might be reviewed according to a Unified Zoning Ordinance that made it more prescriptive and less open to, what does the group think today. I don't want to do anything that would eliminate the citizen input. I think that's very, very important. But by the same token, the reason that there is so much frustration with this part of the process is that we have a Metropolitan Planning Commission that is asked to make site plan review judgments, primarily because the standards are 50 years old or 30 years old, and the development concepts for 21st Century infrastructure are right up to the minute. So I would hope that knitted into all this process is also that we can look forward, hopefully by the end of this year, because I've been hearing about it for as long as I've been a Commissioner this time around, five, six years now, that we're going to have a Unified Zoning Ordinance in front of us that will take a lot of the, you know, unpredictability out of that process and make it something that professionals can review and say, yeah, this meets the standards or it doesn't meet the standards, that we don't have to rely on a Board of twelve well-meaning citizens to try and figure it out and make it into a political process instead. End of speech.

Commissioner Stone said, I agree.

Chairman Liakakis said, one of the things, too, I mean, there's some good things that you have brought out to us today and some good development there. The County Inspections Department, that particular department, has been blamed in the past when a developer or owner wants to know what the holdup is and, actually, it's somebody that's involved in the process, as opposed to has nothing to do with the County whatsoever. They're just putting it back, whether it happens to be somebody that has been hired for the process and giving the information to the developers/owners, so they know the status is really important, so not putting the blame, but that information goes exactly what the holdup

is, and that way, then, I think you'll have a better process, because whoever that hired person might be that is holding it up, because that's not fair to the builders, the developers, the owners, what-have-you, and them thinking they're there. But we do need things that has been brought out by your company about to help our Inspection Building Department to make it more efficient, because that's important, because I know a number of Commissioners here, and I saw the same thing when I was on City Council, now on County Commission, that multitudes of, you know, complaints were made because it wasn't efficient enough and held up for long periods of time. In fact, on occasions, there were some developers, builders, just didn't do the project because of the holdup on that, and that's not fair to them, and, of course, it's not fair to the County or the City, because that brings in more revenue and helps out in many instances. Well, anything else? Did you want to say anything else on this?

Mr. Anderson said, well, as the Manager said, we're moving forward with the implementation plan for Phase One. We'll be starting Phase Two very shortly and look forward to being in front of you with the recommendations out of Phase Two, and then overall report on the process. Then we'll have some predictability from cradle to grave as far as our development process is concerned, and then it will address not only for local developers, but other developers coming in from outside of town.

Chairman Liakakis said, and see, it's really good for that pre-meeting, too, so that they'll know about that, and so that you -- everybody is educated on that, because they don't understand the full process and those kind of things, and then it's a muddled negative thing that's going on.

Mr. Anderson said, the fact we've gotten positive feedback from our local community, both on the economic side with the Chamber of Commerce, as well as on the staff participation, I think we're on the right track.

Chairman Liakakis said, good, thank you very much. Commissioner Shay said, thank you for your hard work. Commissioner Thomas said, thank you.

**AGENDA ITEM: IX-6**  
**AGENDA DATE: July 9, 2010**

**TO:** BOARD OF COMMISSIONERS

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

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

ISSUE

Predictable Permitting Project Phase One Recommendations

BACKGROUND

The Board of Commissioners entered into a contract with the Orion Development Group to develop a "Business Process Re-Design" to provide improvement and predictability to the building permitting and inspection process.

FACTS AND FINDINGS

1. The project was initiated due to the unpredictability of the building permitting process and a desire to foster growth and economic development through the improvement of the process efficiency, reduced time from initial submittal to the addition to the property tax rolls.
2. A Steering Committee was assembled to provide scope and framework to the project. The committee consisted of a representative from the effected county departments, the MPC, the development community, both commercial and residential.
3. Each effected county department representative identified staff members to participate in the project, and the team was assembled. The project sponsor and manager were also identified to facilitate the process and to assure compliance to the contractual responsibilities of the consultant.
4. As the project was launched, a Stakeholders group was initiated. The group consists of users of the permit application, plan review, inspection and certificate of occupancy process. Each step of the process, including the developed recommendations were property vetted through the Stakeholders.

FUNDING

Departmental Budget  
\$74,129.99 (not to exceed \$80,000.00)

POLICY ANALYSIS

The Predictable Permitting Project Process is contained in the Executive Summary, (see attached). The Steering Committee Project Team and Stakeholders group have been an intrical part of the project from its inception. The recommendations have been properly vetted through all of the mentioned participants at different stages of the process. The submitted recommendations represent phase one of the project and will meet the stated goals to make the development process more efficient and predictable.

Phase two will address the vertical construction, permitting and certificate of occupancy portion of the process. Based on the current permitting and inspection request turn around times, it appears that a level of predictability already exists within the process. The project analysis and system evaluation will determine the level of predictability and identify system gaps and efficiency opportunities.

RECOMMENDATIONS  
For Information Only

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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, on Action Calendar, we have 1 through 9 and under 9, we have Items A through K. Are there any specific items that the Commission would like to discuss before we vote? Commissioner Stone said, move for approval, Mr. Chairman. Commissioner Shay said second. Chairman Liakakis said, I have a motion on the floor and a second. Let's go on the board.

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

Commissioner Stone moved approval of the Action Calendar, Items 1-9 and Items A-K. The motion was seconded by Commissioner Shay and it passed unanimously. [Commissioners Farrell, Gellatly and Kicklighter were not present.]

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**[NOTE: Action of the Board is shown on each item as though an individual motion was made thereon.]**

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### **1. APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF JUNE 25, 2010, AS MAILED.**

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

Commissioner Stone moved that the minutes of the regular meeting of June 25, 2010, as mailed, be approved. The motion was seconded by Commissioner Shay and it passed unanimously. [Commissioners Farrell, Gellatly and Kicklighter were not present.]

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### **2. CLAIMS VS. CHATHAM COUNTY FOR THE PERIOD JUNE 17 THROUGH JUNE 30, 2010.**

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

Commissioner Stone moved that the claims v. Chatham County for the period June 17 through June 30, 2010, in the amount of \$5,877,020 be paid. The motion was seconded by Commissioner Shay and it passed unanimously. [Commissioners Farrell, Gellatly and Kicklighter were not present.]

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### **3. REQUEST BOARD CONFIRM THE CHAIRMAN'S SIGNATURE AND EXECUTION OF THE FY2011 SERVICE CONTRACT BETWEEN THE CHATHAM COUNTY SUPERIOR COURT/SAVANNAH-CHATHAM COUNTY DRUG COURT AND THE STATE OF GEORGIA, DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL DISABILITIES, CONTRACT NUMBER 441-93-1135AAU.**

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

Commissioner Stone moved that the Board confirm the Chairman's signature and execution of the FY2011 Service Contract between the Chatham County Superior Court/Savannah-Chatham County Drug Court and the State of Georgia, Department of Behavioral Health and Developmental Disabilities, contract number 441-93-1135AAU. The motion was seconded by Commissioner Shay and it passed unanimously. [Commissioners Farrell, Gellatly and Kicklighter were not present.]

**AGENDA ITEM: X-3**

**AGENDA DATE: July 9, 2010**

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 and execution of the FY 2011 Service Contract between the Chatham County Superior Court/Savannah-Chatham County Drug Court and the State of Georgia Department of Behavioral Health and Development Disabilities (“DBHDD”), contract number 441-93-1135AAU.

Background: In prior years, the Commission has approved and the Chairman has signed similar contract between the Drug Court and the Department of Human Resources’ (“DHR”) Division of Mental Health, Developmental Disabilities, and Addictive Diseases (“MHDDAD”). [In 2009, that Division was reorganized into a new Department, i.e., the Department of Behavioral Health and Developmental Disabilities (“DBHDD”).] The FY 2010 DHR/DBHDD contract set forth that the DBHDD would provide \$194,750 to support the Savannah-Chatham County Drug Court. The FY 2011 contract sets forth that the DBHDD will provide \$194,750 to support the Savannah-Chatham County Drug Court.

Facts and Findings

- 1) Chatham County will serve as the fiscal agent for the \$194,750 being made available by the DBHDD as per the terms of the FY 2011 contract. The funds will be utilized by the Drug Court to fund substance abuse treatment for Drug Court participants.
- 2) We are asking for the Commission to confirm the Chairman’s approval of the Drug Court’s participation in the FY2011 DBHDD contract and to confirm the Chairman’s signature and execution of the contract. The Court Administrator’s Office received the FY2011 contract from the DBHDD on June 24, 2010. The FY 2010 contract expires on June 20, 2010, and the FY 2011 contract begins on July 2, 2010.

Funding: No Chatham County funding is required.

Alternatives:

- 1) That the Board confirm the chairman’s approval and signature of the DBHDD’s FY 2011 contract.
- 2) Policy Analysis: In the past, the Board has accepted funding which assisted in defraying the cost of substance abuse treatment services.

Recommendation: That the Board approve Alternative 1.

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**4. REQUEST BOARD APPROVE ACCEPTANCE OF A \$300,000 ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT (EECBG) FROM THE GEORGIA ENVIRONMENTAL FINANCING AUTHORITY (GEFA).**

**ACTION OF THE BOARD:**

Commissioner Stone moved that the Board approve acceptance of a \$300,000 Energy Efficiency and Conservation Block Grant (EECBG) from the Georgia Environmental Financing Authority (GEFA). The motion was seconded by Commissioner Shay and it passed unanimously. [Commissioners Farrell, Gellatly and Kicklighter were not present.]

**AGENDA ITEM: X-4**  
**AGENDA DATE: July 9, 2010**

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

ISSUE:  
To accept a \$300,000 Energy Efficiency and Conservation Block Grant (EECBG) from the Georgia Environmental Financing Authority (GEFA).

BACKGROUND:

Based on an application to improve energy efficiency and conservation, Chatham County received a \$300,000 grant from GEFA as a pass-through from the federal American Recovery and Reinvestment Act (ARRA). Chatham County will not need to match the grant, but the grant requires extensive reporting requirements to document energy and dollar savings and job creation, two of the hallmarks of the ARRA.

**FACTS & FINDINGS:**

1. Chatham County has completed all documentation necessary to receive a \$300,000 Energy Efficiency and Conservation Block Grant (EECBG) to implement its first-year energy conservation program as proposed for Bronze Level in *Partnership for a Sustainable Georgia*. Its grant number ARRA EECBG LocGov 107.
2. Highlights of the grant include:
  - 2.1 \$210,000 for technology to help reduce energy consumption by 15% (annual savings of \$340,000) in county buildings. These are projects which Chatham County's "Green Team" developed.
  - 2.2 \$14,000 to develop an in-house recycling program
  - 2.3 \$75,000 to contract with the Chatham Environmental Forum for a community-wide climate change assessment and education plan. CEF Chairman Patrick Shay wrote a letter of support for the grant application.
  - 2.4 Applying 25% of actual energy savings to fund a "Green Jobs" program through Project Step-Up. Executive Director Daniel Dodd wrote a letter of support for the grant application. In anticipation, he is already working to develop a training program which would apply the best practices of the Construction Apprentice Program to training participants for green-technology employment.

**FUNDING:**

No matching funds will be required; however, as a reimbursement program, the County will need to cash flow the upfront expense, then seek reimbursement.

**ALTERNATIVES:**

1. That the Board accept ARRA EECBG LocGov 107 for \$300,000, an Energy Efficiency and Conservation Block Grant (EECBG) from the Georgia Environmental Financing Authority (GEFAP). No match will be required by Chatham County will need to upfront any expense and then seek reimbursement.
2. That the Board opt not to accept the grant.

**POLICY ANALYSIS:**

The grant meets goals established under the Board's adoption of implementing a comprehensive plan called *A Road Map for Chatham County for its Journey in Becoming the Greenest County in the State of Georgia*. The plan provides a blueprint and a call to action as well as indicators for measuring progress by focusing on 36 goals, 69 objectives and 188 action items to help achieve organizational and community sustainability.

**RECOMMENDATION:**

That the Board adopt Alternative 1.

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**5. REQUEST BOARD APPROVE A REVOCABLE LICENSE AGREEMENT BETWEEN CHATHAM COUNTY AND THE GEORGIA STATE PROPERTIES COMMISSION ENABLING THE COUNTY TO CONSTRUCT THE SKIDAWAY ROAD DRAINAGE IMPROVEMENT PROJECT WITHIN A TEMPORARY EASEMENT LOCATED ON STATE OWNED PROPERTIES COMMONLY KNOWN AS THE WORMSLOE HISTORIC SITE.  
[District 1.]**

**ACTION OF THE BOARD:**

Commissioner Stone moved that the Board approve a Revocable License Agreement between Chatham County and the Georgia State Properties Commission enabling the County to construct the Skidaway Road Drainage Improvement Project within a temporary easement located on State owned properties commonly known as the Wormsloe Historic Site. The motion was seconded by Commissioner Shay and it passed unanimously. [Commissioners Farrell, Gellatly and Kicklighter were not present.]

**AGENDA ITEM: X-5  
AGENDA DATE: July 9, 2010**

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

**ISSUE:** To approve a Revocable License Agreement between Chatham County and the Georgia State Properties Commission enabling the County to construct the Skidaway Road Drainage Improvement Project within a temporary easement located on State owned properties commonly known as the Wormsloe Historic Site.

**BACKGROUND:** The Skidaway Road/Isle of Hope Improvement Project is part of the 2003-2008, SPLOST, Road Program. Problems being addressed include the limited road shoulder width and proximity to roadside drainage that is causing structural deterioration of the roadbed.

**FACTS AND FINDINGS:**

1. In 2005, staff identified a condition of inadequate roadway shoulder conditions along the west bound traffic lane of Skidaway Road across from the main Wormsloe Historic Site property. At the March 10, 2006 meeting, the Board approved adding a project to the contract for designing the improvements to the Skidaway Road shoulder adjacent to the Historic Site.

2. The Wormsloe Historic Site is owned by the State of Georgia. The proposed improvements, which include road shoulder construction and the installation of a roadside drainage system require filling the existing open ditch with soil material. A portion of the existing ditch is located on the State owned property. The Revocable License Agreement allows the County to perform the necessary earthwork on the State owned property.

**FUNDING:** No funding is required by this agreement.

**ALTERNATIVES:**

1. To approve a Revocable License Agreement between Chatham County and the Georgia State Properties Commission enabling the County to construct the Skidaway Road Drainage Improvement Project within a temporary easement located on State owned properties commonly known as the Wormsloe Historic Site.

2. Provide staff other direction.

**POLICY ANALYSIS:** The Board must approve intergovernmental agreements.

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

District 1

Prepared by W. C. Uhl, P.E.

No. 2 of 2 Executed Original Counterparts  
COUNTERPART OF Licensee  
SPC NO. 605.23

**STATE OF GEORGIA,  
COUNTY OF FULTON:**

**REVOCABLE LICENSE AGREEMENT**

This **REVOCABLE LICENSE AGREEMENT**, hereinafter referred to as "Agreement", is made this 20<sup>th</sup> day of July, 2010, date of this Agreement, by and between the **STATE PROPERTIES COMMISSION**, a public body within the Executive Branch of the State government of Georgia, whose address for purposes of this Agreement is 47 Trinity Avenue, Suite G02, Atlanta, Georgia 30334, **ATTENTION: Executive Director**, Party of the First Part, hereinafter referred to as "Licensor", and **CHATHAM COUNTY**, whose address for purposes of this Agreement is 124 Bull Street, Savannah, Georgia 31404, Party of the Second Part, hereinafter referred to as "Licensee".

**WITNESSETH THAT:**

**1.**

**USAGE, ABBREVIATIONS AND DEFINITIONS**

1.1 As used in this Agreement, the following words, terms, and abbreviations set forth in this section numbered 1 refer to, or mean, or include in their meaning, the following:

1.1.1 The word "Licensor" means the State Properties Commission and includes in its meaning the words "its members, officers and employees".

1.1.2 The word "Licensee" includes in its meaning the words "its officers, employees, representatives and agents."

1.1.3 The words "revocable license" shall mean "the granting, subject to certain terms and conditions contained in a written Revocable License Agreement, to a named person or persons (Licensee), and to that person or persons only, of a revocable personal privilege to use a certain described parcel or tract of property to be known as the Licensed Premises for a named purpose. Regardless of any and all improvements and investments made, consideration paid, or expenses and harm incurred or encountered by the Licensee, a

revocable license shall not confer upon the Licensee any right, title, interest, or estate in the Licensed Premises, nor shall a revocable license confer upon the licensee a license coupled with an interest or an easement. A revocable license may be revoked, canceled, or terminated, with or without cause, at any time by the licensor (commission)". OCGA § 50-16-31(10).

- 1.1.4 The term "Revocable License Agreement" means both this Agreement and "a written instrument which embodies a revocable license and which sets forth the name of the parties thereto and the terms and conditions upon which the revocable license is granted." OCGA §50-15-31(11).
- 1.2 All words used in this Agreement include in their meaning the masculine, feminine, and neuter gender; singular and plural number; and present, past and future tense; and all appropriate grammatical adjustments shall be assumed as though in each case fully expressed.
- 1.3 For convenience, when referring herein to either Licensor or Licensee, the third person, neuter gender "it" is used.

## **2. LICENSED PREMISES**

Licensor, for and in consideration of the payment by Licensee to Licensor of the sum of \$1.00 (the receipt and sufficiency of which are hereby acknowledged as Licensor has determined that the revocable license herein directly benefits the State and that the consideration set forth herein is thereby deemed adequate), hereby grants to Licensee, and Licensee hereby accepts from Licensor, a revocable license to the extent the State's title permits and subjects to the terms, conditions, and provisions of this Agreement and OCGA § 50-16-42, over the following described real property, hereinafter referred to as the "Licensed Premises":

That tract, parcel or portion of State owned real property situate, lying, and being in the 6<sup>th</sup> G.M. District of Chatham County, Georgia as shown in yellow highlighting on the Plat of Survey marked Exhibit "A", attached hereto and incorporated by reference herein.

The Licensed Premises is presently under the custody of the Georgia Department of Natural Resources.

## **3. USE OF LICENSED PREMISES**

At its sole cost, expense, risk and responsibility, Licensee shall use the Licensed Premises only for the purpose, and for no other purpose whatsoever, of temporary work areas for construction of slopes and drainage.

## **4. DURATION**

- 4.1 Licensee may use the Licensed premises during the period beginning on the date hereof and ending at 12:00 midnight on the third anniversary of the date hereof, for so long as Licensee uses the Licensed Premises for the purposes permitted in Section 3 above and unless previously revoked pursuant to Section 5 below. If not previously revoked or terminated, this Revocable License shall stand revoked, without the necessity of Licensor giving any notice to Licensee, at 12:00 midnight on the third anniversary of the date hereof.

## **5. REVOCATION**

- 5.1 This Agreement merely grants to Licensee a revocable license as set forth in Subsection 1.1.3 above. Licensee, by its acceptance and execution of this Agreement, hereby acknowledges and agrees that this Revocable License Agreement does not confer upon Licensee any right, title, interest, or estate in the Licensed Premises, nor confer upon the Licensee a license coupled with an interest nor confer upon Licensee an easement in the Licensed Premises. It is expressly understood and agreed by Licensee that this Agreement confers upon Licensee, and only Licensee, a mere personal privilege, and that regardless of any and all improvements and investments made, consideration paid, or expenses and harm incurred or encountered by Licensee, this Agreement and privileges hereby conferred shall be subject to absolute revocation by Licensor, with or without cause, upon notice to Licensee as set forth in Section 12 below.
- 5.2 Following revocation, this Agreement and the revocable license contained herein shall become null and void, and Licensee shall have no right whatsoever to be or remain on the Licensed Premises or to receive a refund or any consideration or any other monetary payment. Licensee covenants and agrees, at its sole cost and expense to remove its facilities from the Licensed Premises and to restore the Licensed Premises to as good or better condition as when received hereunder. Any property of Licensee remaining on the Licensed Premises at the end of said

License Period shall be deemed abandoned by Licensee and shall belong to and be the absolute and sole property of the State without further notice, action taken, instrument or conveyance executed or delivered, and without liability to make compensation therefore to Licensee or to any other person whomsoever, and shall be free and discharged from any and every lien, encumbrance, claim and charge of any character created, or attempted to be created, by Licensee at any time.

**6.**

**DAMAGE TO LICENSED PREMISES AND STATE PROPERTY**

Licensee hereby agrees that if any property of the State is damaged as a result of the exercise by Licensee of the revocable license herein granted, then, at the election of Licensor, Licensee either shall repair or restore the property or the Licensed Premises, or both, as the case may be, or shall pay the costs thereof, as determined by Licensor. Licensee shall pay the cost of such repair or restoration or commence in good faith the repair or restoration within ten (10) days after notice by Licensor with all repairs or restoration to be completed by Licensee within thirty (30) days thereafter. Revocation of this Agreement shall not relieve Licensee of its obligation to pay for the cost of repair or restoration or the damaged property. This general provision is cumulative of all other remedies Licensor may have, including specific provisions hereof.

**7.**

**INDEMNIFICATION**

The revocable license herein granted to Licensee is to be used and enjoyed at the sole risk of Licensee, and in consideration of the benefits to be derived here from, Licensee hereby releases, relinquishes and discharges and agrees to indemnify, protect, save, and hold harmless Licensor and Licensor's officers, members, employees, agents, and representatives (including the State Tort Claims Trust Fund, the State Broad Form Employee Liability Fund and the State Authority Operational Liability Trust Fund) from and against all liabilities, damages, costs and expenses (including all attorney's fees and expenses incurred by Licensor or any of Licensor's officers, members, employees, agents, and representatives), causes of action, suits, demands, judgments, and claims of any nature whatsoever (excluding those based upon the sole negligence of Licensor concerning any activities within the scope of O.C.G.A. §13-8-2(b) relative to the construction, alteration, repair, or maintenance of a building structure, appurtenances, and appliances, including moving, demolition, and excavating connected therewith), arising from, by reason of, or in connection with: (a) injury to or death of any person or damage to property (1) in or on the Licensed Premises (2) in any manner arising from use, non-use or occupancy by Licensee or any of Licensee's officers, employees, agents, representatives, customers, invitees, licensees or contractors or (3) resulting from a condition of the Licensed Premises, excluding any condition of the easement for which Licensor specifically is responsible under this Revocable License Agreement, if any; (b) violation of any agreement, representation, warranty, provision, term or condition of this Revocable License Agreement by Licensee or any of Licensee's officers, employees, representatives, agents or contractors; or (c) violation of any law affecting the Licensed Premises or the occupancy or use by Licensee of the Licensed Premises. This indemnity extends to the successors and assigns of Licensee and survives the termination of this Revocable License, and to the extent allowed by law, the bankruptcy of Licensee. If and to the extent such damage or loss (including costs and expenses) as covered by this indemnification is paid by the above-referenced or other State self-insurance funds (collectively referred to as the Funds) established and maintained by the State of Georgia Department of Administrative Services Risk Management Division (DOAS), Licensee agrees to reimburse the Funds for such monies paid out by the Funds. Licensee shall, at its expense, be entitled to and shall have the duty to participate in the defense of any suit against the Indemnitees to the extent consistent with and permitted by the Georgia Tort Claims Act. The defense on behalf of Licensor or its covered officers or employees (including any settlement discussions) shall be conducted through the Attorney General of Georgia as provided by law. No settlement or compromise of any claim, loss or damage asserted against any Indemnitees shall be binding upon any Indemnitees unless expressly approved by the Indemnitees and the Attorney General of Georgia.

**8.**

**LIABILITY INSURANCE**

Licensee shall procure and maintain in full force and effect at all times during the term of this Agreement, through a self-insurance program or an insurance policy consistent with Section 7: commercial general liability insurance, on an "occurrence basis" insuring against all liability and property damage of Licensor and Licensee and their members, officers, employees and agents arising from or in connection with the use or occupancy of the Premises by Licensee, its agents, employees, or others working at the direction of Licensee or on its behalf during the License Term, with liability limits of One Million Dollars (\$1,000,000.00) per person and of three Million Dollars (\$3,000,000.00) per occurrence. Each policy also specifically shall insure performance of Licensee's obligation to indemnify Licensor pursuant to the section 7 of this Agreement. A statement of policy limits herein shall not limit Licensee's liability under this Agreement.

## 9.

**GENERAL REQUIREMENTS FOR INSURANCE POLICIES**

Licensee shall pay the cost of all insurance coverage which Licensee is required to produce and maintain under this Agreement. Except where Licensee is self-insured, each insurance policy shall:

- a) be issued by an insurer authorized to transact casualty insurance in Georgia;
- b) be issued by an insurer with a current Best Policyholder's Rate of "A" or better and with a financial six rating of class "XI" or larger by A. M. Best Company, Inc.;
- c) be issued on such form of policy, authorized in Georgia, as Licensor may reasonably approve;
- d) provide that the policy cannot be canceled as to Licensor except after the insurer gives Licensor thirty (30) days prior written notice of cancellation;
- e) state that notice of any claim against Licensor, shall be deemed to have occurred only when an officer of Licensor has received actual notice, and has actual knowledge of the claim;
- f) not be subject to invalidation as to Licensor by reason of any act or omission of Licensee or any of Licensee's officers, employees or agents; and
- g) not be subject to invalidation as to Licensee by reason of any act or omission of Licensor or any of Licensor's officers, employees or agents.

Each policy required by this Agreement shall also contain a provision permitting Licensee to waive all rights of recovery and claims by way of subrogation.

Licensee shall not produce or maintain in force any insurance policy which might have the effect of reducing the loss payable under any of the policies required by this Agreement. Upon the request of Licensor, Licensee shall deliver a certificate of such self-insurance or insurance policy to Licensor, together with evidence reasonably satisfactory to Licensor that the premiums, as applicable, have been paid for a period at least covering the License Period.

## 10.

**SUBJECT TO APPROVAL BY ANY APPROPRIATE STATE REGULATORY AGENCY, SUBJECT TO PRIOR GRANTS, AND CONDITION OF LICENSED PREMISES**

Licensee accepts this grant of revocable license subject to approval by any appropriate State regulatory agency that the Licensee's proposed uses of the Licensed Premises meets all applicable safety and regulatory standards and requirements. Further, Licensee accepts this grant of revocable license subject to all ownership, prior permits, licenses, landlord and tenant relationships, easements, leases, and other rights or interests affecting the Licensed Premises whether the same be of record or not, and the revocable license granted herein by Licensor to Licensee must be exercised by Licensee so as to avoid interference with any of the said prior permits, licenses, landlord and tenant relationships, easements, leases, or other interests. Licensee acknowledges that it has fully inspected the Licensed Premises and accepts the same "as is". Licensor shall have no responsibility at any time to Licensee for the condition of the Licensed Premises and shall have no duty to the Licensee or to its licensees, invitees or trespassers concerning Licensee's use of the Licensed Premises or their entry on the Licensed Premises. Licensor makes no covenant of quiet enjoyment of the Licensed Premises whatsoever.

## 11.

**ASSIGNMENT OR TRANSFER**

This Revocable License Agreement and the rights herein granted may not be conveyed, assigned, transferred, managed, or operated by any other entity without the express written consent of the State Properties Commission, which consent shall be given or not in the sole discretion of the State Properties Commission. Without limitation, any transfer or use of the property which may be characterized as a private activity by the Internal Revenue Service and thereby adversely affect the tax-exempt status of any public bond investment in the property is strictly prohibited. Any such use, conveyance, assignment, transfer, management, or operation made without the consent of the State Properties Commission shall be void *ab initio*.

## 12.

**NOTICES**

All notices required by the provisions of this Agreement to be secured from or given by either of the parties hereto to the other shall be in writing and shall be delivered either: (a) by hand delivery to the recipient party at such party's address; or (b) sent by United States Certified Mail - Return Receipt Requested, postage prepaid, and addressed to the recipient party at such party's address. The day upon which such notice is hand delivered or so mailed shall be deemed the date of service of such notice. The parties hereto agree that, even though notices shall be addressed to the attention of a particular person, title, or entity as forth in this Agreement, it shall be a valid and perfected delivery of notice even though the said named person or the person holding said title or named entity is not the

person, title or entity who accepts or receives delivery of the said notice, but is the lawful successor person, title or entity of the named person, title or entity. Any notice, hand delivered or so mailed, the text of which is reasonably calculated to apprise the recipient party of the substance thereof and the circumstances involved, shall be deemed sufficient notice under the Agreement. Either party hereto may from time to time, by notice to the other, designate a different person or title, or both if applicable, or address to which notices to said party shall be given.

### 13.

#### **GENERAL PROVISIONS OF THIS AGREEMENT**

- 13.1 The brief capitalized and underlined headings or titles preceding each section herein are merely for purposes of section identification, convenience, and ease of reference, and shall be completely disregarded in the construction of this Agreement.
- 13.2 All time limits stated herein are of the essence of this Agreement.
- 13.3 For the purpose of inspecting the Licensed Premises, Licensee shall permit Licensor, without giving prior notice, to enter on the Licensed Premises during either Licensor's regular business hours or Licensee's regular business hours.
- 13.4 No failure of either party hereto to exercise any right or power given to said party under this Agreement, or to insist upon strict compliance by the other party hereto with the provisions of this Agreement, and no custom or practice of either party hereto at variance with the terms and conditions of this Agreement, shall constitute a waiver of either party's right to demand exact and strict compliance by the other party hereto with the terms and conditions of this Agreement.
- 13.5 This Agreement shall be governed by, construed under, performed and enforced in accordance with the laws of Georgia.
- 13.6 Nothing contained in this Agreement shall make, or be construed to make, Licensor and Licensee partners in, of, or joint venturers with each other, nor shall anything contained in this Agreement render, or be construed to render, either Licensor or Licensee liable to a third party for the debts or obligations of the other.
- 13.7 If any provision of this Agreement, or any portion thereof, should be ruled void, invalid, unenforceable or contrary to public policy by any court of competent jurisdiction, then any remaining portion of such provision and all other provisions of this Agreement shall survive and be applied, and any invalid or unenforceable portion shall be construed or reformed to preserve as much of the original words, terms, purpose and intent as shall be permitted by law.
- 13.8 Should any provision of this Agreement require judicial interpretation, it is agreed and stipulated by and between the parties hereto that the court interpreting or construing the same shall not apply a presumption that the terms, conditions and provisions hereof shall be more strictly construed against one party by reason of the rule of construction that an instrument is to be construed more strictly against the party who prepared the same.
- 13.9 This Agreement is executed in two (2) counterparts which are separately numbered and identified (No. 1 is for Licensor and No. 2 is for Licensee) but each of which is deemed an original of equal dignity with the other and which is deemed one and the same instrument as the other.
- 13.10 In the enjoyment of the revocable license herein granted by Licensor to Licensee and of the rights and privileges incident thereto, Licensee shall at all times comply with the applicable laws of Georgia and of the United States, all applicable rules and regulations promulgated pursuant to any and all such laws, all applicable recommended standards, and all applicable local ordinances, including, but not limited to, codes, ordinances and recommended standards now or hereafter promulgated, and all applicable local rules and regulations and recommended standards promulgated pursuant to such codes and ordinances.
- 13.11 The revocation of this Agreement shall not operate to cut off any claims or causes of action in favor of Licensor or Licensee which occurred or arose prior to the effective date of such revocation.
- 13.12 Licensee, by its acceptance and execution of this Agreement, hereby acknowledges that it has not been induced by any representations, statements, or warranties by Licensor including, but not limited to, representations or warranties with respect to title to the Licensed Premises or the condition or suitability thereof for Licensee's purpose.
- 13.13 In its occupancy and use of the premises, Licensee shall not discriminate against any person on the basis of race, gender, color, national origin, religion, age, or disability. This covenant by Licensee may be enforced by termination of this Agreement, by injunction, and by any other remedy available at law to Licensor.

14.  
**ENTIRE AGREEMENT**

This Agreement supersedes all prior negotiations, discussions, statements, and agreements between Licensor and Licensee and constitutes the full, complete and entire agreement between Licensor and Licensee with respect to the Licensed Premises and Licensee's use and occupancy thereof. No modification of or amendment to this Agreement shall be binding on either party hereto unless such modification or amendment shall be properly authorized, in writing, properly signed by both Licensor and Licensee and incorporated in and by reference made a part hereof.

**IN WITNESS WHEREOF**, Licensor and Licensee, acting pursuant to and in conformity with properly considered and adopted resolutions and acting by and through their duly authorized hereinafter named representatives, have caused these presents to be executed, all as of the date hereof.

**LICENSOR**  
**STATE PROPERTIES COMMISSION**

\_\_\_\_\_  
Steven L. Stancil  
As Executive Director of the  
State Properties Commission

Signed, sealed and delivered  
in our presence:

\_\_\_\_\_  
Unofficial Witness

\_\_\_\_\_  
Official Witness, Notary Public  
My Commission expires  
(NOTARY SEAL)

(STATE PROPERTIES COMMISSION  
SEAL AFFIXED HERE)

**LICENSEE**  
**CHATHAM COUNTY**

By: \_\_\_\_\_  
Name: Pete Liakakis  
Title: Chairman

Signed, sealed and delivered  
in our presence:

\_\_\_\_\_  
Unofficial Witness

\_\_\_\_\_  
Official Witness, Notary Public  
My Commission Expires

(NOTARY SEAL)

(SEAL AFFIXED HERE)

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**6. REQUEST BOARD APPROVE A VARIANCE TO THE COUNTY NOISE CONTROL  
ORDINANCE FOR THE CONSTRUCTION OF THE CURRENT PHASE OF THE TRUMAN  
PARKWAY PROJECT.  
[Districts 1 and 6.]**

**ACTION OF THE BOARD:**

Commissioner Stone moved that the Board approve a variance to the County Noise Control Ordinance for the construction of the current phase of the Truman Parkway Project. The motion was seconded by Commissioner Shay and it passed unanimously. [Commissioners Farrell, Gellatly and Kicklighter were not present.]

**AGENDA ITEM: X-6**  
**AGENDA DATE: July 9, 2010**

**TO:** BOARD OF COMMISSIONERS

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

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

ISSUE

Request for a variance to the County Noise Control Ordinance for the construction of the current phase of the Truman Parkway Project.

BACKGROUND

The provisions of the Noise Control Ordinance limits the sound decibel level to a maximum of 75 in industrial areas for construction activities.

FACTS AND FINDINGS

1. The Noise Control Ordinance limits construction activities to 7:00 am - 10:00 pm, every day of the week.
2. The proposed construction activity associated with the driving of the pilings for the Truman Parkway is expected to exceed the allowable decibel limit (see attached)
3. The Noise Ordinance, **Section 24-310** allows for a request of a variance to the required provisions.

FUNDING

Not applicable.

ALTERNATIVES

1. Grant the requested variance.
2. Provide direction to staff.

POLICY ANALYSIS

The proposed pile driving activity associated with the construction of the Truman Parkway will exceed the allowable sound decibel level of the County Noise Ordinance. **Section 24-310** of the ordinance allows for the issuance of a variance to the provisions for a specific time, on a temporary basis. The variance is issued by the Board of Commissioners, based on a recommendation of the zoning Administrator.

RECOMMENDATION

Alternative #1, grant variance as recommended by the Zoning Administrator (see attached).

**Balfour Beatty**

Infrastructure

ZERO HARM  
BY 2012

June 29, 2010

Chatham County  
Mr. Bob Sebek  
Zoning Administrator  
124 Bull Street, Suite 430  
Savannah, GA 31401

Chatham County - 003  
2017 Harry S. Truman  
Phase V  
9181 Creekwood Rd.  
Savannah, GA 31406  
Tel: (912) 544-0340

Reference: State Project NHS00-0002-00 (921)  
Contract ID B13658-10-M00-0, Chatham County, Harry S. Truman Parkway - Phase V  
Subject: Additional Information Requested for the Noise Variance

Dear Mr. Sebek,

Balfour Beatty Infrastructure, Inc. will be required to drive a total of 392 piles to construct 900 Linear Feet of a total finished bridge length of 5,013 Linear Feet. Each pile takes approximately 4 hours to drive. We estimate that once we reach 900 ft. into the marsh the noise level at the real property lines will be below 75Dba. The pile driving construction activity will take us 5 months to complete working from 7:00 AM to 10:00 PM Monday thru Saturday.

Balfour Beatty Infrastructure Inc. will be performing this work utilizing two shifts.

If you require any additional information or clarification, please do not hesitate to contact the undersigned at our office.

Sincerely,  
Jeff Kracun  
Project Manager  
H.S. Truman Project

=====

**7. REQUEST FOR NEW BEER AND WINE POURING LICENSE FOR 2010. PETITIONER: ANGELICA RAQUEL OROZCO, D/B/A CALIENTE SPORTS BAR & BALLROOM, LOCATED AT 5630 OGEECHEE ROAD, #180, SAVANNAH, GEORGIA 31405. [District 7.]**

**ACTION OF THE BOARD:**

Commissioner Stone moved approval of the request for new beer and wine pouring license for 2010. Petitioner: Angelica Raquel Orozco, d/b/a Caliente Sports Bar & Ballroom, located at 5630 Ogeechee Road, #180, Savannah, Georgia 31405. The motion was seconded by Commissioner Shay and it passed unanimously. [Commissioners Farrell, Gellatly and Kicklighter were not present.]

**AGENDA ITEM: X-7  
AGENDA DATE: July 9, 2010**

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

ISSUE

Request for transfer of beer, wine and liquor pouring and Sunday sales of beer, wine and liquor pouring license for 2010, Loreto Carrillo d/b/a Caliente Night Club (formerly Xtacy II) located at 5730 Ogeechee Road, #180, Savannah, GA 31405.

BACKGROUND

Mr. Carrillo requests approval for beer, wine and liquor pouring and Sunday sales of beer, wine and liquor pouring license in connection with an existing night club/restaurant. The business at this location meets the requirements of the Chatham County Alcoholic Beverage Ordinance.

FACTS AND FINDINGS

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

RECOMMENDATION

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

District 7

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

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

\_\_\_\_\_  
Acting Chief Willie Lovett

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**8. REQUEST FOR NEW BEER AND WINE POURING LICENSE FOR 2010. PETITIONER: CARMELINA ADELE BOTTI, D/B/A SWANK, LOCATED AT 1 DIAMOND CAUSEWAY, SUITE 15, SAVANNAH, GEORGIA 31411. [District 1.]**

**ACTION OF THE BOARD:**

Commissioner Stone moved approval of the request for new beer and wine pouring license for 2010. Petitioner: Carmelina Adele Botti, d/b/a Swank, located at 1 Diamond Causeway, Suite 15, Savannah, Georgia 31411. The motion

was seconded by Commissioner Shay and it passed unanimously. [Commissioners Farrell, Gellatly and Kicklighter were not present.]

**AGENDA ITEM: X-8**  
**AGENDA DATE: July 9, 2010**

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

ISSUE

Request for new beer and wine pouring license for 2010, Carmelina Adele Botti d/b/a Swank located at 1 Diamond Causeway, Suite 15, Savannah, GA 31411.

BACKGROUND

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

FACTS AND FINDINGS

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

RECOMMENDATION

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

District 1

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

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

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

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**9. REQUEST BOARD APPROVAL TO AWARD BIDS AS FOLLOWS: (PLEASE NOTE THAT NEW PURCHASE THRESHOLDS OF \$10,000 OR MORE HAVE BEEN ENACTED; HOWEVER, CONTRACTS AND CHANGE ORDERS OF A LESSER AMOUNT STILL WILL APPEAR.**

<u>ITEM</u>	<u>DEPT.</u>	<u>SOURCE</u>	<u>AMOUNT</u>	<u>FUNDING</u>
A. Contract to perform maintenance on various bridge deck joints	Public Works and Park Services	Engineered Restorations, Inc.	\$209,665	•CIP - Public Works/ Bridges - \$194,665 •CIP - Park Services - \$15,000
B. Annual software license agreement with option to renew for four (4) additional one (1) year term	Juvenile Court	Canyon Solutions	\$58,000	General Fund/M & O - Juvenile Court

<u>ITEM</u>	<u>DEPT.</u>	<u>SOURCE</u>	<u>AMOUNT</u>	<u>FUNDING</u>
C. Professional engineering services during construction of the Pipemakers Canal, Phase 2A drainage improvements	Engineering	EMC Engineering Services	\$336,000	SPLOST (1998-2003) - Pipemakers Canal, Phase 2A drainage improvements
D. Two (2) year professional services contract to provide resident inspection and contract oversight services related to the construction of Pipemakers Canal, Phase 2A drainage improvements	Engineering	John Walz	\$45 per hour	SPLOST (1998-2003) - Pipemakers Canal, Phase 2A drainage improvements
E. Annual renewal of workers' compensation excess insurance	Finance	Safety National	\$103,270	Risk Management Internal Service Fund
F. Change Order No. 2 to the annual contract to provide oil and lubricants to recognize a manufacturers' imposed price increase	Fleet Operations	Stubbs Oil	Varies	General Fund/M & O - Fleet Operations
G. Task Order contracts for various engineering, surveying and environmental services	Engineering	<ul style="list-style-type: none"> <li>•Brockington Cultural Resources Consulting</li> <li>•Kern Coleman &amp; Company</li> <li>•Wilbur Smith &amp; Associates</li> <li>•EMC Engineering</li> </ul>	<ul style="list-style-type: none"> <li>•NTE \$100,000</li> <li>•NTE \$250,000</li> <li>•NTE \$250,000</li> <li>•NTE \$250,000</li> </ul>	SPLOST - (1985-1993), (1993-1998), (1998-2003), (2003-2008), (2008-2014) CIP Land Bank
H. Letter of agreement for monitoring the excavation and dredging of the Pipemakers Canal Phase II, Section 1	Engineering	MPC	\$35,000	SPLOST (1998-2003) - Pipemakers Canal, Phase 2A drainage improvements
I. Personal services contract for GIS special project for mapping data layers for transportation analysis	Special Projects	Bethany Jewell	\$40 per hour NTE \$30,000	General Fund/M & O - Commission
J. Extend lease for Public Works and Park Services overflow space for 18 month	Public Works and Park Services	Southern States Phosphates	\$4,000 per month for 18 months	SPECIAL SERVICE DISTRICT - Public Works and Park Services

<u>ITEM</u>	<u>DEPT.</u>	<u>SOURCE</u>	<u>AMOUNT</u>	<u>FUNDING</u>
K. Extend lease for Courthouse overflow space for six (6) months	Special Projects	408 Broughton Street LLC	\$4,239 per month for six (6) months	SPLOST (2008-2014) - Courthouse Construction

**ACTION OF THE BOARD:**

Commissioner Stone moved approval of Item 9, A through K. The motion was seconded by Commissioner Shay and it passed unanimously. [Commissioners Farrell, Gellatly and Kicklighter were not present.]

**AGENDA ITEM: X-9 A thru K**  
**AGENDA DATE: July 9, 2010**

**TO: BOARD OF COMMISSIONERS**

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

**FROM: MICHAEL A. KAIGLER, DIRECTOR  
HUMAN RESOURCES & SERVICES**

**SUBJECT: AWARD OF BIDS**

**ITEM A**

**ISSUE:** Request Board approval to award a \$209,665 contract to perform maintenance on various bridge deck joints and Memorial Stadium with Engineered Restorations, Inc., of Lawrenceville, GA., for Chatham County Public Works and Park Services Department.

**BACKGROUND:** During Public Works last bridge inspection, several maintenance deficiencies were identified. Some deficiencies were corrected by the Public Works staff. However, cleaning and sealing of deck joints is not a service Public Works staff can accomplish successfully. Public Works and Park Services does not have the expertise to make such repairs at Memorial Stadium.

**FACTS AND FINDINGS:**

1. There are 10,978 liner feet of deck joints on 26 bridges in the unincorporated area of Chatham County that require cleaning and sealing. Memorial Stadium has a total of 600 liner feet running vertically from the top of the stadium to the bottom that require cleaning and sealing.
2. The process involves using an air compressor to clean the joints of the existing material and then a material is pressed into the joint and a sealant is applied to insure the joint is sealed.
3. Request for Quotes were properly advertised and mailed, two (2) quotes were received and opened on 4 June 2010. The quote responses are as follows:

Engineered Restoration, Inc.            \$209,665  
Lawrenceville, GA

\* E & D Contracting Services, Inc.    \$282,790  
Savannah, GA

\*WBE firm

4. Engineered Restorations, Inc., met all specifications. Staff believes the cost to fair and reasonable.

**FUNDING:** CIP - Public Works/Bridges - \$194,665  
(3504230 - 54.14002 - 35030540)  
CIP - Park Services - \$15,000  
(3506100 - 52.22001 - 35031307)

**ALTERNATIVES:**

1. Board approval to award a \$209,665 contract to perform maintenance on various bridge deck joints and Memorial Stadium with Engineered Restorations, Inc., of Lawrenceville, GA., for Chatham County Public Works and Park Services Department.
2. Provide staff other direction.

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

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

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

**ITEM B**

**ISSUE:** Request Board approval of a \$58,000 sole source purchase for an annual software license and agreement with automatic renewal options for four (4) additional one (1) year terms for Juvenile Court and Tracking System (JCATS) from Canyon Solutions, Chandler, AZ for the Juvenile Court.

**BACKGROUND:** The Juvenile Court has had the JCATS system since 1996. The system was updated in 2006.

**FACTS AND FINDINGS:**

1. Canyon Solutions has agreed to honor the \$58,000 annual software licenses for license and agreement that has been in place since 2006.
2. Staff believes the cost of this software and license to be fair and reasonable.

**FUNDING:** General Fund/ M&O - Juvenile Court  
(1002600 - 52.29001)

**ALTERNATIVES:**

1. Board approval of \$58,000 sole source purchase for an annual software license and agreement with automatic renewal options for four (4) additional one (1) year terms for Juvenile Court and Tracking System (JCATS) from Canyon Solutions, Chandler, AZ for the Juvenile Court.
2. Provide staff other direction.

**POLICY ANALYSIS:** It is consistent with Board policy to approve purchases of software licenses.

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

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

**ITEM C**

**ISSUE:** Request Board approval to award a \$336,600 engineering services contract with EMC Engineering Services, Inc. for professional services during construction of the Pipemakers Canal, Phase 2A drainage improvement project.

**BACKGROUND:** The Pipemakers Canal project is part of the 1998-2003 SPLOST Drainage Program. The County and EMC Engineering Services, Inc. (EMC), entered into the original engineering services contract for Hydraulic Analysis for Various Drainage Basins in August 1996. The original contract was followed up by multiple change orders for design work, and separate contracts for other professional services work related to the Pipemakers Canal including services during construction of the Phase 1 drainage improvement project.

**FACTS AND FINDINGS:**

1. Since late 1996, staff has been executing an improvement plan to Pipemakers Canal for the drainage deficiencies in the Pooler, Garden City and Bloomingdale Communities. The overall improvement plan consists of channel widening, bridge improvements, and construction of a tidegate structure intended to be replaced by a storm water pumping station. Phase 1 project has been completed and included the new tidegate structure and channel improvements. This Phase 2A project will extend improvements to Dean Forest Road.
2. EMC is the Engineer of Record for the Pipemakers Canal Widening Project. EMC provided the design of the improvements and developed the construction documents, including drawings, technical specifications and installation requirements.
3. In July 2010, bids are scheduled to be opened for Phase 2A construction. Due to the complexity of the work, staff does not have sufficient manpower available to monitor the construction, review materials of construction, analyze test reports and inspect the work. Staff believes the best way to provide the necessary effort is to engage EMC to provide the manpower services needed to ensure these tasks are properly performed.

4. Staff solicited a proposal from EMC and finds that the level of service is in accordance with anticipated needs and that the cost represents fair compensation for the work to be provided.

**FUNDING:** SPLOST (1998 - 2003) - Drainage, Pipemakers Project  
(3224250 - 52.12003 - 32280217)

**ALTERNATIVES:**

1. Board approval to award a \$336,600 engineering services contract with EMC Engineering Services, Inc. for professional services during construction of the Pipemakers Canal, Phase 2A drainage improvement project.
2. Provide staff other directions.

**POLICY ANALYSIS:** It is consistent with Board policy to award professional engineering contracts when it is in the best interest of the County.

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

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

**ITEM D**

**ISSUE:** Request Board approval to award a two (2) year professional services contract, not to exceed \$45 per hour, with John Walz to provide resident inspection and contract oversight services related to construction of the Pipemakers Canal Phase 2A drainage improvement project.

**BACKGROUND:** John Walz is a retired County employee who served in the Department of Public Works for more than 34 years. He has managed and overseen construction of capital improvement projects including new roads, bridges, docks, and storm water drainage systems. Most notably he managed operation and maintenance of drainage facilities throughout the County. He has agreed to assist Chatham County during the anticipated construction period for the Pipemakers Canal Phase 2A drainage improvement project.

**FACTS AND FINDINGS:**

1. The Pipemakers Canal project is part of the 1998-2003 SPLOST Drainage Program. The engineer of record is EMC Engineering Services, Inc. (EMC). A separate agreement between the County and EMC that will provide professional engineering services for the Pipemakers Canal Phase 2A drainage improvement project is on this agenda (please see above Item C).
2. This agreement with John Walz will provide day-to-day on-site services not included in the agreement with EMC. These services are considered critical to the successful completion of the project but cannot be supported by current staff due to workload commitments on other projects.
3. Due to his unique background and experience, staff finds Mr. Walz's services an indispensable asset to the County during construction of the Pipemakers Canal improvements. Staff anticipates needing his services for two years.
4. His services will be charged to the Pipemakers Canal project on the basis of actual hours worked at the point of service at a rate of \$45 per hour. The hourly rate is below the rate that would be charged for comparable services by the engineer of record.
5. His services will include but not necessarily limited to observing construction to ensure work is in accordance with the requirements of the construction contract, preparing daily reports recording activities performed, ensuring the contractor's work conforms with the special conditions contained in agency permits and the special conditions outlined in easement agreements, coordinating communications between the contractor and design engineer, and with staff.

**FUNDING:** SPLOST (1998 - 2003) - Drainage, Pipemakers Project  
(3224250 - 52.12003 - 322-80213)

**ALTERNATIVES:**

1. Board approval to award a two (2) year professional services contract, not to exceed \$45 per hour, with John Walz to provide resident inspection and contract oversight services related to construction of the Pipemakers Canal Phase 2A drainage improvement project.
2. Provide staff other direction.

**POLICY ANALYSIS:** It is consistent with Board policy to enter into professional service agreements when it is in the best interest of the County.

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

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

**ITEM E**

**ISSUE:** Request Board approval of the \$103,270 premium renewal of Workers' Compensation Excess Insurance for a one (1) year term, with Safety National for Risk Management in the Finance Department.

**BACKGROUND:** Since 1990 specific excess insurance has been purchased to fund medical and indemnity (lost wage) expenses that exceed an annual per claim retention. The current annual per claim retention is \$450,000. The County self-funds Workers' Compensation with the assistance of a Third-Party Administrator, Underwriters Group, Inc.

**FACTS AND FINDINGS:**

1. The current carrier, Midwest Employers Casualty Company, is offering a renewal quotation with a \$450,000 per claim retention (same as expiring), with an annual deposit premium of \$125,551.
2. The quotation for 2010 - 2011 represents a 54% increase over the current annual deposit premium of \$81,636. Midwest's rationale for the increase is based on increased paid medical and indemnity with regard to several outstanding claims. At renewal last year, none of the listed claims had exceeded \$100,000 in total medical and indemnity paid. However, several of those claims have now exceeded \$100,000.
3. Safety National has quoted a deposit premium of \$103,270 with a per claim retention of \$500,00 per claim. Safety National will not limit coverage for Mosquito Control pilots– they will be covered as any other employee.
4. Four (4) other firms declined to provide a quotation.
5. No claim has exceeded the per claim retention since the County began purchasing excess workers compensation insurance in 1990.
6. Loss control measures will be evaluated, with the assistance of the excess carrier and the insurance broker to help control future costs.

**FUNDING:** Risk Management Internal Service Fund  
(6259926 - 51.27008)

**ALTERNATIVES:**

1. Request Board approval of the \$103,270 premium renewal of Workers' Compensation Excess Insurance for a one (1) year term, with Safety National for Risk Management in the Finance Department.
2. Provide staff other direction.

**POLICY ANALYSIS:** It is consistent with Board policy to approve annual Workers' Compensation Insurance premiums based on financial considerations and recommendation of staff.

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

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

**ITEM F**

**ISSUE:** Request Board approval of Change Order No. 2 to the annual contract for Oil and Lubricants with Stubbs Oil, due to a manufacturers' price increase effective 12 July 2010.

**BACKGROUND:** At their meeting of 4 December 2009, the Board approved an annual contract to provide oils and lubricants with Stubbs Oil.

**FACTS AND FINDINGS:**

1. New prices for items to be purchase from Stubbs Oil Company for Chatham County Fleet Operations are as follows:

<u>Item</u>	<u>Size</u>	<u>Old Price</u>	<u>New Price</u>
Motor Oil (SE 15W40) (CJ-4)	Gallon	\$5.67	\$6.07
Motor Oil (ASC 5W-30)	Gallon	\$6.54	\$7.06
Motor Oil Supreme 5-20 (1/55)	Gallon	\$5.23	\$5.63
2-Cycle Oil (L2C)	Gallon	\$8.75	\$9.27
Gear Lubricant (SAE 85/W/140)	Drum	\$1.02	\$1.095
Hydraulic Oil (HD46)	Gallon	\$4.07	\$4.47
Heavy Duty Truck grease (LAPG)	Pound	\$1.40	\$1.475
Heavy Duty Truck grease (LHPG)	Tube	\$1.43	\$1.505
Auto Transmission Fluid (Dextron III)	Quart	\$6.49	\$7.01
Auto Transmission Fluid (Dextron V)	Quart	\$9.41	\$9.93
Anti Freeze & Coolant	Gallon	\$5.60	\$7.35

2. Staff believes the price increases to be fair and reasonable.

**FUNDING:** General Fund/M&O - Fleet Operations Inventory Account  
(100 - 11.36003)

**ALTERNATIVES:**

1. Request Board approval of Change Order No. 2 to the annual contract for Oil and Lubricants with Stubbs Oil, due to a manufacturers' price increase effective 12 July 2010.
2. Provide staff other direction.

**POLICY ANALYSIS:** It is consistent with Board policy to approve Change Orders essential service contracts to recognize manufacturers' price increases.

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

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

**ITEM G**

**ISSUE:** Request Board to authorize professional services Task Order Contracts for amounts not to exceed \$250,000 with various engineering, surveying and environmental services companies.

**BACKGROUND:** There are numerous small construction projects that can be done by a variety of professional engineer and technical services companies that either are pre-qualified by the Georgia Department of Transportation or have demonstrated their capability to accomplish quality and timely work for the County. To "slug" through the quality-based selection process for a host of companies that are all "qualified" on small projects is neither timely nor cost effective.

**FACTS AND FINDINGS:**

1. The contracts will be managed by task orders. Each contract will be for a specified not to exceed amount. The task orders will be for specific tasks with deliverables for either lump sum or not to exceed amounts (e.g., time and materials).
2. The companies listed in this report is not intended to be all inclusive of "qualified" companies. Their selection is based on their prior experience with the County on projects or their GDOT pre-qualification. Most of the consultants are already the "consultant of record" on County projects.
  - a. Brockington Cultural Resources Consulting (environmental) (NTE \$100,000)
  - b. Kern Coleman & Company (survey & site engineering) (NTE \$250,000)
  - c. Wilbur Smith & Associates (transportation) (NTE \$250,000)
  - d. EMC Engineering Services, Inc.(drainage) (NTE \$250,000)

**FUNDING:** SPLOST - (1985-1993), (1993-1998), (1998-2003), (2003-2008), (2008-2014)  
CIP  
Land Bank

**ALTERNATIVES:**

1. Request Board to authorize professional services Task Order Contracts for amounts not to exceed \$250,000 with various engineering, surveying and environmental services companies.
2. Provide staff other direction.

**POLICY ANALYSIS:** It is consistent with Board policy to authorize Task Order Contracts when it is in the best interest of the County.

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

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

**ITEM H**

**ISSUE:** Request Board approval of a letter of agreement with the Chatham County-Savannah Metropolitan Planning Commission (the MPC) in the amount of \$35,000 for monitoring the excavation and dredging of the Pipemakers Canal Phase II, Section 1 Drainage Improvement project to identify an artifacts or features indicative of an archaeological site.

**BACKGROUND:** The Pipemakers Canal Widening Project is part of the 1998-2003, SPLOST, Drainage Program. Problems being addressed include the limited drainage capacity and the lack of access to perform maintenance.

**FACTS AND FINDINGS:**

1. The Pipemakers Canal Phase II Drainage Improvement project requires a permit from the U.S. Army Corps of Engineers (USACE). During the permit application process, the USACE determined that the Pipemakers Canal was eligible for inclusion on the National Register of Historic Places and accordingly included special provisions in the issued permit. The special provisions are described in a Memorandum of Agreement (MOA) entered into by Chatham County, the USACE and the Georgia Department of Natural Resources (DNR), Historic Preservation Division.
2. The special provisions of the MOA required preparation of a documentary report on the canal. The Chatham County-Savannah Metropolitan Planning Commission (the MPC) provided Ms. Ellen Harris, a preservation planner, to prepare the report which was subsequently accepted by the USACE. The special conditions of the permit also require that the construction site be monitored for prehistoric and historic artifacts by "someone knowledgeable."
3. The purpose of the agreement is to engage the services of Ms. Harris through the MPC and to remunerate the MPC for her time spent on the work. The USACE and DNR have concurred with using Ms. Harris to provide the monitoring services as a knowledgeable person.

**FUNDING:** SPLOST (1998 - 2003) - Pipemakers Canal project  
(3224250 - 52.12001 - 32280213)

**ALTERNATIVES:**

1. Board approval of a letter of agreement with the Chatham County-Savannah Metropolitan Planning Commission (the MPC) in the amount of \$35,000 for monitoring the excavation and dredging of the Pipemakers Canal Phase II, Section 1 Drainage Improvement project to identify an artifacts or features indicative of an archaeological site.
2. Provide staff other direction.

**POLICY ANALYSIS:** It is consistent with Board policy to approve agreements between the County and corporate entities.

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

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

**ITEM I**

**ISSUE:** Request Board approval of a personal services contract with Bethany Jewell at \$40 per hour, not to exceed \$30,000, for a GIS special project for mapping data layers for transportation analysis on US 80.

**BACKGROUND:** The Board has approved personal services contracts as a means to utilize the experience and talents of retired/former government employees for special projects related to their field of expertise.

**FACTS AND FINDINGS:**

1. In June, based on an appeal from representative from the City of Tybee Island and a subsequent follow-up meeting, the Board opted to consider developing alternatives for dealing with high-volume traffic on US 80 East during beach season. Creating the data layers related to the various

contributors will help define the interrelationship of the many contributors to the cause and enable an analysis to determine available options.

2. Bethany Jewell, who recently left the MPC, would be available for the creation of the data layers and analysis. The deliverable items will include the creation of five demographic maps and at least three graphic depictions of the data.
3. The County Attorney's Office has drafted a personal services contract which establishes the contractual relationship between the County and an independent contractor.

**FUNDING:** General Fund/M & O - County Commission (encumbered from FY 2010)  
(1001110 – 52.39001)

**ALTERNATIVES:**

1. Board approval of a personal services contract with Bethany Jewell at \$40 per hour, not to exceed \$30,000, for a GIS special project for mapping data layers for transportation analysis on US 80.
2. Provide staff other direction.

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

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

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

**ITEM J**

**ISSUE:** Request Board approval to extend for 18 months the lease for warehouse space for the Public Works sign and carpenter's shop at \$4,000 per month with Southern States Phosphates.

**BACKGROUND:** At the 13 February 2009 meeting, the Board approved for an 18 month lease for the Public Works sign and carpenter's shop until completion of the new project. This became necessary after an environmental inspection of the Public Works sign and carpenter's shop on Sallie Mood Drive indicated unhealthy levels of mold which create an unsafe working environment. The buildings will be demolished under a plan under way to relocate Public Works and Parks Services.

**FACTS AND FINDINGS:**

1. At the 13 February 2009 meeting, the Board approved an 18-month contract for leased space at 1722 President Street after staff has reviewed multiple locations for temporary relocation. Delays in starting the construction of a new Public Works & Parks Services will require an extension to the lease.
2. The rental property is comprised of a 6,000 square foot warehouse, which includes a small office area with restrooms and a storage yard for equipment and materials. The yard helps in storing materials for a major work area in the East Islands area and would help in staging equipment for the future move.
3. The new lease rate would be \$4,000 per month from July 1, 2010.
4. Per terms, Chatham County will be responsible for utilities (electric and water and sewer) and janitorial. The building's owner will be responsible for mechanical systems, roof and taxes/insurance. The property is owned by Southern States but managed by Hostetler and Company.
5. Staff intends that this lease would provide a short-term solution for space until completion of the Public Works and Parks Services new complex adjoining Memorial Stadium.

**FUNDING:** SSD - Public Works & Parks Services  
(2704100 – 52.23101).

**ALTERNATIVES:**

1. Board approval to extend for 18 months the lease for warehouse space for the Public Works sign and carpenter's shop at \$4,000 per month with Southern States Phosphates.
2. Provide staff other direction.

**POLICY ANALYSIS:** The negotiated rate remains comparable to fair market value cost of rental properties of this size but provides reasonable space in accordance with the requirements of Public Works & Parks Services.

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

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

**ITEM K**

**ISSUE:** Request Board approve a six-month lease extension at \$4,239 per month for 410 West Broughton Street with 408 Broughton Street LLC.

**BACKGROUND:** As part of the Courthouse renovation, certain offices needed to be relocated on a temporary basis. Because no space remains available in the Courthouse, the Board approved leasing office space at 410 West Broughton Street, across from the Annex (Parking Garage). This will be the last extension since offices will be moved to the Commerce Building.

**FACTS AND FINDINGS:**

1. The building at 410 West Broughton Street, owned by Cohen Properties, provides 2,700 square feet of space to house the District Court Administrator, some Sheriff’s Office operations and some Board of Assessors’ staffing. More importantly, during the sequence of construction, it has served as convenient interim space as needs arise.
2. The property leases for \$4,239 a month. Its convenient location makes the property ideal, and its lease rate remains competitive for commercial rental property in the Landmark Historic District.
3. The lease will be through 2010. This will be the last extension since offices will be moved to the Commerce Building.

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

**ALTERNATIVES:**

1. Board approve a six-month lease extension at \$4,239 per month for 410 West Broughton Street with 408 Broughton Street LLC.
2. That the Board direct staff to consider other locations not within proximity of the Courthouse as a way to lower potential rental payments.

**POLICY ANALYSIS:** Notwithstanding the legal authority for the Board to enter into lease agreements as a contract, a practical consideration for temporary office for Courthouse offices should be its accessibility to the Courthouse.

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

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

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

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Chairman Liakakis said, we have First Readings, which there will be no discussion on it.

**XI. FIRST READINGS**

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

1. **MODIFY THE CHATHAM COUNTY REVENUE ORDINANCE TO AMEND THE NEW FALSE ALARM SECTION.**
2. **STAFF HAS PROPOSED AN AMENDMENT TO SECTION 11-2.7 (HEARING PROCEDURE) OF THE CHATHAM COUNTY ZONING ORDINANCE TO CLARIFY NOTICE PROCEDURES IN ACCORDANCE WITH APPLICABLE STATE STATUTES. The MPC recommends approval as outlined. MPC File No. Z-100111-00002-1 Text Amendment - Unincorporated area.**

3. THE PETITIONERS, HOMER & MARVIN JENKINS, ARE REQUESTING TO REZONE PROPERTY AT 1032 OLD OATLAND ISLAND ROAD, PARCEL 1-0128-02-009 AND THAT PORTION OF PARCEL 1-0128-02-008 SOUTH OF THE ACCESS EASEMENT AS SHOWN ON THE TAX MAP TO A P-B-N CLASSIFICATION. The MPC recommends approval.  
MPC File No. Z-100420-00020-1  
[District 1.]

4. AMEND THE SUBDIVISION REGULATIONS REGARDING BONDING ALTERNATIVES.

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**6. SECOND READINGS**

None.

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**7. INFORMATION ITEMS**

1. PROGRESS REPORT ON GENERAL FUND CONTINGENCY ACCOUNT - M & O AND THE SPECIAL SERVICE DISTRICT FOR FY 2009-2010 AND FOR FY 2010/2011 (see attached).

2. List of purchasing items between \$2,500 and \$9,999 (see attached).

**AGENDA ITEM: XIII-2**  
**AGENDA DATE: July 9, 2010**

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>
Automotive repair parts	Fleet Operations	Roberts Truck Center	\$2,575	General Fund/M & O - Fleet Inventory
Repairs to mini excavator	Fleet Operations	ASC Construction Equipment	\$2,760	General Fund/M & O - Fleet Operations
354 cases anti-bacterial soap	Detention Center	Coastal Sail (Sole Source)	\$9,455	General Fund/M & O - Detention Center
Seven (7) Dell computers	State Court Clerk	Dell Marketing (State Contract)	\$9,143	General Fund/M & O - State Court Clerk
Seven (7) Dell computers	ICS	Dell Marketing (State Contract)	\$9,143	General Fund/M & O - ICS
Seven (7) Dell computers	Communications	Dell Marketing (State Contract)	\$9,143	General Fund/M & O - Communications
Paint and body work to wrecked Public Works vehicle (County driver not at fault)	Fleet Operations	Savannah Auto Painting	\$4,850	General Fund/M & O - Fleet Operations

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**RECESS TO EXECUTIVE SESSION**

Upon motion made by Commissioner Thomas and seconded by Commissioner Stone, the Board recessed at 11:36 a.m. to go into Executive Session for the purpose of discussing personnel, litigation, land acquisition.

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Following adjournment of the Executive Session, the meeting of the Board of Commissioners was reconvened at 12:15 p.m.

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**ITEMS FROM EXECUTIVE SESSION**

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

**ACTION OF THE BOARD:**

Commissioner Shay moved to approve a motion to authorize the Vice Chairman to execute an Affidavit that the Executive Session was held in compliance with the Open Meetings Act. Commissioner Kickighter seconded the motion and it carried unanimously. [Chairman Liakakis and Commissioner Stone were not present. Commissioner Gellatly was absent.]

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**ADJOURNMENT**

There being no further business to be brought before the Commissioners, the Chairman declared the meeting adjourned at 12:17 p.m.

APPROVED: THIS DAY OF \_\_\_\_\_ day of July, 2010.

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

\_\_\_\_\_  
 BARBARA B. WRIGHT, ACTING COMMISSION CLERK