

MINUTES OF THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF CHATHAM COUNTY, GEORGIA, HELD ON FRIDAY, DECEMBER 17, 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 Pete Liakakis called the meeting to order at 9:28 a.m.

=====

II. INVOCATION

Chairman Liakakis gave the Invocation.

=====

III. PLEDGE OF ALLEGIANCE

Chairman Liakakis said, I call on Commissioner Kicklighter to lead us in the Pledge of Allegiance. Commissioner Kicklighter led the Pledge of Allegiance to Flag of the United States of America.

=====

Chairman Liakakis said, I call on Janice Bocook, who is our temporary county clerk, for the roll call, please.

IV. ROLL CALL

The Clerk called the roll.

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

Also present: R. E. Abolt, County Manager
 R. Jonathan Hart, County Attorney
 Janice E. Bocook, Temporary Clerk

=====

V. PROCLAMATIONS AND SPECIAL PRESENTATIONS

1. PROCLAMATION IN MEMORY OF DAN VADEN

Chairman Liakakis said, okay. Thank you, and the next amount of business is Proclamations and Special Presentation and Item number 1 is a proclamation in memory of Dan Vaden, and I'd like to ask the Vaden members who are representing the Vaden family to please come to the podium, please.

This proclamation is a proclamation to especially – to an individual an in our community that did so many things for us.

Chairman Liakakis read the proclamation:



The County of Chatham
Georgia
Proclamation

WHEREAS, Chatham County is blessed to have among its citizenry individuals that are genuinely dedicated to God, family, community and business. Today we reflect on such an individual as we honor the memory of Mr. Dan M. Vaden, Jr.; and

WHEREAS, Dan M. Vaden, Jr. was a man who embodied "The American Dream" and achieved his dream of opening his own dealership in 1968, with Dan Vaden Chevrolet. He began his automotive career as a "used car sales trainee" for Riverside Chevrolet (later Nimnicht Chevrolet) and in the 15 years that followed, he elevated to the position of general manager of the dealership and partnered with the Nimnicht family; and

WHEREAS, when the opportunity to open a new dealership arose, Mr. Vaden and his family moved to Savannah to open Dan Vaden Chevrolet. He worked diligently in the automotive profession for over 50 years and the efforts of his labor paid off for he was blessed to have grown from a dealership to a regional automotive group consisting of eight dealerships which employ over 400 people in Southeast Georgia and South Carolina. He received many recognitions and awards for his automotive leadership; and

WHEREAS, Dan M. Vaden, Jr. was committed to giving back to the local community. He served on the Boards of Directors for the Savannah Area Chamber of Commerce, St. Joseph's Hospital, the United Way of the Coastal Empire, the Better Business Bureau and the American Cancer Society. He quietly spearheaded the creation of the Silent Witness Program and supported the law enforcement community whenever asked. He was a member of the Welcome Home Committees for community salutes to Vietnam Veterans and Desert Shield veterans. He was a "life-long" golfer and deeply loved the game. He served on the Board of Directors of the Savannah Golf Club, the nation's oldest golf course. He was a founding member of Savannah's Rotary East Club. He was also a member of The Oglethorpe Club, the Savannah Yacht Club, the Chatham Club and The Landings Clubs. He was an active member of the Alee Shrine, and the Jesters, as well as the Executive Association of Savannah. Mr. Vaden was a dedicated member of the Isle of Hope United Methodist Church where he served on the Board of Trustees.

NOW, THEREFORE, I, Pete Liakakis, Chairman, on behalf of the Chatham County Board of Commissioners, present this proclamation to the family of the late:

DAN M. VADEN, JR.

as a remembrance of his great dedication and tremendous contributions to the Chatham County community.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of Chatham County, Georgia to be affixed this the 17th day of December 2010.

Pete Liakakis, Chairman
Chatham County Commission

ATTEST:

Gail F. Gordon, Administrative
Assistant to the Chairman

Chairman Liakakis said, and you know, this – what I just read on this proclamation is just some of the things that Dan Vaden did in our community. I was his friend for a number of years, as he was friend for many people in the community, and there were many charitable things that he did in the community to help people, and he did most of those things in a quiet way. But he cared for people. He cared for his employees and the people all over this area. He was a man dedicated, as God says, we should love one another, and he showed his love for people by helping those that needed that help.

And right now I'd like to present this to his daughter, you know, on behalf of the County Commissioners, and we want her and her husband, Bill Daniel, to know that we are proud of what your father has done and all of the family members because he was outstanding in our community, and we really appreciate that.

Bill Daniel said, on behalf of Mrs. Vaden, who could not be here today, and her daughter Jane, and – and Linda and I, we are deeply grateful to the Commission for this rec – recognition. Mr. Vaden certainly did represent the American dream, but he never lost sight of the fact that his success was totally the result of the support of the great people of Coastal Georgia, Chatham County, the Coastal Empire. They gave him a chance, and they opened their doors and their hearts, and – and their pocketbooks to him when he was just starting. Literally, Abercorn was still a farm out there. So, he – we will do our best as the second generation to never forget those values that he taught us, that community,

friends, and saying thank you, is what it's all about, often. So we are deeply grateful to the people of Chatham County, to this Commission, for – for this recognition. Thank you.

Commissioner Gellatly said, Pete? Pete? I – I – I'd like to just say a word if I – if I might. You know, when I came here in 1980, Dan Vaden was probably the first three people that I met, and he and I became close, personal friends for many years, and I'm hear to tell you that Dan did a lot of great things very quietly. He never sought out plaques or recognition, he'd just quietly do it. And he was a true friend and a hero to all police and fire fighters in – in Chatham County. He supported them when they were in need. He supported them when it wasn't popular to do so. Any time that we needed cars for special operations or something like that, he'd just quietly go ahead and take five, and just don't say nothing about it, and that type of thing. And, he was a – a – a – in my opinion, a great man, a true friend, and a – and a huge supporter of public safety, and we'll never forget him. Thank you.

Mr. Daniel said, thank you.

=====

2. SPECIAL HONORS TO JIM TURNER AND TRIP TURNER OF TURNER CONSTRUCTION

Chairman Liakakis said, the next item on the agenda is special honors to Jim Turner and Trip Turner of Turner Construction Company, if they would come forward.

As most of us know in the community, we had the Extreme Makeover Home Edition that looked at Savannah, and there was a very deserving family. A family, a husband and a wife and three children, and one of those children had disabilities. The baby, when the baby was born, what occurred that the doctors did not give the family any assurance that the baby would live.; that the baby was going to be blind in a short period of time. But, the prayers that were given and the things that were done to help that baby boy now, who is two years old, helped him overcome some of the disabilities. He still has some disabilities now, but because of the blessings of God, he is not blind and the family is doing things.

When that particular family came to Savannah, the father, of course, is a pastor, and they moved into a house on Abercorn Street, and they were able to get it from a sale, that the house had been repossessed. But, one of the things with that particular home, they got into it, and they thought that they could go in and remodel the house on their own and put those resources in that they had. But on the first floor of that house on Abercorn Street, it had a huge amount of mold in it. They couldn't use the first floor. They couldn't use the kitchen. They had like a hot plate upstairs, and the home was really in bad shape, and of course, the – the negative things that happened to the family and all, they just didn't have the resources. But, Extreme Makeover, they heard about the family, and all, and so they decided that they would check in to the family and the home and all, and, of course, one of the people that got involved in it, and that is Jim Turner, who owns Turner Construction Company. And, he took the lead to let everyone know with Extreme Makeover that he would have his company to reach out and use many of his employees to assist with this particular project to put a new home there at the location on 55th and Abercorn Street. And the many resources that came from Jim Turner and the – to help this, and also, he had his son, who's his top person over there, to oversee the construction of the house. The demolition of the old home, which was in bad shape, and then the construction of the new home that we see over there. And Jim would come every day, but we – he had his son, Trip, now, and Trip would oversee, and thankfully, we had hundreds and hundreds of volunteers. There were carpenters, there were plumbers, there painters, there were many people there that came in to volunteer for that very worthy cause that they had. And you can see that what occurred with all of the volunteers. And we got a lot of great vendors in the community and business people who contributed there also, and their names were displayed over there about all of, you know, a number of the things that they had done. And I'd like to thank all of the volunteers also, all of the business people and the vendors who came in to help with that.

But leaders on the construction portion of it and the other things was Jim Turner's company, and of course, Trip overseeing it, because on a daily basis, Trip would get there early in the morning and make sure that his people were helping oversee and doing some of the construction work. And then we had all of those other volunteers who were in the construction business, and then people contributed furniture and many other things. And so that particular project was completed in 106 hours. You know, almost a three-story home, a two-story home with an attic, and – and you can go by there now. And people still continue to ride by there and look at it. And the family is well deserving, you know, to be able to do that because they've had some really tough times, and especially what they had to, you know, be with their ailing baby boy.

But, on behalf of the Chatham County Commission, I'd like to give this honor, this special medal to Jim Turner and his son, Trip, because they went beyond the call of duty to make sure that this project for that very worthy family was completed. And, I mean, they worked, you know, well into late at night and doing those things that were necessary to have that done. And in January – sometime in January, that particular segment that – that Extreme Makeover had made will be shown on National television, and that information will be given out to the community. I don't know if Jim has the date or not –

Mr. Jim Turner said, not yet.

Chairman Liakakis said, – but that will come from ABC, and Jim will know that. And, to Jim Turner, the owner of Turner Construction Company, for all he did – all of his resources that he put in there and really helped a family, I'd like to present this Chatham County medal.

And Trip, of course, we want to give him a medal too, because he worked night and day over there and really did a –

a good job, and, you know, sometime many, many hours he was doing that over there, and – and that was really good that we had him overseeing the project. And again, on behalf of the Chatham County Commission, we thank all of those volunteers who worked really hard to get this thing done, and you’ll see that particular television show, how the enthusiasm of the different volunteers did. And now, Trip, I’d like to present you, on behalf of the Chatham County Commission, our medal.

Trip Turner said, on behalf of myself and my father, and the rest of the J.T. Turner Construction team, we’re honored for this recognition. What an incredible experience we had just a few weeks ago implementing the construction of the project. I must say that Chairman Liakakis was out there just about every single day. An instrumental part in our painting crew. Not only our painting crew but also quality control. So, when he saw something that he didn’t think was exactly right, he was quick to note that to me no matter where I was on site. So – but we appreciate – appreciate all the efforts and – and especially the community. It was a wonderful experience, and thank y’all again.

Jim Turner said, I’ll echo what Trip said. But I – I do have a quick story about Pete. As all the crowds were waiting for the bus to be moved, and they start yelling, “move that bus, move that bus,” someone text me and said Chairman Liakakis is still on the back porch painting a window. So – which he did. He was a good part of everything we did. We do appreciate this honor, and it was – it was a great honor for us to be a part of this project and thank you for what you did for us today.

=====

VI. CHAIRMAN'S ITEMS

NONE.

=====

VII. COMMISSIONERS' ITEMS

1. PRIVATE WATER COMPANIES – FIRE HYDRANTS – SUBDIVISIONS

Chairman Liakakis said, next on the agenda is Commissioner Dean Kicklighter concerning subdivisions with private water systems. Commissioner Kicklighter.

Commissioner Kicklighter said, thank you, Mr. Chairman. But before I start on this item, I’d like to – before I start on this item, I’d like to acknowledge the loss of a person that was of – just a great person in our community. We lost Ms. Viola Bell here I believe late last – just last week or early this week, actually, and Ms. Bell was just a wonderful person. She was actually, I believe, the first black person on the Garden City City Council. She served up here with most of us on the CAT Board, and I actually served with Ms. Bell on the Garden City Council, and I’ve got to say for a person that – that – she was amazing – an amazing person period but considering she was I believe around 91 or 89, 90?

Commissioner Thomas said, 86.

Commissioner Kicklighter said, 86. Considering her age, being, you know, older, I know that Ms. Bell had to have lived a life of hell.

Commissioner Thomas said, she did.

Commissioner Kicklighter said, and being the first black person elected to the City Council probably she lived a life of hell doing that. But I’ve got to say, I work and have worked with many amazing African Americans on government Boards since first meeting her, but I’ve got to say, she was unbelievable of never seeing in black and white. She saw people and supported and worked for people, and she’s a great loss for not only Garden City but Chatham County and I just, you know, wanted to acknowledge her. And I would love to see us actually give a proclamation to her family because she has just been – was an amazing person for our community, and she will be – definitely be missed, and –

Chairman Liakakis said, Priscilla?

Commissioner Thomas said, thank you, Mr. Chairman. I would like to say that – thank you – I would just like to say that I did present a proclamation to the family on behalf of the County given the fact that she has been a model citizen and had done so much, not only in Garden City, and as you have said, paved the way for others to fall – to follow. So, yes, the family was presented a proclamation on behalf of the County. And we will miss her, because, like I said, she was a champion and a go-getter. One of my mentors and a part of my family, as well. Thank you.

Commissioner Kicklighter said, I in a sense moved over from her being momma for me over there to you being momma, so. And I believe y’all were actually cousins, too, right?

Commissioner Thomas said, yes.

Commissioner Kicklighter said, thank you, Mr. Chairman.

All right, Item 1 – moving ahead. I received a phone call yesterday from a citizen who was really upset. A neighbor’s house was on fire and anyhow, the person requested that I go out there and – and – so I did. I arrived and I – what

I witnessed was Southside Fire Department working hard; Bloomingdale Fire Department assisting. Pools set up in the area where the tanker trucks would get water, bring it, dump it in, and they were putting it, you know, using that water because there was no hydrants in the area. The house – pretty much by the time I arrived the fire was out. The fire fighters were still spraying water on the ashes, but the house was completely destroyed. During this time several citizens came up and asked what it would take to actually get fire hydrants placed in their neighborhood. And after looking around and all it – it – first found out it's a private water supplier, and keep in mind we have now instructed the county while I'm saying this to seek out private water companies to possibly take over the county water that we have now, possibly selling it to a private water supplier. What I did, I got back, and I sent a letter to Russ, and Jon Hart answered it really quick. The main question – two questions, does the county currently have an ordinance requiring certain sized pipes and fire hydrants to be placed in new subdivisions that have private water suppliers? The answer is no on that one. That's shocking actually. Number two, does the county currently have an ordinance requiring that older subdivisions with private water suppliers comply with the current pipe and hydrants standards within a set period of time? So that question's pretty much obsolete 'cause there's not even a yes on answer one. Basically no to both questions.

Now, realizing that it would cost an absolute fortune for some of the older existing subdivisions to go in and just tear all their pipes out, replace them with larger pipes and put the fire hydrants in, my thinking would be that over an extended period of time – pipes have to be replaced anyway, that it would be worth looking into to see if we could require an ordinance – or put an ordinance in that would require the owners of private systems to eventually upgrade their system to meet current fire-fighting standards. That would take people experienced in that field the – that would know when the – what the average period of time for pipe replacement would be. I'm not even opposed to it going – if it's 15 years out, having a date set that they would have to comply over that period of time and upgrade it. In the meantime what – after talking to some fire fighters on the scene, what could possibly be an immediate help for these subdivisions with private water systems would be the requirement to stub out one – basically one hydrant right near their – the actual pump – pump system. If so, in talking with the fire fighter, what – what could happen is at least they would have water right there to fill up the tanks and all rather than having to potentially take their vehicles and travel miles away. And, you know, to go fill back up. So, I just would like for us to possibly consider asking the attorney to work with the MPC to come up with something that would be logical, and keeping in mind that we don't want to do anything to bankrupt anyone that's currently, you know, hurting – business people. So, in the immediate time period, I, you know, I'd like to look at this one stub-out on these private systems. We definitely need to instruct them to look at an ordinance for our new subdivisions. That's shocking that we don't require fire hydrants in the new subdivisions. So, that's something I believe we need to do, and I don't know if we even need a vote or anything or, you know, I just wanted to inform everybody and see if y'all agree with that. And that way we can move forward with coming up with something.

Chairman Liakakis said, Mr. County Manager and if you will work with our County Attorney for that particular issue, and then bring back the information to the Commission. Okay?

County Manager Russ Abolt said, I – I do want to recognize Mr. Hart, and I mean it sincerely. You've heard testimony from Commissioner Kicklighter. The turn around by the Attorney's office on this issue was phenomenal. I mean we got the email not even 24 hours ago and last night in your packet you had Jon's response. I know he had support from the fire fighters sitting behind me in the first row, Southside, but certainly will do all that's necessary, but I don't to be remiss in not recognizing Jon Hart for doing a super job and providing some good staff work.

Commissioner Kicklighter said, yeah, and I – you know, you really set a new standard, Jon. I really expect an answer now within an hour or two every time.

County Attorney Jonathan Hart said, I'd rather be lucky than good. One thing we do need to keep in mind. We – we are happy to do that, and we'll look into it. We're going to have to get some other people into the mix because private water systems fall – are – are utilities that are regulated by the Public Service Commission, and there are limitations based on the ability of counties to regulate utilities. And there are some requirements from EPA and EPD in regard to water services, and we'll look into and come back to you with the options we see available.

Chairman Liakakis said, okay. Thank you.

AGENDA ITEM: VII-1
AGENDA DATE: December 17, 2010

Russ Abolt

From: Dean Kicklighter [deankicklighter@yahoo.com]
Sent: Thursday, December 16, 2010 10:47 AM
To: Russ Abolt; Pat Monahan
Cc: sara.seiver@gmail.com
Subject: Private Water Companies - Fire Hydrants
Attachments: reserve pool near useless pumpstation.jpg; 2nd reserve in front of home.jpg; Stand Pipe.jpg;Utility Company.bmp

To: Russ Abolt
County Manager, Chatham County, GA
Pat Monahan
Assistant County Manager, Chatham County, GA

From: Dean Kicklighter
Chairman Pro-Tem
7th District Commissioner
Chatham County, GA

Russ and Pat,

I received a call this morning and a citizen was pleading for assistance regarding a lack of Fire Hydrants in their neighborhood. The caller requested that I meet them at a burning home located at 158 Hollow Oak Drive, Bloomingdale, GA 31302. After arriving and although the fire was out, the house was completely destroyed and I saw several South side and Bloomingdale Fire Trucks and their fire fighter's using tanker and pooled water on the smoking ashes rather than using water from Fire Hydrants.

Thank goodness the owners were alive but sadly, some pets were lost in the blaze.

I was told that the fire fighters had to leave and come back with water while putting out the fire. I also saw a 2 inch Stand Pipe (picture attached) that was deemed useless by a South side Fire Fighter. The fireman told me that in order to be able to use a stand/hydrant, that a minimum of a 3 inch pipe would be needed but ideally a 4 inch pipe would be the best. To give you a visual understanding of what I saw this morning, I've attached pictures of the reserve pools, the home that was destroyed and a picture of the useless 2 inch Pipe Stand. The name and contact information of the owner of the private water system is also shown in one of the pictures.

While talking with the victims, neighbors and Fire Fighter's, I was asked several times by several people if something could be done to help get fire hydrants in their neighborhood.

For discussion purposes, I'm requesting that we place "Fire Hydrants - Subdivisions with private water systems" on the agenda, under my name for tomorrow's Commission Meeting.

As to not surprise anyone, I will be asking the following questions..

1. Does the county currently have an ordinance requiring certain sized pipes and fire hydrants to be placed in new subdivisions that have private water suppliers?
2. Does the county currently have an ordinance requiring that older subdivisions with private water suppliers comply with current pipe and hydrants standards within a set time period?

I understand that requiring the new pipes be placed throughout older subdivisions will be costly but I believe that the goal could be accomplished over an extended period of time.

In the meantime and after speaking with fire fighters and getting their opinions, as a quick fix, I believe that an ordinance requiring that one hydrant be installed near the pump station would keep fire fighters from potentially traveling miles away to refill their water tanks thus far one hydrant could not only property but one required hydrant could save lives.

Please keep the following people informed on/about our findings and/or actions regarding fire hydrants in subdivisions that have private water suppliers.

Sara Seiver

The daughter of the people who lost their home
Address: 54 Wallace Drive, Bloomingdale, GA 31302
Email: sara.seiver@gmail.com
Ph: 912-678-5138

Note: Ms. Seiver said that if she can't be reached on her phone that any/all info can be shared with her Pastor, Greg Van Gorp. Mr. Van Gorp's # is 912-660-2174.

Ann Horne

Concerned Neighbor & Original Caller that requested assistance
Ph: 912 412-8282
Address: 122Hollow Oak Drive, Bloomingdale, GA 31302

Sincerely,

Dean Kicklighter
Direct: 912-507-1343

Kicklighter Consulting

Phone: 912-507-1343 **Other:** 912-988-1088

Chairman Pro-Tem

Chatham County Commission
7TH District Representative
Office: 912-652-7869 **Fax:** 912-652-7874
124 West Bull Street, STE 210
P. O. Box 8161 Savannah, GA 31412

Ben Farmer Realty

5801 Abercorn St.
Savannah, GA 31405
Office: 912-692-1085

INTER-OFFICE CORRESPONDENCE

DATE: December 16, 2010

TO: R. E. Abolt, County Manager
 FROM: R. Jonathan Hart, County Attorney
 RE: Private Water Companies - Fire Hydrants

This missive is in response to the questions posed in Commissioner Kicklighter's December 16, 2010 email. Specifically, Commissioner Kicklighter asked the following:

1. Does the county currently have an ordinance requiring certain sized pipes and fire hydrants to be placed in new subdivisions that have private water suppliers?
2. Does the county currently have an ordinance requiring that older subdivisions with private water suppliers comply with current pipe and hydrants standards within a set time period?

The answer to both questions is no. The County does not have any such ordinances. Neither the County's Subdivision Regulations or County Code address such specific requirements related to private water systems. The County's Subdivision Regulations, specifically provide in section 606.02:

Where either a public water or public sewers or both not available to a subdivision and a subdivider shall decide to establish a private water supply system and a private sewer system, then the plans and specifications for such private water system and sewer system shall be approved by the Chatham County Health Department...

The County's Engineering staff has indicated that per County Engineering Policy: the requirement for pipe sizes are the same for subdivisions located in the unincorporated County regardless of whether the water system is privately or publicly owned. Engineering Policy currently applies to the hydrant and pipe design specifications that are set forth in the City of Savannah's subdivision regulations.

It should also be noted that Todd Jones, of the Chatham County Health Department, has advised that, depending on the size of the subdivision, the Georgia Environmental Protection Division may have some oversight related to the design of privately owned water systems in subdivisions.

Finally, it is my understanding that the subdivision referenced in Commissioner Kicklighter's email was approved in 1975. As previously noted, the County does not have an ordinance that would require older subdivisions with private water suppliers to comply with current pipe and hydrant standards within a set time period. Obviously, the upgrade of an already installed underground system would have economic consequences which would also be reflected in the homeowner's rate structure. Determining whether or not the County legally or practically enforces such a requirement, would require a review of the relevant laws, as well as input from various County staff members.

RJH/
 cc: Al Bungard, P.E., County Engineer
 Robert Drewry, Director Public Works
 Suzanne Cooler, P.E., Senior Engineer

=====

VIII. TABLED/RECONSIDERED ITEMS

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

1. **UPDATE THE BOARD ON THE EMPLOYEE WELLNESS PROGRAM. Note: Item was tabled at October 8, 2010, meeting and should remain on the table until the November 5, 2010, meeting. Request item remain on the table.**

Chairman Liakakis said, next Tabled and Reconsidered Items. Item 1, to update Board on the Employee Wellness Program. It's been on the table, and what I'd like to do is have a motion on the floor because they're still working on that – the staff is for it to stay on the table.

Commissioner Kicklighter said, we – we don't even have to do that, do we?

Commissioner Farrell said, let's just pass over it.

Commissioner Kicklighter said, we'll just pass over it.

Chairman Liakakis said, okay.

=====

2. **REQUEST BOARD APPROVAL OF AN ACTION PLAN TO PROVIDE FURTHER STIMULUS TO THE LOCAL ECONOMY THROUGH COUNTY CAPITAL**

CONSTRUCTION. Note: Item was tabled at November 19, 2010 meeting.

Chairman Liakakis said, all right, and then, of course, Item 2, request Board approval of an action plan to provide further stimulus to the local economy through County Capital Construction. Leave that on also.

=====

3. REQUEST BOARD APPROVAL FOR ALLOCATION OF INDIGENT HEALTHCARE FUNDING. Note: Item was tabled at November 19, 2010 meeting.

Chairman Liakakis said, then we have Item 3, request Board approval for allocation of Indigent Healthcare funding. This item was tabled on November the 19th, so they request it stay on. We go to Item 4, now.

Commissioner Odell said, that – that – that's going to be left on the table?

Chairman Liakakis said, yes.

Commissioner Odell said, do you think we ought to announce to the people who are here just for that item?

Chairman Liakakis said, yes. Anybody here on that particular – particular issue, we want you to know that it has been recommended by the staff because they need additional information on that to assist that the allocation of Indigent Healthcare Funding, the item that was tabled on November the 19th meeting, and because there's some additional information that the staff will be working on, they want us to keep it on the table and there were some alternatives, but they feel that they need to bring additional information to the Commission so that a decision can be made on that.

Commissioner Odell said, and – and we'll have that, Russ when?

County Manager Abolt said, the 14th.

Chairman Liakakis said, the 14th --

County Manager Abolt said, your next meeting.

Chairman Liakakis said, – of January. The first meeting in January, it will be on the agenda to come off and all the other information that will help, you know, for the Commission to make that decision.

Commissioner Thomas said, question?

Chairman Liakakis said, yes?

Commissioner Thomas said, does that include the information from the Chair of the Curtis V. Cooper Center, Mr. --

Commissioner Odell said, Finney.

Commissioner Thomas said, Finney?

Chairman Liakakis said, yes.

Commissioner Thomas said, okay.

Chairman Liakakis said, yes.

Commissioner Thomas said, just wanted to be sure.

Chairman Liakakis said, right.

=====

4. BOARD CONSIDERATION OF A REQUEST FOR TAX REFUND OF PACIFIC HOMES, INC. FOR TAX YEAR 2008 IN THE AMOUNT OF \$1,553.98, INCLUDING PENALTIES, INTEREST AND FEES (\$776.99 EACH FOR PINS 80010F08016 and 80010F08017). THE PROPERTY IS LOCATED IN BLOOMINGDALE. Note: Item was tabled at November 19, 2010 meeting.

Commissioner Kicklighter said, Mr. Chairman, I want to make a motion to remove Item 4 from the table.

Chairman Liakakis said, okay, Item 4, Board consideration of a request for tax refund of Pacific Homes. We need a second.

Commissioner Odell said, second.

Chairman Liakakis said, okay. All in favor go on the board. Motion passes.

ACTION OF THE BOARD:

Commissioner Kicklighter moved to remove Item 4, for Board consideration of a request for a tax refund of Pacific Homes, Inc. for tax year 2008 in the amount of \$1,553.98, including penalties, interest, and fees (\$776.99 each for PINS 80010F08016 and 80010F08017) from the table. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioner Shay was not present.]

=====

Commissioner Kicklighter said, Mr. Chairman, at this time I'll make a motion to refund the maximum allowed by state law.

Chairman Liakakis said, there is no refund. It was a mistake, is that correct?

County Manager Abolt said, no, sir, not this item.

County Attorney Hart said, this is – this is –

Chairman Liakakis said, is this the one that had the mistake on it?

County Manager Abolt said, no – no, sir.

Chairman Liakakis said, go ahead, over that.

County Manager Abolt said, I – I want your -- Jon to be able to advise you on this before –

County Attorney Hart said, yeah. This is a situation in which the county has reacted to the needs of a taxpayer. The taxpayer was moving along paying his taxes and in 2008 – in September of 2008 new FEMA maps came out and basically said this property was in a floodway. Well if its in a floodway you can't do anything with the property. You can't put improvements on it. So its practical matter the value of the property, you know, some would argue was – went to zero, but I'm sure it – now I don't know if it went to zero, but certainly had unbelievable impact on the property. So during this tax year, 2008, Pacific Homes did not file an appeal as to the tax value and the time for that appeal has run. But the Tax Assessor in January of 2009 and January of 2010 has corrected the – the tax and agrees with them that the value needs to be set, so we've given them relief for 2009 and 2010. Unfortunately, these FEMA maps caught a number of property owners by surprise in this community and technically the – there's not been an error or mistake by the Board of Assessors, there just has not been an appeal filed and the time has run on it, so we're recommending denial as to 2008, and they are in relief status for 2009, 2010 and going forward.

Chairman Liakakis said, Harris?

Commissioner Odell said, we've discussed without a – discussed without a second, I'll second – first I'll second Dean's motion. Is it your opinion that for year 2008 that as a matter of law this Commission cannot correct that error – and the error was created by the FEMA maps?

County Attorney Hart said, correct.

Commissioner Odell said, and we have this time table that says, create the FEMA map, but you citizen have to do this, right?

County Attorney Hart said, correct. If – if – if this was a mistake – if FEMA changed the map in – sometime in 2007, up to December 31st 2007, and we had ignored the FEMA map, it'd be a different story, but here in September they came out with the FEMA map, the time had run and it certainly wasn't a problem or – or a part caused by the county. So from the Board of Assessors – just doesn't have the authority, and they made no mistake.

Commissioner Odell said, okay they have – do not have the authority, but I guess my question is whether or not we have the authority.

County Attorney Hart said, I don't believe you do. It doesn't fall under that code section that – that we normally use which is 48-8-150(a) –

Commissioner Odell said, little slower.

County Attorney said, 48-5-380. It just doesn't fall under the refund portion of that and therefore I – I – I do not recommend it.

Commissioner Odell said, may I just ask one question – additional question, Mr. Chairman? Mr. Galloway is here, Bob, is this – this is your matter, isn't it?

Attorney Bob Galloway said, yes. The only question I have –

Commissioner Odell said, Bob, you're going to need to identify yourself for our record?

Mr. Galloway said, I'm sorry?

Commissioner Odell said, you're going to have to tell – I know who you are –

Mr. Galloway said, okay. I'm Bob Galloway.

Commissioner Odell said, who are you?

Mr. Galloway said, I'm the attorney for Pacific Homes, who is basically requesting that the taxes owed on this property for the year 2008 be abated. This property was actually transferred into a floodway area zone on May the 7th 2001. We did not even know that that was done. We did find out about it in 2003 when we attempted to sell the property, and they said no building could be put in and the property was in a floodway. Now, we understand that the floodway is something new to Chatham County but it was – came out in and was published in 2001 not known to us or anybody else in the – in the general population. We continued to pay the taxes – or my client continued to pay the taxes on the property up until 2007, which he learned then that he could not do anything with the property. And, of course, that's when we started with the Tax Commissioner's office, and they did eventually waive the taxes on the property for 2009 and 2010, but it's our contention that we could not have appealed for 2008 'cause nobody's ever told us the property was in a flood zone other than what we just found out from Bloomingdale. And –

County Attorney Hart said, well certainly you can't go behind 2008 'cause you can't refund taxes for more than three years, okay? Absolutely.

Mr. Galloway said, and we're not asking that.

County Attorney Hart said, and – but 2008 – I'm unfamiliar with the May 2001 floodway map. I am familiar very much so with the 2008, and that is the – that's really where the reclassification came out and everybody was on notice that, you know, you've got problems here if you're in the floodway. I, you know, I – I am very sympathetic to Mr. Galloway's client. Mr. Galloway's an excellent attorney and advocate for his client, but in all candor, I do not see how it fits under that statute.

Commissioner Odell said, but I think Bob – I'm not finished. I think Bob's argument is that – how do you appeal if you have no notice?

Commissioner Gellatly said, when you don't know anything about it.

County Attorney Hart said, well you file a return and say that the value is whatever the value is. We –

Commissioner Odell said, yeah, but the value was changed because the ability to use the property was diminished because it been reclassified as this is a floodway. This is a future river.

County Attorney Hart said, I understand that. The law in this state is property is valued as of January 1 each year. Whatever the value is January 1 of each year is the value for that year; can't go up/can't go down. If the house that's sitting on it on January 1, burns down on January 5, it's still valued at January 1 value. Now that's – that's somewhat of a harsh situation. But that's the law in this state.

Commissioner Odell said, I yield.

Chairman Liakakis said, Helen?

Commissioner Stone said, thank you, Mr. Chairman. Mr. Hart, it is of your opinion that we cannot act on this matter?

County Attorney Hart said, yes – yes, ma'am. We I – I think the county's done the best it can. It – it –, you know, as soon as it was aware of the situation, at the next revaluing, they – they put the value where it needed to be, which is close to – either zero or very close to it.

Commissioner Stone said, well what concerns me is this is not the first incident of this nature that's come before us, and if we can't make a decision on this why do these things keep coming before this Board, if our hands are tied?

County Attorney Hart said, we have citizens that ask to come before the Board, and it has been the practice of this Board if the citizens request to appear before you, that we pretty much grant those appeals. But you are absolutely correct. This did not just happen to these people. They are not unique. There are several – many other folks that are in somewhat of a similar situation, and we've worked with them as hard as we can to try to give them as much relief as we – as we can within the confines of the law.

Commissioner Stone said, but are the citizens notified before they ask to come before this Board that legally we cannot act on it?

County Manager Abolt said, they get a copy of the staff report.

Commissioner Stone said, okay, well I'm – I'm just – I'm troubled that we bring people here, and we can't act on something. I don't think that's fair to the citizens, and I don't think it's fair to this Board.

County Manager Abolt said, we – we – just as a matter of practice, we repeatedly will have issues of contention, but we give them the right, as the attorney tells you, and as a – also as a practice we send them the staff report. This is their time in front of you. But it's also – and as you know – very important that you understand the position of staff, and particularly the County Attorney, that's all.

Commissioner Kicklighter said, Mr. Chairman?

Chairman Liakakis said, wait a minute. Harris?

Commissioner Odell said, I just got one question, Dean. One or two. Jon, and I do share what the Chairman said earlier and Dean, we're – we're very blessed to have you. You're extremely knowledgeable. Having said that, it appears that in 2009 and – our Tax Assessors determined that the property value was zero.

County Attorney Hart said, correct.

Commissioner Odell said, is that true?

County Attorney Hart said, yes, sir.

Commissioner Odell said, and our – our legal argument is that the time for the appeal had run, and we are, therefore, powerless to provide any remedy.

County Attorney Hart said, correct.

Commissioner Odell said, is – is – is that also true? In addition to that, our staff knew about it a year late. They knew about it in 2008. If it's so notorious, the world knew about it, then our staff knew about it in 2008, would you agree with that assumption? Okay. I got another one for you. If we don't agree with that, then do you agree that in 2009 the staff concluded that –

County Attorney Hart said, absolutely.

Commissioner Odell said, – that – that it's now zero, and that that zero, and Bob I – Bob's a senior member of our bar, and Jon and I have known him – we were children when we met Bob, who was an attorney at that time. But – but, my – my concern is – and this is not – not my district, but this is a citizen of Chatham County, is that if it's so notorious that as a matter of law it's known to the world, and that the year after, we concluded that it was correct, but yet there's no remedy at law that will allow us to go back that year, when it's – it's legitimate, we just don't have the authority because of law, that doesn't set well with me. We're not talking about a whole lot of money in – in a half a billion dollar budget, but it's a whole lot of money to – to this particular citizen.

County Attorney Hart said, we're talking about a substantial sum of money –

Commissioner Odell said, if we do that for everybody.

County Attorney Hart said, – not – not in this case, 'cause we're going to do it for everybody if we do it for one. I would assume we're going to be consistent.

Commissioner Odell said, well I – I – I don't –

County Attorney Hart said, I mean I don't know. That's a – that's a policy decision for you folks to make, but this is something that came into the community, not of the community's making, and it did have an impact on the community. There are people in the community that were harmed by this. Unfortunately, the law was what the law was, and we – as soon as we had a opportunity to give relief to people, we did. I don't know how you carve out of exceptions, but that's a bus – that's a policy decision.

Commissioner Odell said, mm – are you --

Chairman Liakakis said, Dean?

Commissioner Kicklighter said, question, is Donnie Tuten the owner of –

Mr. Galloway said, yes, sir.

Commissioner Kicklighter said, – Pacific Homes?

Mr. Galloway said, yes, sir.

Commissioner Kicklighter said, Donnie, walk up if you will, please sir, and introduce yourself.

Donnie Tuten said, my name is Donnie Tuten. I'm the owner of Pacific Homes.

Commissioner Kicklighter said, thank you. One quick, easy question. Had the county told you that it was not legal to reimburse you the money, would you have hired an attorney and would you be standing before us?

Mr. Tuten said, no, sir.

Commissioner Kicklighter said, okay. I would appreciate in the future, anything regarding tax reimbursements – we may need to create a new policy now that it is reviewed by our attorney, and he renders a legal opinion to the person requesting the reimbursement before it comes in front of us.

County Manager Abolt said, no, sir. I'm sorry. I don't mean to be – the County Attorney is your attorney.

Commissioner Odell said, can't do that.

County Manager Abolt said, the County Attorney is not attorney to the people of Chatham County.

Commissioner Odell said, that puts him in a conflict of interest if he does that.

Commissioner Kicklighter said, okay, well, staff opinion at the very least of whether or not they can request it. Because like Commissioner Stone said, you know, if it comes up here in front of us, it gives the appearance that we can support it. And, you know, I – there's nothing I'd like more than to support giving money back to somebody that – that overpaid the money, but if by law our attorney's saying we can't do it, then –

Mr. Galloway said, the only question I have is that he says that he only knew about it in 2008, but the flood – the floodway acres – acres of zone, AE, was given to Bloomingdale on May the 7th 2001. That was unbeknownst to us. Unbeknownst to just about anybody else. Now that came from the county. So my question is, why didn't the county know about it from 2001 to 2008?

County Attorney Hart said, this – this is in Bloomingdale. We don't issue permits in Bloomingdale. They are a municipality of this State. In Bloomingdale when you go in and get your building permit, has a responsibility like every other municipality in this city – in this county, to figure out whether you have a buildable and permissible building permit. And Chatham County government does not have the authority to go in and regulate the regulators in all the municipalities in this community. We wrote Mr. Galloway back on November the 10th and told Mr. Galloway that the staff report was readily available for him on Wednesday before that meeting. We're not trying to put people up here or take advantage of them in anyway. But sometimes we're called upon to tell you the way things are, and that's the way they are. And as hard as it is to hear that, I – you know, that's what my job is.

Commissioner Kicklighter said, Jon, I know that would never be y'all's intention.

County Attorney Hart said, right. Yeah.

Commissioner Kicklighter said, and I didn't even mean for it to come across that way, and –

County Attorney Hart said, yeah. I understand.

Chairman Liakakis said, well, you know, unfortunately, let me give you another example how this Commission is stymied, is an elderly gentleman had a piece of property, and it was miscalculated on that, and he was paying for another piece of property that – that was in his family, and he wanted to see about, you know, getting a refund when he found out, and it was 16 years that he had paid for that piece of property, but then when it came to the County Commission, we can – have only the authority, when we do have that, is to be able to, you know, we're limited to three years for a refund. To – to, you know, put it out, but right now, that three years – is that correct Jon?

County Attorney Hart said, yes, sir. And the legislature's taken it up twice in the last five years.

Chairman Liakakis said, that we can't do it, so what happened is the man – the individual paid 13 years where he shouldn't have paid, and by state law we couldn't do anything about that. It was brought up before this Commission.

County Attorney Hart said, and the point I was going to make is this matter about how far you can reach back and – and give refunds has been before the State Legislature twice in the last five years. One was for a ten-year extension, and one was for a seven-year extension. That's been voted down.

(Commissioner Shay arrived at 10:10 a.m.)

Commissioner Odell said, and – and it – and the reason it's been voted down is that at some point there has to be finality.

County Attorney Hart said, correct.

Commissioner Odell said, counties have to have a balanced budget. You can't have that if you might have outstanding unknown claim that reach back that many years.

County Attorney Hart said, exactly.

Commissioner Odell said, that could be horrifying. I'll withdrawal my second to Dean's motion.

Commissioner Kicklighter said, yeah, and I – well I was gonna ask – it could be amended – the motion could actually be amended the maximum allowed by state law according to the opinion of the County Attorney.

County Attorney Hart said, that's fine with me.

Commissioner Kicklighter said, and that's –

Commissioner Odell said, that works for me.

Chairman Liakakis said, all right. Explain that to everybody on the Commission, Jon.

County Attorney Hart said, basically what my understanding of the motion is that we have a staff recommendation based on the opinion that I wrote to deny the request for refund. And the motion is to give the maximum refund to the extent permitted by law based on that opinion.

Commissioner Odell said, that does it.

Chairman Liakakis said, okay. Helen?

Commissioner Stone said, all right. Just to add one thing. I – I would hope going forward that in the future if citizens

come before us with this issue that it is – and I'm not saying that it is not currently being done, but it is completely explained to them that this Commission is tied by law, and that they're welcome to come, but it's not in their best interest, I guess is what I would say.

County Manager Abolt said, if I may, not in defense, but as explain – we've done this for – from memory whether it's liquor licenses or whatever. Whatever staff might be recommending that may be contrary to a – the request of a citizen, we send advanced copies out in a letter, and say here's the staff report. If you wish to come, you can come.

Commissioner Stone said, okay.

Commissioner Odell said, I – I'll call for the question and ask for the vote.

Chairman Liakakis said, all right. Let's explain it to everybody again. That what they're asking for –

Commissioner Kicklighter said, basically this is a vote for a feel good no. It's – it's telling the gentleman, we're doing what the maximum we can do as stated by the County Attorney.

Commissioner Odell said, right.

Chairman Liakakis said, okay. Let's go on the Board.

Commissioner Thomas said, and what is that maximum?

Commissioner Odell said, that's --

Commissioner Kicklighter said, to 2009.

Commissioner Odell said, – 2009. Cannot do 2008.

Commissioner Kicklighter said, sorry.

Mr. Tuten said, that's no problem.

Mr. Galloway said, thank y'all, very much.

Chairman Liakakis said, okay.

Commissioner Thomas said, and he's okay with that?

Chairman Liakakis said, Priscilla?

Commissioner Thomas said, he's okay with that?

ACTION OF THE BOARD:

Commissioner Kicklighter moved for approval a tax refund of Pacific Homes, Inc. for tax year 2008 in the maximum amount allowed by State law based on the opinion of the County Attorney. Commissioner Odell seconded the motion and it carried unanimously.

AGENDA ITEM: VIII-4
AGENDA DATE: December 17, 2010

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

ISSUE:

To request that the Board consider request for tax refund of Pacific Homes, Inc. for tax year 2008 in the amount of \$1,553.98, including penalties, interest and fees (\$776.99 each for PINs 80010F08016 and 80010F08017). The property is located in Bloomingdale.

BACKGROUND:

Pacific Homes, Inc. ("Pacific Homes") is the owner of property located in Bloomingdale, PINs 80010F08016 and 80010F08017 described on the property record cards of the Board of Assessors as Lots 121A and Lots 122A "Recombination of Lots 119, 120, 121" also known as 109 Maple Street, and 0 Maple Street, respectively.

Pacific Homes has requested a refund for tax year 2008 in the total amount of \$1,553.98 or (\$776.99 for each parcel) for tax year 2008. A breakdown of the taxes, penalties, interest and fees due on the parcels is contained in the memo from the Tax Commissioner attached hereto as Exhibit 1. Pacific Homes contends the value for the subject properties for tax year 2008 should have been zero since the County was aware as early as 2002 or 2003 that the properties are located in a canal overflow zone which does not allow for building permits. Attached as Exhibit 2 is a copy Pacific Homes' refund request.

The Tax Assessors' office states that the effective date of the latest FEMA Floodway map was September 26, 2008. As a result, the Assessors' office states that values of effected properties were made beginning in April 2009 for the Tax Year 2009 digest and that all parcels that were in the floodway for Tax Year 2008 were treated the same way with no adjustments being made for Tax Year 2008. For the foregoing reasons, the Assessors' office recommends that the refund request be denied. Attached as Exhibit 3 is the Tax Assessor's memo regarding this matter.

Pacific Homes' attorney has been notified of the date and time of the Commission meeting for considering Pacific Homes' request. A copy of the letter to Pacific Homes' attorney is attached as Exhibit 4.

FACTS AND FINDINGS:

1. Pacific Homes seeks a refund for its property known as 109 Maple Street and 0 Maple Street located in Bloomingdale for Tax Year 2008 in the aggregate amount of \$1,553.98, including penalties, interest and fees, (\$776.99 for each parcel) for tax year 2008.
2. Pacific Homes did not file an appeal as to value for tax year 2008 and the tax appeal time has run. The Board of Assessors did place a zero value on the property for the 2009 and 2010 tax years.
3. Pacific Homes contends the value for the subject properties for Tax Year 2008 should have been zero since the County was aware as early as 2002 or 2003 that the properties are located in a canal overflow zone which does not allow for building permits to be issued.
4. The Tax Assessors' office recommends that the request be denied because the adjustment for all parcels included the FEMA Floodway Map effective September 26, 2008, did not have value adjustments for the 2008 Tax Year.
5. O.C.G.A. § 48-5-380 (a) authorizes a refund to taxpayers of taxes which are determined to have been erroneously or illegally assessed or which have been voluntarily or involuntarily overpaid. A refund may be requested three years after the date of the payment of the tax to the County. O.C.G.A. § 48-5-380 (b). A claim for refund of taxes that is not based on any inaccuracy in the factual record or in any illegality in the procedure used to reach the assessment, but on a disagreement with the amount thereof is not authorized. Gwinnett County v. Gwinnett I Ltd. Partnership, 265 Ga. 645, 647 (1995). The refund statute may be utilized when it is claimed that a taxing authority assessed and collected taxes in violation of federal or state law. National Health Network, Inc. v. Fulton County, 270 Ga. 724 (1999).
6. National Health Network, Inc. v. Fulton County, 270 Ga. 724 (1999) provides criteria for granting a refund:
 - (1) a taxing authority assessed and collected taxes in violation of federal or state law;
 - (2) a taxpayer asserts that the property assessed was exempt from taxation;
 - (3) a county or city applied the wrong millage rate to the assessed value;
 - (4) a taxpayer made duplicate payments or paid taxes to the wrong taxing authority;
 - (5) a county or city collected property taxes for land that was located in another county or owned by a different person; or
 - (6) the county committed a clerical error, such as listing the wrong assessed value.
7. A refund claim based on mere dissatisfaction with an assessment or on an assertion that the assessors used correct procedure but did not take certain allegedly relevant matters into account cannot be addressed in a refund action. Trans Link Motor Express, Inc. v. Dougherty County, 265 Ga. App. 10 (592 S.E.2d 859) (2003).

FUNDING:

Delinquent collections to be paid by Tax Commissioner.

POLICY ANALYSIS:

The claim at issue does not appear to be based upon a contention that the assessors utilized an incorrect procedure or a clerical error. Instead, this claim appears to be based upon the assessors' alleged failure to take into account the latest FEMA Floodway Map or even data that may have been, according to the taxpayer's contention, available to the assessors as early as 2003 or 2003. While the assessors' alleged failure to take into consideration the fact that the subject properties were located in a floodway could have been addressed in the context of a tax appeal, this assertion is not a proper basis for a tax refund action.

ALTERNATIVES:

1. Grant request of Pacific Homes for a tax refund for Tax Year 2008 in the amount of \$1,553.98.
2. Deny request of Pacific Homes for a tax refund for Tax Year 2008 in the amount of \$1,553.98.

RECOMMENDATION:

Alternative 2.

=====

YOUTH COMMISSION

Chairman Liakakis said, okay. Jasmine. Let me introduce our Youth Commissioners today. We have Jasmine Henderson, who is representing Groves High School; and then we have Mallorie Holmes, who is representing Windsor Forest High School. Glad to have you here today. And, Jasmine, go with your question.

Youth Commissioner Jasmine Henderson said, I had a question for – I didn't catch his name. What's your name?

County Attorney Hart said, Hart.

Youth Commissioner Henderson said, Mr. Hart.

County Attorney Hart said, Mr. – Jon Hart.

Youth Commissioner Henderson said, Mr. Hart, you said that you don't – that whatever happened that was in Bloomingdale, and that as the county we don't have the authority to regulate, why is that?

County Attorney Hart said, because the municipal government of Bloomingdale issues building permits and permits that relate to land development within that community, and as part of the land development process, you have to follow their – their regulations and state law. And the county – when it's annexed, it creates – when Bloomingdale created itself into a city, for land use purposes you fall under their law, not some county law. That's just for the clarity of all the people within the community and to avoid having a county rule that says do this, and a municipal rule that says, no we're supposed to do this. It just makes it simpler for people.

Youth Commissioner Henderson said, okay. Thank you.

=====

5. REQUEST BOARD APPROVE ADDITIONAL VARIANCE TO THE COUNTY NOISE CONTROL ORDINANCE FOR THE CONSTRUCTION OF THE CURRENT PHASE OF THE TRUMAN PARKWAY PROJECT. *Note: Item was tabled at November 19, 2010 meeting.*

Chairman Liakakis said, okay. Item 5, request Board approve additional variance to the County Noise Control Ordinance for the construction of the current phase of Truman Parkway. Need a motion on the floor –

Commissioner Stone said, Mr. Chairman –

Chairman Liakakis said, to take it off.

Commissioner Stone said, I want to hear from the Department of Transportation. I have a couple of questions, please.

County Manager Abolt said, you need to take it off the table.

Chairman Liakakis said, I was asking –

Commissioner Stone said, oh, I'm sorry.

Chairman Liakakis said, – for a motion

Commissioner Farrell said, so moved.

Commissioner Stone said, I'm sorry. I jumped the gun.

Chairman Liakakis said, – to take it off the table.

Commissioner Stone said, okay. I thought you were asking for a motion.

Commissioner Shay said, second.

Chairman Liakakis said, all right. Let's go on the Board. Motion passes.

ACTION OF THE BOARD:

Commissioner Farrell moved to take Item 5 to request Board approve additional variance to the County Noise Control Ordinance for the construction of the current phase of the Truman Parkway Project off the table. Commissioner Shay seconded the motion and it carried with a split vote of 8-1. Chairman Liakakis, Commissioners Stone, Holmes, Shay,

Farrell, Gellatly, and Thomas voting yes and Commissioner Odell voting no. [NOTE: Commissioner Kicklighter was not present.]

=====

County Manager Abolt said, Mr. Chairman, Dr. Thomas, Commissioner Stone, Gentlemen, this is an issue where we received a request from the contractor for phase five of Truman Parkway, Balfour Beatty, for a waiver from a noise ordinance as it applies to hours of operation during the hours of 10:00 at night and 7:00 in the morning. This – this application is similar to though different in specifics as to the previous granting of a waiver from the ordinance when piles were driven. This is not a question of driving piles. This is a question of Mother Nature. And back in the days when it used to be warm in Chatham County, the concern is for pouring concrete and having that concrete effectively cure. They are looking at pouring decks for – for phase five of Truman. It'll be intermittently pouring of that between March of this year and November of 2013. This is for concrete trucks that will be coming from Whitefield Avenue. I am confident in talking to engineering staff and certainly you can talk to the – the – the contractor, that they understand full well the sensitivity and the direction of this Board, and specifically Commissioner Stone from the standpoint of her concern for her constituents. They must use this – this granting of a variance, if you chose to offer it, very judiciously. Mr. Anderson.

David Anderson said, good morning.

Commissioner Stone said, good morning.

Mr. Anderson said, the Manager basically covered the request. The noise ordinance regulates two things; it regulates noise decibels, as well as working hours. This particular request is a request of the variance of those working hours, as the Manager has indicated. The applicant is here. Can address any questions that –

Commissioner Stone said, I – I do have a couple of questions, please.

Jeff Kracun said, my name is Jeff Kracun, I'm the project manager for Balfour Beatty Construction.

Commissioner Stone said, thank you, Mr. Kracun. I – I do have a couple of questions because I believe that the citizens and residents of this area have been impacted by this currently, and I want to make certain that I give the correct information going forward, and the information that has been sent to me either through – via email or telephone, and that is that there will be no more pile driving, is that correct? Once you start pouring this concrete?

Mr. Kracun said, the – the bridge goes all the way across to the other side of –

Commissioner Stone said, I'm asking the question, will there be any pile driving during the hours of –

Mr. Kracun said, no.

Commissioner Stone said, – of the – the night hours?

Mr. Kracun said, no. Between the hours of ten, 10:00 pm and 7:00 am there will be no pile driving.

Commissioner Stone said, okay. What about lights? Are these lights going to be downlit to the construction site and not to affect the surrounding residents?

Mr. Kracun said, yes. They will be out on the bridge. We're – we're working towards this winter getting out – approximately a thousand feet out into the marsh so the lights will be in the marsh away from the residents of Chatham County – Chatham County.

Commissioner Stone said, but I – I guess what I'm asking is you think you will have most of the concrete poured closer to the residents before –

Mr. Kracun said, yes.

Commissioner Stone said, – you start going out into the – over the marsh in the evening?

Mr. Kracun said, yes.

Commissioner Stone said, okay. The last question, these – these trucks. I've watched the truck activity go on now for several months, and I would just ask, and certainly I will monitor – I – I live near there, and – I live about two miles away, and I can hear the pounding from where I live, so I know it's got to be hard on the surrounding residents, and I'm concerned about the truck traffic, and the trucks being considerate during the wee hours of the morning, to drive a little bit slower. I've watched them. They're – they are in a big hurry sometimes to dump this load of – of dirt coming off of Whitefield Avenue, and as I have expressed to the Department of Transportation, numerous concerns about this; the hours of operation, especially when people are trying to get to work and home from work with these trucks on Whitefield. So, I – I really feel very strongly about this. I'm gonna be watching this very closely. I have been asked by the surrounding residents to trees – please try to keep as much normality in their lives as possible while this is going on, and that is what I'm going to expect.

Mr. Kracun said, yes, ma'am. What we've done is, of course, you've given me the variance to work till 10:00 o'clock with the pile driving. We have stopped at 5:00 o'clock until we get out into the marsh, and we will go later. We are sensitive to the – to the citizens of Chatham County.

Commissioner Stone said, okay.

Mr. Kracun said, as far as the trucking, we're trying to get a batch plan on-site, that way the trucks – the concrete trucks will not be coming off of Truman, they'll be on-site, and the only thing that would need to happen is they would be parked and on site and not be impacting the – we're trying to do that right now to try to eliminate some of the traffic on Whitefield Avenue.

Commissioner Stone said, well the truck traffic problem is not on Truman, it's on Whitefield.

Mr. Kracun said, yes.

Commissioner Stone said, it's coming from Bethesda's property to the site.

Mr. Kracun said, yes.

Commissioner Stone said, and especially during the rush hours of the morning and in the evening, and I'm –

Mr. Kracun said, and again, we've stopped – we stop trucking at 5:00 o'clock.

Commissioner Stone said, okay. But, I'm just saying that right now it's – it's a hazard in and of itself, and I'm just – I've watched these trucks, and they're in a hurry, and we've got citizens and children and, you know, there's a school right near there, and I'm – I've – I've voiced this several times. I'm very concerned about the safety aspect of this.

Mr. Kracun said, okay.

Commissioner Stone said, so I – I will be monitoring it closely, and I would appreciate and expect you all to do the best you can for the residents.

Mr. Kracun said, we will.

Commissioner Stone said, thank you.

Mr. Kracun said, thank you.

Commissioner Gellatly said, Pete?

Chairman Liakakis said, yes?

Commissioner Gellatly said, Russ --

County Manager Abolt said, yes, sir?

Commissioner Gellatly said, I – I – I'd – I'd request that we – we have Chief Lovett monitor that truck traffic to see if there's any speeding problems on – out there.

County Manager Abolt said, be glad to. I do – I do want to respond to – Balfour Beatty has been – been a good citizen. They have had challenges, obviously we can't build something of this – without some kind of problems, but with – without committing – it's my understanding that they're moving along very quickly, and I know Mr. Bungard and I are very pleased with the progress that they're making out there.

Commissioner Stone said, and – and – and I – and I do believe that the residents have been very cooperative up to this point.

County Manager Abolt said, no question.

Commissioner Stone said, and I really appreciate that. But – but I'm very concerned in how this project's going to go forward for their quality of life.

Chairman Liakakis said, Harris?

Commissioner Odell said, I – I appreciate Commissioner Stone's concerns, and I – I think the contractor understands those concerns. Having said that, I'll make a motion to approve the action plan as provided by staff –

Commissioner Farrell said, second.

Commissioner Odell said, – as to the variances.

Chairman Liakakis said, okay. Let's go on the Board. Motion passes.

ACTION OF BOARD:

Commissioner Odell made a motion to approve additional variance to the County Noise Control Ordinance for the construction of the current phase of the Truman Parkway Project. Commissioner Farrell seconded the motion, and it carried unanimously. [NOTE: Commissioner Kicklighter was not present.]

AGENDA ITEM: VIII-5
AGENDA DATE: December 17, 2010

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

ISSUE

Request for an additional 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 and time of the day 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 placing of concrete for the Truman Parkway between the hours of 10:00 pm - 7:00 am, Monday through Saturday, from March 2011 to November 2013 (see attached).
3. The Noise Ordinance, **Section 24-210** allows for the request of a variance to the required provisions.
4. At the July 9, 2010 commission meeting, the Board approved a variance to the noise ordinance to accommodate the Truman Parkway project. The driving of pilings for the project would exceed the allowable decibel level.

FUNDING

Not Applicable.

ALTERNATIVES

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

POLICY ANALYSIS

The proposed concrete placement activity associated with the construction of the Truman Parkway will require work hours outside of those designated within 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).

=====

6. **TO REQUEST APPROVAL OF THE FOLLOWING BUDGET AMENDMENTS AND TRANSFERS: (1) transfer \$45,000 from General Fund M&O contingency to the Public Defender's Office, (2) increase revenues and expenditures in the Parking Garage Fund \$18,850 Net Assets for repairs, and (3) increase revenues and expenditures in the Special Service District Fund \$28,380 Fund Balance for the Chatham Environmental Forum.**

Note: At meeting of December 3, 2010, item (2) was tabled.

Chairman Liakakis said, next item. The – Item 6. It is requested that we still – we leave that on the table because we're still talking to the City on this – the budget amendments and transfer on the parking garage fund. And, once we get that information, we'll bring it back to the Commission.

=====

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 of \$19,210 within the General Fund M&O Weightlifting Center budget for a management contract, (2) increase revenues and expenditures in the Multiple Grant Fund \$5,000 for a Juvenile Court grant.**

Chairman Liakakis said, all right. Next, we have Item IX, Items for Individual Action. Items 1 through – Item 1 is to request approval of the following budget amendments and transfer: (1) transfer \$19,210 within the General Fund M&O

Weightlifting Center budget for a management contract, (2) increase revenues and expenditures in the Multiple Grant Fund \$5,000 for a Juvenile Court grant.

Commissioner Farrell said, so moved.

Commissioner Odell said, second.

Chairman Liakakis said, let's go on the Board. Motion passes.

ACTION OF THE BOARD:

Commissioner Farrell moved for approval of the following budget amendments and transfers: (1) transfer \$19,210 within the General Fund M&O Weightlifting Center budget for a management contract, (2) increase revenues and expenditures in the Multiple Grant Fund \$5,000 for a Juvenile Court grant. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioner Kicklighter was not present.]

AGENDA ITEM: IX-1

AGENDA DATE: December 17, 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 \$19,210 within the General Fund M&O Weightlifting Center budget for a management contract, (2) increase revenues and expenditures in the Multiple Grant Fund \$5,000 for a Juvenile Court grant.

FACTS AND FINDINGS:

1. The Deputy Director, Public Works and Park Services has requested a \$19,210 transfer from salaries to contractual services in the Weightlifting Center budget. Correspondence is attached.
2. Juvenile Court has received a \$5,000 grant award from the Council of Juvenile Court Judges. Correspondence and a resolution to amend the Multiple Grant Fund are attached.

FUNDING: Funds are available in the Weightlifting Center budget for the transfer. The budget amendment will establish funding in the Multiple Grant fund.

ALTERNATIVES:

- (1) That the Board approve the following:

GENERAL FUND M&O

Transfer \$19,210 within the Weightlifting Center budget for a management contract.

MULTIPLE GRANT FUND

Increase revenues and expenditures \$5,000 for a Juvenile Court grant.

- (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

=====

2. **REQUEST BOARD APPROVAL TO AMEND THE FISCAL 2011 BUDGET RESOLUTIONS TO REFLECT FISCAL 2010 RESERVES FOR ENCUMBRANCES AND CAPITAL PROJECT BALANCES FOR THE GENERAL M&O, SPECIAL REVENUE, CAPITAL IMPROVEMENTS, AND ENTERPRISE FUNDS, AND TO RECOGNIZE AUDITED FISCAL 2010 FUND BALANCES FOR ALL GOVERNMENTAL FUNDS EXCEPT THE GENERAL FUND M&O AND THE SPECIAL SERVICE DISTRICT FUND.**

Chairman Liakakis said, Item 2, request Board approval to Amend the Fiscal 2011 Budget Resolutions to reflect Fiscal 2010 Reserves for Encumbrances and Capital Project Balances for the General M&O, Special Revenue, Capital Improvement, and Enterprise Funds, and to recognize audited Fiscal 2010 Fund Balances for all Government Funds except the General Fund M&O and the Special Service District Fund.

Commissioner Thomas said, move for approval.

Commissioner Odell said, second.

Chairman Liakakis said, I have a motion on the floor and a second. Let's go on the Board. Motion passes.

ACTION OF THE BOARD:

Commissioner Thomas moved for approval to Amend the Fiscal 2011 Budget Resolutions to reflect Fiscal 2010 Reserves for Encumbrances and Capital Project Balances for the General M&O, Special Revenue, Capital Improvement, and Enterprise Funds, and to recognize audited Fiscal 2010 Fund Balances for all Government Funds except the General Fund M&O and the Special Service District Fund. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioner Kicklighter was not present].

AGENDA ITEM: IX-2

AGENDA DATE: December 17, 2010

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

ISSUE:

To amend fiscal 2011 budget resolutions to reflect fiscal 2010 reserves for encumbrances and capital project balances for the General M&O, Special Revenue, Capital Improvement, and Enterprise Funds, and to recognize audited fiscal 2011 fund balances for all governmental funds except the General Fund M&O and the Special Service District Fund.

BACKGROUND:

The fiscal year 2011 Chatham County budgets were adopted on June 25, 2010. A subsequent independent financial audit has verified fiscal year-end 2010 fund balances and capital project balances including reservations of fund balance for encumbrances and restricted fees. This report amends current year budgets to show the potential use of unreserved fund balance in those funds where it is considered an operating resource. The report also provides appropriations related to outstanding fiscal 2010 encumbrance balances ("carryforwards") and restricted fee reserves. Although a budget amendment to account for year end encumbrances is not a requirement of enterprise funds, enterprise funds are included in this report to facilitate effective management planning.

Fund balance is not considered an operating resource in the General M&O Fund and the Special Service District. Audited fund balance information for those funds was presented to the Board with transmittal of the Comprehensive Annual Financial Report (CAFR).

FACTS AND FINDINGS:

- (1) The Chatham County General Fund M&O budget amendment increases the budget by \$984,051 Reserved for Restricted fees. The restricted fees will be transferred out and added to the appropriate expenditure budgets in the Restricted Court Fees Fund.
- (2) The Chatham County Confiscated Special Revenue Fund budget amendment increases the budget by \$282,974 to reflect a fund balance total \$515,446. Appropriations are increased for expenditures in accordance with the resolution.
- (3) The Chatham County Emergency Management Special Revenue Fund budget amendment increases the budget by \$448,094 to add fund balance. Appropriations are increased for expenditures in accordance with the resolution.
- (4) The Chatham County Restricted Court Fees Special Revenue Fund budget amendment increases the budget by \$984,051 transfer in from the General Fund M&O, and decreases miscellaneous revenues \$175,026. Appropriations are increased \$809,025 for expenditures in accordance with the resolution.
- (5) The Chatham County Street Lighting Special Revenue Fund budget amendment increases the budget by \$8,685 to add fund balance. Appropriations are increased for expenditures in accordance with the resolution.
- (6) The E911 Fund budget amendment increases the budget to reflect fund balance of \$639,937. Appropriations are increased for expenditures in accordance with the resolution.
- (7) The Chatham County Land Disturbing Activities Ordinance budget amendment increases the budget by \$214,121 for a fund balance total of \$242,044. Appropriations are increased for expenditures in accordance with the resolution.
- (8) The Chatham County Sales Tax I Fund budget amendment decreases the budget by \$455,098 to reflect a fund balance of \$16,124,593. The latest revised budget detail is available in the Finance Department as stated in the resolution.
- (9) The Chatham County Sales Tax II Fund budget amendment decreases the budget by \$646,974 to reflect a fund balance of \$5,780,742. The latest revised budget detail is available in the Finance Department as stated in the resolution.
- (10) The Chatham County Sales Tax III Fund budget amendment decreases the budget by \$3,259,149 to reflect a fund balance of \$62,223,600. The latest revised budget detail is available in the Finance Department as stated in the resolution.
- (11) The Chatham County Sales Tax IV Fund budget amendment decreases the budget by \$3,451,650 to reflect a fund balance of \$85,655,831. The latest revised budget detail is available in the Finance Department as stated in the resolution.
- (12) The Chatham County Sales Tax V Fund budget amendment decreases the budget by \$4,705,866 to recognize \$86,632,623 of fund balance. The latest revised budget detail is available in the Finance Department as stated in the resolution.
- (13) The Chatham County Capital Improvement Program Fund budget amendment increases the budget by \$17,137,673 to reflect a fund balance of \$21,448,976. Appropriations are adjusted for expenditures in accordance with the resolution.
- (14) The Chatham County Capital Improvement - Series 1999 DSA Revenue Bond Fund budget amendment decreases revenue by \$8,247. Total fund balance will be \$172,249. The latest revised budget detail is

- available in the Finance Department as stated in the resolution.
- (15) The Chatham County Capital Improvement - Series 2005 DSA Revenue Bond Fund budget amendment increases the budget by \$265,105 to reflect fund balance of \$1,417,250 and decreases interest revenue \$3,000. The resolution also reflects a \$10,000 contingency transfer to the Aquatic Center project. The latest revised budget detail is available in the Finance Department as stated in the resolution.
 - (16) The Chatham County CIP Bond Detention Center Expansion budget amendment decreases revenues from fund balance \$14,982,407 and increases revenues \$15,271,894 transfer in from Sales Tax V. Appropriations are adjusted for expenditures in accordance with the resolution.
 - (17) The Hospital Authority Debt Service Fund budget amendment increases the budget by \$107,909 to add fund balance. The appropriations are adjusted for expenditures in accordance with the resolution.
 - (18) The Chatham County Water and Sewer Fund budget amendment adjusts revenues by \$11,945 to reflect encumbrance carryforwards. Appropriations are adjusted for expenditures in accordance with the resolution.
 - (19) The Chatham County Solid Waste Management Fund budget amendment adjusts revenues by \$224,145 to reflect encumbrance carryforwards. Appropriations are adjusted for expenditures in accordance with the resolution.

FUNDING:

Funds are available in Reserved Fund Balance, Unreserved Fund Balance and/or Net Assets for all funds.

ALTERNATIVES:

- (1) That the Board approve the following:

GENERAL FUND M&O

- (a) A budget amendment in the amount of \$984,051 to recognize a transfer out of Fund Balance - Reserved for Restricted Fees to the Restricted Court Fees Fund.
- (b) Appropriations in accordance with the attached resolution.

CONFISCATED SPECIAL REVENUE FUND

A budget amendment to increase by \$282,974 fund balance appropriations with a corresponding appropriation for Public Safety Expenditures.

CHATHAM EMERGENCY MANAGEMENT SPECIAL REVENUE FUND

A budget amendment to increase by \$448,094 fund balance appropriations with a corresponding increase in expenditures.

RESTRICTED COURT FEES SPECIAL REVENUE FUND

A budget amendment to increase by \$984,051 transfer in from the General Fund M&O, decrease miscellaneous revenues \$175,026 with corresponding \$809,025 increase in expenditures.

STREET LIGHTING SPECIAL REVENUE FUND

A budget amendment to increase by \$8,685 fund balance appropriations with a corresponding increase in expenditures.

E911 FUND

A budget amendment to increase by \$639,937 fund balance appropriations with a corresponding increase in expenditures.

LAND DISTURBING ACTIVITIES ORDINANCE FUND

A budget amendment to increase by \$214,121 fund balance appropriations with a corresponding increase in expenditures.

ONE PERCENT LOCAL OPTION SALES TAX I FUND

A budget amendment to decrease fund balance carried forward by \$455,098 with a corresponding decrease in expenditures. The latest revised list of projects is available in the Finance Department as stated in the resolution.

ONE PERCENT LOCAL OPTION SALES TAX II FUND

A budget amendment to decrease fund balance carried forward by \$646,974 with a corresponding increase in expenditures. The latest revised list of projects is available in the Finance Department as stated in the resolution.

ONE PERCENT LOCAL OPTION SALES TAX III FUND

A budget amendment to decrease fund balance carried forward by \$3,259,149 with a corresponding decrease in expenditures. The latest revised list of projects is available in the Finance Department as stated in the resolution.

ONE PERCENT LOCAL OPTION SALES TAX IV FUND

A budget amendment to decrease fund balance carried forward by \$3,451,650 with a corresponding increase in expenditures. The latest revised list of projects is available in the Finance Department as stated in the resolution.

ONE PERCENT LOCAL OPTION SALES TAX V FUND

A budget amendment to decrease fund balance carried forward by \$4,705,866 with a corresponding decrease in expenditures. The latest revised list of projects is available in the Finance Department as stated in the resolution.

CAPITAL IMPROVEMENTS PROGRAM FUND

A budget amendment to increase by \$17,137,673 in fund balance appropriations with a corresponding increase in expenditures. The latest revised list of projects is available in the Finance Department as stated in the resolution.

CAPITAL IMPROVEMENT - SERIES 1999 DSA REVENUE BOND FUND

A budget amendment decreasing the fund by \$8,247 in fund balance with a corresponding decrease in expenditures. The latest revised list of projects is available in the Finance Department as stated in the resolution.

CAPITAL IMPROVEMENT - SERIES 2005 DSA REVENUE BOND FUND

A budget amendment decreasing the fund by \$265,105 in fund balance and decreasing interest revenue \$3,000 with a corresponding increase in expenditures. The expenditures include a \$10,000 contingency transfer to the Aquatic Center project. The latest revised list of projects is available in the Finance Department as stated in the resolution.

CIP BOND DETENTION CENTER EXPANSION FUND

A budget amendment decreasing by \$14,982,407 the fund balance appropriation and increasing revenues \$15,271,894 transfer from Sales Tax V with a corresponding increase in expenditures. The latest revised list of projects is available in the Finance Department as stated in the resolution.

HOSPITAL AUTHORITY DEBT SERVICE FUND

A budget amendment recognizing fund balance of \$107,909 with a corresponding increase in expenditures.

WATER AND SEWER ENTERPRISE FUND

A budget amendment recognizing fund balance of \$11,945 net assets for year end encumbrances with corresponding expense appropriations.

SOLID WASTE MANAGEMENT ENTERPRISE FUND

A budget amendment in the amount of \$224,145 net assets for year end encumbrances with corresponding expense appropriations.

- (2) Amend the transfers and budget amendments.

POLICY ANALYSIS:

The State Code grants the Board of Commissioners the authority to amend the budget as it deems necessary during the fiscal year.

RECOMMENDATION: That the Board approve Alternative 1.

Prepared by: Read DeHaven

=====

3. PRESENTATION OF THE COMPREHENSIVE ANNUAL FINANCIAL REPORT. Please note that the external auditors will be present to answer your questions.

Chairman Liakakis said, Item 3, presentation of the Comprehensive Annual Financial Report. Please note that the external auditors will be present to answer your questions.

County Manager Abolt said, Mr. Chairman, Dr. Thomas, Commissioner Stone, Gentlemen, this is that time of year. This is the completion of the audit for the fiscal year that ended on the 30th of June of this year. It's a very special moment, if you want to use that term, for you to talk to your auditor. Remember the external auditor is just that. That firm is accountable only to you. They always provide an oversight, an every twelve-month review of how staff is doing in managing the affairs of this county. So it's very important for you to either ask questions today of your auditor today if there are any, or, we can certainly bring him back. We have Mr. Derrick Cowart on behalf of Rick Tindol and his firm here to talk to you about it if that is your wish. You've got the – the Comprehensive Annual Financial Report, which is the audit for this year, and certainly it's – it is similar to and compares with progress made of a year ago. But you may want to have Mr. Cowart to give you a brief overview or answer any questions you might have.

Chairman Liakakis said, go ahead.

Derrick Cowart said, good morning. My – my name's Derrick Cowart, and I'm with Karp, Ronning & Tindol, and what Linda just handed out was some financial ratios that we typically do for y'all each year. And primarily the one – the page that I look at is how has Chatham progressed over the past several years, which is the 6th page, I believe. Overall the county is doing well. You know the – the ratios have worked out really well, and, of course, the score that we gave the county this year is 14 out of 15, which has run consistent over the past several years. Just a couple of the ratios, I won't go through each and every one of 'em, is question seven and eight. A good ratio for a current – the current ratio, 2:1 is – is a good ratio, and the county's got 2.47, so that's – overall that's good. And then question number eight deals with is their adequate fund balance and – and these pertain to the general fund. And the county's policy is to have a minimum of 8.3 and right now the county had a 8.9 percent. So overall that's good.

Commissioner Odell said, may I ask you a question? Is that –

Mr. Cowart said, sure.

Commissioner Odell said, is that based upon a bond rate?

Mr. Cowart said, no, sir. That was – well that was just based – I think they would probably calculate it very much the same. We take the unreserved, undesignated fund balance and look at the total expenses for the year –

Commissioner Odell said, okay.

Mr. Cowart said, – to come up with that ratio.

Commissioner Odell said, but the reason we have that number is that if we float bonds for a variety of things, they want us to have a certain reserve –

Mr. Cowart said, a certain amount of reserve, yes, that is correct.

Commissioner Odell said, – and as part of that process they give us a number as far as the reserve, and that number is basically this number –

Mr. Cowart said, yes, sir.

Commissioner Odell said, – is that what you're saying? Okay. Thank you.

Mr. Cowart said, now the – the only one – there – there is one fund, Service District, which is right now trending down, and I think that's been that way for the past couple of years so – so that – that has –

County Manager Abolt said, a very kind term.

Mr. Cowart said, so that – I – I know that's going to be a challenge for y'all in the future. But if anybody has any questions over anything, I'd be happy to answer them.

Chairman Liakakis said, well, what is – from the – this financial ratios that you've had – this report, how do you feel the financial situation is with the county?

Mr. Cowart said, I think over all the county's doing very well.

Chairman Liakakis said, okay, thank you. Any questions? Thank you very much, appreciate it.

Commissioner Stone said, I have a question.

Chairman Liakakis said, oh, Helen?

Commissioner Stone said, I know you were just addressing the M&O budget, but I think for all – in all due fairness, what about the Special Service District Budget?

Mr. Cowart said, well, it's still trending down. They had a – I believe it was a 1.1 million loss for 2010. So –

Commissioner Stone said, okay so it's – it's not nearly as sound.

Mr. Cowart said, it's – it's heading in that direction. Right now if you were to look at the ratios, they still appear pretty good, but – but it's continuing to decline each year.

Commissioner Stone said, I just – for the record.

County Manager Abolt said, it's in bad shape.

Chairman Liakakis said, we are hoping this year that in the General Assembly we might be able to have a situation that is negative towards the unincorporated area citizens, the Special Service District, and the reason for that is the utility company franchise fees that the county residents pay, like to the electric company and other utilities that -- what happens, the county residents in the unincorporated areas pay those, yet it's an unfair situation because that money is distributed to the municipalities, to the other cities, to all these seven cities, and the residents that pay that, they get no, you know, benefit whatsoever out of that. And so, I've talked with the Commissioners and all, and some of them are working on it also and gonna ask the General Assembly if they will, you know, change that. There are only six counties in the entire State of Georgia that have those franchise fees that are in a Special Service District that are in the same situation as us. So it's not something that affects all hundred and fifty-nine counties, but hopefully there's no – well that the legislatures will change that because there's no justification. That's taxation without representation, and it's not fair to the people in the unincorporated area of the county not to have the benefit of that because we could put that money, if we had a franchise fees into the Special Service District, so that that money coming in would help the operation and balance – and hopefully balance the budget. Is that right?

Commissioner Stone said, that's correct.

Mr. Cowart said, yes, sir.

Chairman Liakakis said, okay, good. Thank you very much.

AGENDA ITEM: IX-3
AGENDA DATE: December 17, 2010

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

ISSUE: Transmittal of the 2010 Comprehensive Annual Financial Report (CAFR) and related documents including the Auditor’s Communication with Those Charged with Governance, Single Audit Schedule of Findings and Questioned Costs, Management letter, and Management’s responses to the Single Audit Findings and the Management Letter.

BACKGROUND: The 2010 CAFR reports the County’s financial position as of June 30, 2010. It will be submitted to the State of Georgia and the Government Finance Officers Association’s award program by December 31, 2010.

FACTS AND FINDINGS:

1. The CAFR represents the audited financial report of Chatham County prepared in accordance with generally accepted accounting principles. The CAFR presents the recorded financial transactions and activities of Chatham County for the period July 1, 2009 to June 30, 2010. It includes activities of three component units: Chatham Area Transit, Live Oak Public Libraries, and the Chatham County Health Department.
2. At June 30, 2010 the main operating funds of the County were the General Fund and the Special Service District. Components of fund balance for these funds at year end were:

General Fund and Special Service District
June 30, 2010
(in 000s)

<u>Fund Balance</u>	<u>General Fund</u>	<u>SSD</u>
Components:		
Reserved	\$ 3,696	\$ 587
Unreserved, Designated	14,376	0
Unreserved, Undesignated	<u>12,390</u>	<u>6,092</u>
Total Fund Balance	<u>\$ 30,462</u>	<u>\$ 6,679</u>
Change from Prior Year	<u>\$ 601</u>	<u>\$ (1,134)</u>

3. The amount shown in the General Fund as Fund Balance – Unreserved, Undesignated of \$12.4 million is equal to approximately one month of operating expenditures in compliance with fund balance policies.
4. In the Special Service District, the amount shown as Fund Balance – Unreserved, Undesignated of \$6 million is equal to two and a half months of operating expenditures. The adopted 2011 SSD Fund budget appropriates use of 23% or \$1.4 million of the unreserved undesignated fund balance to pay for 2011 fund operations.
5. Amounts shown as Fund Balance – Unreserved, Designated in the General Fund represent designations of funds in excess of stated reserve policies. These funds have been designated to fund capital improvement projects or other significant organizational expenditures, e.g. contributions to the pension or OPEB trust fund. Any such use of the funds would be subject to authorization of the Board of Commissioners. In the General Fund, unreserved designated fund balance equals \$14 million.
6. The CAFR includes the County’s government-wide financial statements which represent all activities of Chatham County on the accrual basis of accounting, including capital assets and long-term debt. Overall the County’s net assets as shown on the government-wide statements increased from the prior year by \$57 million. Most of the increase resulted from revenues received in advance of capital project spending (e.g. SPLOST funds).
7. The Management’s Discussion and Analysis reviews the changes in the County’s overall financial position from 2009 to 2010 (begins on page C-1), and includes a discussion of changes at both the entity-wide and major fund level. For the County as a whole, revenues decreased \$11 million from 2009 levels while expenses decreased \$3 million. A similar revenue pattern occurred in the County’s General Fund where revenues decreased \$5.4 million from 2009. General Fund expenditures increased \$3.8 million from 2009 levels but were within budget at 93% of the total budgeted amount. Departmental expenditure savings helped offset the fund’s revenue decline for the year, resulting to additions in net assets of \$601,424. Budget comparison schedules for County funds are shown in the CAFR on pages E-1 to E-7, and also starting on page F-5.

8. The independent auditor prepares a Single Audit Report as required by *Government Auditing Standards* and *OMG Circular A-133*. This report includes a Schedule of Findings and Questioned Costs pertaining to fiscal 2010 activities. Responses to the findings are attached. A status report on the findings and questioned costs for fiscal 2009 is also included in the report.
9. The Management Letter with departmental responses can be found beginning on page 12. The independent Auditor's Communication with Those Charged with Governance is herein transmitted beginning on page 15.

FUNDING: N/A

POLICY ANALYSIS: The Finance Department remains committed to the timely preparation of financial reports and to the elimination of findings related to processes and internal controls.

ALTERNATIVES: N/A

RECOMMENDATION: N/A

=====

4. BOARD CONSIDERATION OF REQUEST FOR ABATEMENT OF THE 2006 PERSONAL PROPERTY TAXES ASSESSED AGAINST NEWFIELD PARTNERS, LLC, D/B/A NEWFIELD CONSTRUCTION.

Chairman Liakakis said, okay. The – Item 4 is Board consideration of request for abatement of the 2006 personal property taxes assessed against Newfield Partners, LLC, d/b/a Newfield Construction. Now, in that what occurred is the assessors made a mistake on the evaluation, and you want to go through that, Mr. Manager?

County Manager Abolt said, I'd like to defer to the attorney. It is a legal issue. It's based on a miscommunication and what really was owned by the – the appellant, Mr. Tho – Thomann. Jon?

County Attorney Hart said, yes. This is a – this is a situation where the taxpayer did what the taxpayer was supposed to do. The taxpayer did what he was told to do, and unfortunately there – there was miscommunication and as the result of that he did not appear at a hearing and – and the assessment went forward. This is something you can correct because it was a mistake on the part of the assessor there, and we'd ask for – for the recommendation as outlined.

Commissioner Odell said, I'll make a motion.

Commissioner Farrell said, second.

Chairman Liakakis said, let's go on the Board. Motion passes.

ACTION OF THE BOARD:

Commissioner Odell moved for Board approval of abatement of the 2006 personal property taxes assessed against Newfield Partners, LLC, d/b/a Newfield Construction. Commissioner Farrell seconded and it carried unanimously.

AGENDA ITEM: IX-4

AGENDA DATE: December 17, 2010

TO: Board of Commissioners

THRU: R. E. Abolt, County Manager

FROM: R. Jonathan Hart, County Attorney

ISSUE:

To request that the Board consider abatement of the 2006 personal property taxes assessed against Newfield Partners, LLC, dba Newfield Construction.

BACKGROUND:

Newfield Partners, LLC is one of two businesses for which Lou Thomann is the principal. Newfield Partners, LLC, d/b/a as Newfield Construction, is a general contractor business that at time of the 2006 assessment had personal property worth approximately \$1,000. Newfield Partners, LLC shared the same address as The Suites on Lafayette, LLC for which Mr. Thomann is also the principal.

For tax year 2006, Newfield Partners, LLC was assessed personal property taxes in the amount of \$103,745 based upon an assessed value of \$259,363. Believing that this assessment was erroneous, Mr. Thomann contacted the Assessors' office. Subsequently, the Assessors' office staff agreed that a mistake had been made, in that the personal property account at issue was not for Newfield Partners, LLC, but instead was for property owned by The Suites on Lafayette, LLC. It was also determined that the appropriate value for the personal property at issue for 2006, was \$45,000. At some point, the personal property account assessment at issue was certified to the Board of Equalization for tax year 2006. As a result of apparent miscommunications between Mr. Thomann and the Tax Assessors' office regarding this matter, Mr. Thomann

believed that the 2006 tax year valuation issue was resolved, and therefore he did not appear at the scheduled hearing before the Board of Equalization. Accordingly, the Board of Equalization affirmed the valuation of the subject personal property at \$259,363 for tax year 2006.

Although the Tax Assessors' office agrees that the valuation of the subject personal property for tax year 2006 should be the \$45,000 value, the Assessors' office is without authority to change the valuation affirmed by the Board of Equalization.

Mr. Thomann originally submitted a tax abatement request for the subject 2006 taxes in 2008. A copy of Mr. Thomann's request on behalf of Newfield Partners, LLC and the Suites on Lafayette, LLC is attached hereto as exhibit 1. However, for reasons unknown, the matter was not heard by the Board of Commissioners. Mr. Thomann has subsequently resubmitted his original request for abatement of the 2006 taxes at liability at issue, in the amount of \$4,650.90 (this amount includes \$3,163.84 taxes, \$316.38 penalty and \$1,170.68 interest).

Facts and Findings:

1. To request that the Board abate the 2006 personal property taxes assessed against Newfield Partners, LLC.
2. Newfield Partners, LLC is one of two businesses for which Lou Thomann is the principal. Newfield Partners, LLC, dba as Newfield Construction, is a general contractor business that at time of the 2006 assessment had personal property worth approximately \$1,000. Newfield Partners, LLC shared the same address as The Suites of Lafayette, LLC for which Mr. Thomann is also the principal.
3. For tax year 2006, Newfield Partners, LLC was assessed personal property taxes in the amount of \$103,745 based upon an assessed value of \$259,363.
4. Mr. Thomann contacted the Assessors' office and asserted that the assessed value of the subject property was incorrect and that the property at issue belonged to The Suites on Lafayette, LLC and not to Newfield Partners, LLC. He then filed a property tax return for the subject personal property. After apparent unsuccessful attempts to contact Mr. Thomann regarding the alleged valuations indicated on the returns, the personal property account assessment at issue was certified to the Board of Equalization for tax year 2006. A copy of the 2008 memo from the Deputy Chief Appraiser regarding this matter is attached as exhibit 2.
5. As a result of apparent mis-communication between Mr. Thomann and the Tax Assessors' office regarding this matter, Mr. Thomann believed that the 2006 tax year valuation issue was resolved, and therefore he did not need to appear at the scheduled hearing before the Board of Equalization. Mr. Thomann did not appear at the hearing. As a result, the Board of Equalization affirmed the valuation of the subject personal property at \$259,363 for tax year 2006.
6. Subsequently, the Assessors' office staff agreed that a mistake had been made, in that the personal property account at issue was not for Newfield Partners, LLC, but instead was for property owned by The Suites on Lafayette, LLC. It was also determined that the appropriate value for the personal property at issue for 2006 was \$45,000.
7. Although the Tax Assessors' office agrees that the valuation of the subject personal property for tax year 2006 should be the \$45,000 value, the Assessors' office is without authority to change the valuation affirmed by the Board of Equalization. A copy of a memo from the Assessors' office indicating that the requested relief is reasonable is attached as exhibit 3.
8. Mr. Thomann originally submitted a tax abatement request for the subject 2006 taxes in 2008. A copy of Mr. Thomann's request on behalf of Newfield Partners, LLC and The Suites on Lafayette, LLC is attached hereto as exhibit 1. However, for reasons unknown, the matter was not placed on the agenda. Mr. Thomann has subsequently resubmitted his original request for abatement of the 2006 taxes at liability at issue, in the amount of \$4,650.90 (this amount includes \$3,163.84 taxes, \$316.38 penalty and \$1,170.68 interest).
9. 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:

N/A

POLICY ANALYSIS:

It is in the best interest of the citizens of Chatham County to have property assessed based on its true taxable value. The bill should be adjusted for tax year 2006 based on the actual value of the property which has been determined to be \$45,000. Accordingly, the difference in the taxable value actually assessed should be abated to reflect the actual value of the subject property.

ALTERNATIVES:

1. The Commission should authorize the abatement of \$214,363 of taxable value for Newfield Partners, LLC, and correct the digest to reflect the value for 2006 tax year in the amount of \$45,000 of taxable value.
2. The Commission should not authorize an abatement of \$214,363 of taxable value for Newfield Partners, LLC and correct the digest to reflect the value for 2006 tax year in the amount of \$45,000 of taxable value.

RECOMMENDATION:

Alternative 1.

=====

5. BOARD DIRECTION REGARDING COST TO AWARD EMS CONTRACT.

Chairman Liakakis said, Item 5, Board direction regarding cost to award EMS contract. Mr. Manager.

County Manager Abolt said, Mr. Chairman, Dr. Thomas, Commissioner Stone, Gentlemen. We are bringing forward now an item you discussed a few weeks back relative to whether or not the county wants to maintain a position in ambulance – ambulance service, and to do that – as you know, a number of years ago, for the purpose of allowing the private sector to do the business –

Commissioner Kicklighter said, Mr. Chairman?

County Manager Abolt said, – hopefully more efficient and cost effective, we advertised for and the recommendation of the EMS Advisory Committee for proposals to provide service to zones three and four. One is on the eastside and one is on the westside. We came back to you then a few weeks ago and said, do you want to continue this or do you want to discontinue it? At that time there was consensus to continue and arrange it where the county would maintain its eligibility to provide ambulance service in the event that there were problems going forward. We did proceed with the bids. I do remember Commissioner Kicklighter when – when the motion was made asked for those in the audience to make sure their pencils were sharp, well their pencils weren't as sharp as possibly we might like them. As you know we budget about \$900,000 a year for this subsidy. The bids have come in. They were evaluated. The recommendation from the – the staff doing the evaluation is – in this case the preferred provider is Southside EMS for the reasons given on the rating sheets. Our budgetary problem is quite significant. The proposal from the – the – the firm being recommended, Southside, is \$1,167,900, which is considerably above the \$900,000 we annually budget for this. This creates immediate problems in the M&O budget. We – we give you three options. One would be to award the contract and direct staff to find the money. A – a – another one would be to in effect get out of the service, and the third option, which is – is not uncommon, to instruct staff with the apparent low bidder but they in this case, the highest rated provider based on the evaluation of the committed and negotiate a service level not to exceed our current budget of \$900,000.

Chairman Liakakis said, Dean?

Commissioner Kicklighter said, one quick question. This – the bids were to maintain the same level of current service?

County Manager Abolt said, yes.

Commissioner Kicklighter said, okay, at this time, based on the fact that the staff has recommended Southside EMS and the fact that Southside EMS came in a whopping \$4.8 million less than the next bidder over a five-year period, I make a motion to approve Southside EMS as the provider.

Chairman Liakakis said, Russ?

County Manager Abolt said, all right. I will do whatever you tell me to. I just want us to –

Commissioner Kicklighter said, option 1.

County Manager Abolt said, yes, sir. I understand. I just want to – I apologize. I'm going through the first stages of bad headaches on next year's budget, and I want to make sure you keep all your options open. 'Cause, 'cause, 'cause we're –

Commissioner Kicklighter said, make the motion to approve option number one.

County Manager Abolt said, okay.

Chairman Liakakis said, do we have a second? No second. The motion –

Commissioner Odell said, may I –

Commissioner Farrell said, Mr. Chairman –

Commissioner Odell said, – I'd like to ask a question.

Chairman Liakakis said, Patrick? oh, you gonna –

Commissioner Odell said, you gonna second?

Commissioner Farrell said, I was gonna ask a question.

Commissioner Odell said, okay. That's what I'm gonna do.

Commissioner Farrell said, my question is, Mr. Abolt –

County Manager Abolt said, yes, sir.

Commissioner Farrell said, – you mentioned one of the options is to give up the ambulance license and get out of the subsidy business all together. What – what are the ramifications of, you know, besides the obvious that the county would no longer have the license, what would the ramifications be?

County Manager Abolt said, the ramifications would be that the county would never – would no longer have an opportunity without going through a protracted appeal to the state to resume ambulance and – and this – ambulance service. And – and let me be very – very direct on this thing, this – this compromise was born out of some problems, and it started out where the county – before I got here got into the ambulance business because there were problems. And the Chairman at the last meeting recounted them very – very – very directly and very passionately. Now we're in a situation, for economic reasons a number of years back we said, well, we want to – and the term I use, we want some skin in the game. We want to be able to if necessary to breathe life back into the county's ambulance service in the event those problems resurrect themselves. So – so – so then the money was spent. There – there – there were a division of service – service zones, and the county maintained the responsibility for this zone three and zone four. The real question – permit me, and I don't mean to read too much into your inquiry, but the budget problems that this county's going to face for the first time in M&O are of some consequence, and I am not going to be in the position to recommend an increase of this amount of money in other departments. And I – I – I have to be fair to all departments as I make my recommendation, for example to the Sheriff, to the Chief of Police, and to our other life safety services, I would never entertain or recommend to you a budget increase of this magnitude.

Commissioner Kicklighter said, Mr. Chairman?

Commissioner Farrell said, but my – my question is hypothetical. If there – if the county decided not to subsidize at all, what would – what would – you know, besides the obvious result that, you know, that there would be a, you know, money left in the M&O for other expenses, what would happen to the – to the coverage of the – all the citizens in Chatham County as far as ambulance.

County Manager Abolt said, my – my understanding –

Commissioner Farrell said, I mean – what – what – what's the next –

County Manager Abolt said, my understanding in talking to Mr. Shuman who manages in effect what would happen, these areas would be absorbed, and the state would decide who of the providers would assume this additional responsibility.

Commissioner Farrell said, so the state – is this a state –

County Manager Abolt said, yes, sir.

Commissioner Farrell said, – issue?

County Manager Abolt said, that – that's the issue. To keep – to keep our certification – our qualification to be an ambulance provider, and the state is the regulator.

Commissioner Farrell said, but that –

County Manager Abolt said, and Mr. Shuman is at the mike.

Commissioner Farrell said, well, again, I – I'm a little unclear as to if there was no subsidy and the county decided to walk away from its licensing, what –

County Manager Abolt said, the state would then --

Commissioner Farrell said, – what – what is – what would happen and how would the citizens be covered? I haven't heard that clearly yet.

County Manager Abolt said, the – the – yeah –

County Attorney Hart said, there's – there's two – I'll let Mr. Shuman address the second issue. The first issue is whether you want to give up your license.

Commissioner Farrell said, right.

County Attorney Hart said, 'cause if you give it up –

Commissioner Farrell said, these are hypothetical questions now.

County Manager Abolt said, hypothetical, yes.

County Attorney Hart said, – you gotta go get it again. You gotta show a certificate of need. You gotta jump through hoops. You have the other service providers have the ability to go in and contest the need to issue that license. We have always held that license in a situation so that if the county, and we've been very fortunate that MedStar has done a very good job. Southside has done a very good job. And – and the situation has worked out well. But when we went into that thing, we held a license for the very purpose --

Commissioner Thomas said, exactly.

County Attorney Hart said, – of we did not know where that was going or how it would work out.

Commissioner Thomas said, exactly right.

County Attorney Hart said, but if it did not work out well we knew we – the county wanted to be in the position to get back into the business and not have to ask permission. So as far as the fund – financial side of your question, I – I'm not qualified to answer that. As far as the licensing side of the question, I – I really believe it would be – be a – I don't believe policy-wise it would be good – good judgment to do away with it.

Commissioner Farrell said, I – I – I still haven't heard an answer to my question which is, hypothetically speaking, if the county decided not to subsidize and let its license lapse, and just –

County Manager Abolt said, then – then – then the other providers –

Commissioner Farrell said, what – what would – how would the citizens of Chatham County be covered with – for ambulance service?

County Manager Abolt said, the – the other – the other providers would assume the service area in it. Mr. Shuman used the term cavitate. I'll let him explain that to you. Go ahead, Mr. Shuman.

Mr. Shuman said, what would happen is the State of Georgia usually through its advisory council in this area of southeast Georgia would basically conduct an RFP and ask other providers how would you provide coverage to this area. At that point, it is up to those providers make the decision as to how they would provide service for us. The – the standards that we have in place may or may not apply going forward. And there is even a possibility the providers would say, we don't wish to cover that area in which case –

Commissioner Farrell said, in which case what?

Commissioner Thomas said, that's exactly right.

Mr. Shuman said, in which case, we're back at square one having to try to find a service provider.

Commissioner Shay said, but isn't it – If I may –

Chairman Liakakis said, go ahead.

Commissioner Shay said, is it – is it a requirement of state law that such service be provided? I don't – the role that the state plays in here is sort of a –

Mr. Shuman said, it is not a requirement of state law that Chatham County or any county provide that service. It is not mandated.

County Manager Abolt said, that's the key thing to remember.

Chairman Liakakis said, Harris?

Commissioner Odell said, I tend to agree with Mr. Hart that I think we need to maintain the license. Looking at the chaos that will befall state government because of the financial woes which are – it's gonna get worse. My concern would be what would happen to the citizens. I – to me the best of both worlds would be maintain the license, negotiate a contract for 900,000, not 901, not 900 and – negotiate a contract for 900,000.

Commissioner Thomas said, that's right.

Commissioner Odell said, we want to keep the license for a variety of reasons. Government serves limited functions. One of the functions is public safety. Before Russ got here, there was a chaotic situation with EMS services and the reason we jumped through the hoops to get a license was to solve that. We're gonna have problems with M&O. We cannot solve the problem – this is a – to me a must-do kind of thing, and I would like for us to see us maintain the license, negotiate the 900,000, and there – Russ knows better than I as to how this could be negotiated. You know, I – I really don't want the – the doing the best you can in a bad situation to be viewed as negative in that as its not excellent. We're in a bad situation, the best we can. We may have to extend some of the times, 'cause now I know we have – you get a call you have to report within a – a certain period of time. That costs more than if the times are expanded. Again, keep the license, negotiate a \$900,000 –

Commissioner Gellatly said, make that a motion. Let's go.

Commissioner Odell said, – and I'll make that as a motion.

Commissioner Gellatly said, second.

Commissioner Kicklighter said, we – we already had a motion, I think.

Chairman Liakakis said, we had a motion that – when Dean stated.

Commissioner Kicklighter said, yeah.

Chairman Liakakis said, I'll get to you, 'cause your next Priscilla, but Dean made a motion.

Commissioner Farrell said, it went down for lack of a second.

Commissioner Thomas said, to do what?

Chairman Liakakis said, no, he seconded.

County Attorney Hart said, he didn't get a second.

Commissioner Kicklighter said, Odell seconded.

Commissioner Odell said, no, I didn't.

County Attorney Hart said, no second.

Commissioner Farrell said, no, he didn't.

Commissioner Gellatly said, no, no, no, no, no,

Commissioner Odell said, I didn't second.

Commissioner Gellatly said, there's no second.

Commissioner Farrell said, no. There was no second.

Commissioner Thomas said, there wasn't second.

Commissioner Kicklighter said, okay. Well, I was gonna withdrawal it.

Commissioner Odell said, I didn't second. I said –

Commissioner Farrell said, this is a brand new motion.

Commissioner Odell said, yeah.

Commissioner Farrell said, all right. Let's go with it.

Commissioner Thomas said, Mr. Chairman, may I?

Commissioner Kicklighter said, Mr. Chairman, may I? Mr. Chairman, may I?

Chairman Liakakis said, go ahead, Dean.

Commissioner Kicklighter said, I have no problem negotiating. I – I – I just – I – I really feel that of all things that we are responsible for it's the public safety, and the short answer's people would die. Right now the level of service we've been receiving, already, when you look at the chart, it's not mandated – the response times are not mandated to be quite as quick as some of the other areas, right?

Mr. Shuman said, we have – because of the regional zoning plan that we agreed to as service providers, and Chatham County was a participant in that decision, we established those standards, and they are in fact established by the State of Georgia and required.

Commissioner Kicklighter said, okay.

Mr. Shuman said, so a change in those standards would nece – that would require a change in zone.

Commissioner Kicklighter said, okay, and, yeah, I, you know, I definitely realize that other areas – other areas were holding flat, and, you know, if we can go back to the drawing board that's – that's fine. I just, you know –

County Manager Abolt said, if I may, I – I would suggest that maybe the prudent option gives you options, it allows you some time to get in the budget. I really want to applaud Commissioner Farrell for the pointed questions he's asking because – again, I first must qualify myself again as starting my next season of Excedrin headaches with the budget. But when I sent you up my budget instructions that went to staff, when you look at several million dollars in cuts to be made among the departmental budgets, I want to make sure you have a fair picture of all expenditures and just don't automatically assume that we're going to gen up 300 – 200 – \$300,00 more for this service. It – it will send, I think, the wrong message to those departments.

Commissioner Kicklighter said, and the – and a little bit of history for some on here. Years back each of the cities had their own EMS service, and the county actually struck a deal with the cities that they would provide the ambulance service. Thus far, all of the cities got rid of their ambulances and their service. And – so I wouldn't be the best one to sit at the negotiating table and – because that's the deal the county made, and we can't leave them hanging. So, anyhow, I'm – I'm definitely fine. If we can get a better deal, let's – let's get it.

Chairman Liakakis said, Priscilla?

Commissioner Thomas said, I'll pass.

Commissioner Kicklighter said, one – one other thing.

Chairman Liakakis said, well –

Commissioner Kicklighter said, included in the negotiations, if I may, I think a good thing that we could possibly do, Russ, is possibly think of adding in some capital improvements for the – the EMS people that wins the contract that we could use some monies from a future SPLOST. I think that would be a good way to put into that without –

County Manager Abolt said, we'll look at it.

Commissioner Kicklighter said, – messing up the budget.

County Manager Abolt said, we'll look at it.

Commissioner Odell said, good call. Good call.

Chairman Liakakis said, all right. Pat Shay?

Commissioner Shay said, Mr. Chairman, I remember as a young Commissioner that we used to take this up almost every year when I was on the Commission between '92 and '96, and at that time, if I'm not mistaken, I would ask the Manager to correct me, since although he has a headache, he has a better memory. Didn't the county actually have an in-house –

County Manager Abolt said, yes, sir.

Commissioner Shay said, – emergency management service?

County Manager Abolt said, you're right – you're right on. Well the decision at that time by the Board was a split vote was to have the private sector provide so it was trying to keep the best of both worlds but –

Commissioner Shay said, right.

County Manager Abolt said, so we privatized, and this was the result of the privatization.

Commissioner Shay said, so when we privatized, we maintained the option with the license so that if absolutely necessary –

County Manager Abolt said, right.

Commissioner Thomas said, right.

County Manager Abolt said, right.

Commissioner Shay said, – we could step back into the provision of that service in order that our citizens would not go without the service?

County Manager Abolt said, right.

Commissioner Shay said, just wanted to point that out.

County Manager Abolt, so if I may, and I hate to use a term I've heard Commissioner Shay use so well, so I don't want to steal his thunder, but he's used the term skin in the game. So the substance of this is you'd be spending 1.1, almost \$1.2 million for skin in the game.

Commissioner Shay said, well, I think the motion is to spend 900,000.

County Manager Abolt said, yes.

Commissioner Farrell said, to negotiate.

Chairman Liakakis said, okay. We have a motion on the floor and a second.

Commissioner Odell said, well, who seconded –

Chairman Liakakis said, do you want to have another question on your motion?

Commissioner Odell said, no, no, my motion is good. I – I do want to make one other –

Commissioner Kicklighter said, my motion is good.

Commissioner Odell said, it is, especially when you consider the factor that Kicklighter threw in and that is some capital improvement perhaps through SPLOST. But as Dean was saying that, you know, we took over the ambulance service for all these little municipalities, when we get to loss negotiations next time, we really need to remind the municipalities so that they understand that when we come for our share, this is part of the skin in the game. That hopefully will sure up some of our problems, but that's down the road. Unless there's any additional questions, I'm gonna call for the question.

Chairman Liakakis said, let's go on the Board. Motion passes

ACTION OF THE BOARD:

Commissioner Odell moved that the County maintain it's license and negotiate a contract with Southside EMS in the amount of \$900,000. Commissioner Gellatly seconded the motion and it carried unanimously.

AGENDA ITEM: IX-5
AGENDA DATE: December 17, 2010

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

Issue: Board consideration of an award of an annual contract to Southside Fire/EMS & Security in the amount of \$1,167,900, to provide Emergency Medical Services for zones 3 & 4.

Background: The County is responsible to provide Emergency Medical Services to Zone 3 & 4 of its unincorporated areas. These zones have a population of approximately 55,000 potential clients. On 16 December 2005, the Board awarded an annual contract with MedStar One, Inc., and that contract will expire on 31 December 2010.

1. Staff issued a Request for Proposals (RFP) for Emergency Medical Services (EMS) which was mailed and publically advertised. A mandatory pre-proposal conference was scheduled.
2. Two (2) local firms responded to the RFP. They were Southside Fire/EMS & Security and MedStar One. Both proposals were reviewed by an evaluation committee consisting of the Chatham County EMS Coordinator, Public Health Liaison, 911 Communications Center Coordinator, Assistant Director for CEMA, and the Savannah Fire and Emergency Services Battalion Chief. The technical proposals and fees from the two (2) firms were scored and ranked accordingly. Total points awarded are as follows:

	Southside/Fire EMS & Security	MedStar One
Technical Proposal	144.40	146.00
Fees	35.00	8.40
Total	179.40	154.50

3. In the RFP, the County requested fees to provide coverage in zone 3 only, zone 4, only and for both zones. MedStar One chose only to provide pricing for zones 3 & 4 combined.

The following provides a cost comparison for both MedStar and Southside for both zones 3 & 4.

	Southside/Fire EMS & Security	MedStar One
Year One	\$1,167,900.00	\$2,050,000.00
Year Two	\$1,167,900.00	\$2,091,000.00
Year Three	\$1,167,900.00	\$2,132,820.00
Year Four	\$1,167,900.00	\$2,175,476.00
Year Five	\$1,167,900.00	\$2,218,985.00

4. The County currently budgets \$900,000 as a subsidy for Emergency Medical Service coverage in zones 3 & 4. Based on the fees received, the County has three options:

- **Option one:**
Award an annual contract to Southside Fire/EMS & Security to provide emergency medical services for zones 3 & 4. The evaluation committee, after reviewing the technical information provided felt that both firms were capable of providing the requested services. Based on this the committee recommends the award of the contract to Southside Fire/EMS & Security who offers the best combination of services and fees. This would require additional funding in the amount of \$133,500 for the balance of the fiscal year.

- **Option two:**
The County is not mandated by law to provide this service and it is possible to discontinue the subsidy. The County would then be required to surrender its license to provide Emergency Medical Services. The decision as to how services would be provided and by whom would be determined by the State of Georgia. If the Board chooses this option, a 90 day transition period would be necessary to allow this process to be carried out. If the Board chooses not to continue to provide the subsidy, then the Region 9 Council would need so be notified to that the impact of this decision could be addressed.
- **Option three:**
Negotiate with the provider that quoted the lowest fee to determine what level of service they could provide, given the current \$900,000 budget. The current standards and service levels are mandated by the state. Any modification would have to be approved through the regional zoning process. If the Board chooses this option, negotiations would begin immediately to determine whether Southside Fire/EMS & Security would be willing to entertain such an arrangement. If such an arrangement cannot be made, staff would then seek a similar arrangement with MedStar One.

FUNDING: General Fund/M&O – Emergency Medical Services
(1003600 - 52.39001)

ALTERNATIVES:

1. Board approval to award an annual contract to Southside Fire/EMS & Security in the amount of \$1,167,900 with automatic renewal options for four (4) additional one (1) year terms, to provide emergency medical support services to Chatham County. Also request Board approval of a contract extension on a month-to-month basis, not to exceed 90 days, to allow for a successful contract transition.
2. Discontinue the subsidy for Emergency Medical Services. Also request Board approval of a contract extension on a month-to-month basis, not to exceed 90 days, to allow for a successful transition.
3. Direct staff to negotiate with Southside Fire/EMS & Security as the lowest bidder to determine the levels of service that can be provided at our current budget of \$900,000 and if unsuccessful in that negotiation to seek negotiations with MedStar One for the same current \$900,000 fee. Also request Board approval of a contract extension on a month-to-month basis, not to exceed 90 days, to allow for a successful contract transition.

POLICY ANALYSIS: Emergency Medical Services coverage in Chatham County is divided by zones as per agreement with the providers that cover Chatham County. This system was established to provide an effective and efficient method to provide Emergency Medical Services. Chatham County is not mandated to provide this service and providing the subsidy is at the discretion of the Board of Commissioners.

RECOMMENDATION: Board Consideration.

=====

6. CNT MONTHLY REPORT GIVEN VERBALLY BY DIRECTOR HARRIS AND INTERIM DIRECTOR RAGAN.

Chairman Liakakis said, Item 6, is the Commander here?

County Attorney Hart said, I believe he’s here.

Commissioner Odell said, the interim was here just a second ago.

County Manager Abolt said, they’re both here.

Chairman Liakakis said, okay.

County Manager Abolt said, they’re usually in the ante room.

Chairman Liakakis said, let’s just go on to Item 7, right now. Wait a minute, maybe that’s him coming in. Yeah. Okay, Item 6, the CNT monthly report given by Director Roy Harris.

County Manager Abolt said, Mr. Chairman, Members of the Board, this, as you know, is Director Harris’ last report, but I’m pleased to introduce to you a person you already know who is serving as interim director, Mr. Everette Ragan. I’ve known Everette for a number of years. He was a part of the value, preparation, and – and culture that created CNT, along with Director Tom Sprague. I look at him as an – as an excellent interim, and hopefully he would apply for the position of permanent director. This is an excellent organization because of Director Harris and the way in which they’ve responded to his leadership. And I – as I said last time, I am going to miss Roy Harris.

Chairman Liakakis said, Roy?

Director Roy Harris said, thank you, Mr. Abolt. Good morning. Roy Harris with Counter Narcotics Team, and as Mr. Abolt said, Everette Ragan, who is – as the agents said, we got rid of one old gray-haired man and we got another one. So, they’re – they’re having to tolerate us. As you look at this report, and we’ll be – we’ll be very quick this morning

due to your agenda, you will see during the month we initiated 83 investigations. Year to date totals on weapons seized are a hundred and four. We had kind of a slack month last month. This month's picked up some, so next month Everette will be talking about that. We only had one misdemeanor arrest. Again, the – over half the arrests were for trafficking charges, which are enhanced penalties, and if we go back on page 4, you'll see the hours expended in each precinct year to date and in the municipalities. You may notice some slight variance in those and – and the reason for that is a couple of the teams are involved in some joint investigations with a couple of the smaller municipalities, so we're showing some hours there, but I think that will be productive in the long-term. I'm gonna let Everette, if he would, go over a couple of significant events with you, and then we will try to entertain any questions.

Everette Ragan said, just a couple of highlights on the significant events. The CNT agents assisted in Garden City meth lab. Showed up in Garden City, we went in – actually one of the Garden City officers who had inhaled some of the stuff had to go to the hospital and be treated. We went in and – and subsequently made two arrests on that – on a meth lab in Garden City and – and took care of getting the meth cleaned up. The second one was a – was an Apache Avenue knock and talk. And, agents went in the apartment, recovered almost two pounds of marijuana, over \$11,000 in cash and subsequently made an arrest in that one. And, showing with our working with the federal government, we had an individual who was out on federal probation, we went in, made a state case on him, and we got him arrested and revoked on his federal probation. He's out of the game now for at least those two years. Judge Edenfield says what time he gets on the state charges, he has – will be consecutive. He cannot do his state time and his federal time together, which is one of the good things we do with the – the with federal government. They get a lot more time when we go federal with them.

So – looking forward to making a very seamless trans – transition between Roy and myself at CNT. It's a great organization, and I look forward to giving the opportunity to lead those young men and women. Thank you.

Chairman Liakakis said, okay.

Commissioner Gellatly said, Pete? Let me –

Chairman Liakakis said, yeah.

Commissioner Gellatly said, I'd just like to make a comment, you know, a lot of times when you have a – a change in leadership, especially in a critical unit like the CNT unit, and – it doesn't go smoothly, you know, it causes major morale problems in the – in the unit and things of this nature. I think we're very fortunate. We're unfortunate that we're losing a very, in my opinion, a very competent Commander, and – but we're gonna – we all get old, and we have to move on, you know, so. And I – but I do think that we're very fortunate, and – and it is, in fact, a seamless transaction to – to have Everette Ragan come in in a leadership position. There was – he's uniquely and tremendously qualified for that position. He comes from good stock. I know that for a fact. I – I think we're – all of the citizens in this county should be very forward – or very fortunate and consider themselves fortunate that we've had such good and tremendous leadership at the CNT unit, and we'll continue to have that. I appreciate that.

Commissioner Odell said, yeah. Pete, if I could. Ragan, I – I have always been a fan of yours. I'm a fan of the Constitution.

Mr. Ragan said, yes, sir.

Commissioner Odell said, and I'm a fan of police officers who follow the Constitution. You and I have had cases together. Even though occasionally even a blind hog finds an acorn. I end up getting somebody who's actually guilty of what they're charged of, and you've always done a professional job, and I – I really appreciate that.

Mr. Ragan said, thank you, sir.

County Manager Abolt said, Mr. Chairman if I may. On Director Harris' last presentation, I wanted to share with you and Roy an anecdote that I experienced this morning coming to work. I – I was at the downtown post office standing in line and a gentleman I have known for years in the banking community, he and I were talking. He had the privilege as he explains to just come off the last term of the grand jury, and this individual was just profuse in his praise of the Counter Narcotics Team and – and their testimony and the way in which they dealt with the grand jury. He said the same thing that Commissioner Odell said, but not as good.

Chairman Liakakis said, thank you. Roy, you got anything else?

Director Harris said, may I add – well, yes, sir. I want to add one other thing. For the – for the past two weeks Mr. Abolt had arranged for Mr. Ragan to be with me, and we have had – taken that opportunity to bring him up to speed on everything the Counter Narcotics Team was doing. We got around to meet with all of the area law enforcement, although he knew most of them. We assured all of our partners that the mission would continue as it was, and that he would be immediately available. So, I want to thank Mr. Abolt and the District Attorney for allowing that to – to happen and for him to come in. I was concerned about what would happen in the interim, but after – I've known Ragan for many, many years, and after working with him these last couple of weeks, I – I leave with a – with a glad heart that it's going to be in good hands.

Chairman Liakakis said, Mallorie, you wanted to ask the Commander?

Youth Commissioner Mallorie Holmes said, yes, sir. I heard you mentioning that you got a meth lab in Garden City.

Director Harris said, yes.

Youth Commissioner Holmes said, where is the most drug trafficking located in Chatham County that you've found?

Director Harris said, the most drug trafficking?

Youth Commissioner Holmes said, yes, sir.

Director Harris said, we have – we have a unique situation. Our – our traffickers really move all over the county. They – they're in to Bryan County. They're out into Effingham. So we – if – if you look at those charts, it's – it's hard to tell exactly where they are. For many years since I've been here, Central Precinct was our heaviest area for us on personnel hours, but in the last – this past year, it's moved down to Precinct 4, which is southside, down around the malls, and – and that's where we – we're having a lot. Garden City is predominantly our number one smaller municipality where we – we do these hours. Before we did not have a lot of meth lab problems in – in Chatham County. Since the one pot method has come out, I think we've got five or six in the last couple of months, and that's – that's an alarming increase as we see that. Meth labs are very dangerous. They can explode with the chemicals being used. As Director Ragan said, one of the officers inhaled some of the chemicals when they went inside the lab and had to be taken to the emergency room. When our people go – arrive at a lab, they go in fully clothed in protective gear with breathing apparatus to clear that lab out to – to aerate it, ventilate it, and then do the evidence collection. So, they're a major problem for us. We rely on the US DEA to provide funding to clean the labs up once we finish with the evidence process. A private contractor actually has to come in and rid that thing of as many chemicals as they – they possibly can. But many times the – the property owner who is usually someone renting the property ends up with significant damage because of it.

Youth Commissioner Holmes said, okay, thank you.

Director Harris said, thank you.

Youth Commissioner Holmes said, thank you, Mr. Chairman.

Chairman Liakakis said, a couple of things, we can see the report that you gave us today, that in the City of Savannah and – area, that there are 23,099 hours that were spent with the – in the city area, which is a tremendous amount of hours for investigations in that particular area, whereas in the other seven – six cities there was 5,397 hours spent. So that can show you that the majority of time has been since 1994 really if you look at the records in the City of Savannah. But what I'd like to do first to Ragan, I've been knowing him for many, many years. Everette has done an excellent job in the – the policing field and all. Commander Harris has done an excellent job, and one of the things that did occur that the City Council were not getting these reports that were sent there for one reason or the other, and I made the request to make sure that all – the Mayor and all City Council members in Savannah get this particular report. So Everette, I'd like to see that to continue 'cause that's really important so that they can see the work that the CNT, the County Narcotics Team, is doing. Because all you got to do is just people look at all these statistics here. They are absolutely incredible about all of the seizures that were made. Not only drugs but the weapons and the vehicles and other things too, so that's really important for our citizens to know that.

And to you, Roy, on behalf of the Chatham County Commission, I would like to thank you for your hard work for these many years. You have done an excellent job. We couldn't have had a better commander than you, you know, when you came in, and we really appreciate that. And I wish that God will bless you, you know, in your retiring years and give you health and – and many other great things to happen to you and your family.

Director Harris said, thank you, Mr. Chairman, and I wish the – the same for all of you to have a Merry Christmas and – and hopefully a more prosperous New Year.

Commissioner Thomas said, thank you.

Chairman Liakakis said, thank you.

Commissioner Kicklighter said, Mr. Chairman?

Chairman Liakakis said, yes.

Commissioner Kicklighter said, I just – I just want to say I – I really am gonna miss you, because, you know, you just pointed out something that – drugs are actually in counties surrounding ours. Wow. The media would never let you know that, you know. Our people move out to these great surrounding counties, which they're fine, but thanks for pointing out that other places have problems, and I'd encourage the media to – to spread the news also a little bit. It's not just Chatham County with drug problems, it's all of the counties. So, thank you, and enjoy your permanent vacation, I guess. Thank you.

Chairman Liakakis said, Priscilla?

Commissioner Thomas said, yeah, I would just like to say to our incoming Commander Ragan, I've known him for a long time; have worked with him in previous years. I know that you're – you're going to do a good job, because we are going to miss Commander Harris. It didn't matter what time they got a call, and it didn't matter where in the – in Chatham County, you are there to serve all of the citizens, and I know that when the citizens call upon you that you are going to respond as rapidly as Commander Harris, and we look forward to having you on board. Have a wonderful retirement, Commander Harris.

Director Harris said, thank you.

Interim Director Ragan said, thank you.

Director Harris said, thank you, Dr. Thomas.

Chatham~Savannah Counter Narcotics Team	
Monthly Report	November, 2010

NARCOTICS INVESTIGATIONS*	
Investigations:	Number
Investigations Initiated During the month	83
Active Joint Investigations with other agencies (DEA, ATF, IRS, etc.)	7
Total Number of Investigations Cleared (Arrest, E.C., Unfounded)	42

DRUGS SEIZED			
Drug Type	Value	Approx. Weight	Approx. Total Value
Powder Cocaine	\$100 per gram*	55.50 Grams	\$5,550.00
Crack Cocaine	\$100 per gram*	6.70 Grams	\$670.00
Methamphetamine	\$100 per gram**	85.05 Grams	\$8,505.00
Marijuana	\$140 per ounce*	327.2 Ounces	\$45,780.00
Heroin	\$250 per gram*	0 Grams	\$0.00
Ecstasy	\$25 Dosage Unit	42 D/U	\$1,050.00
Misc. Pills	\$5 per D/U	127 D/U	\$635.00
Hallucinogens	\$10.00 per gram*	0 Grams	\$0
Synthetic (DMT)	\$40.00 per gram*	0 Grams	\$0

*Source: Office National Drug Control Policy

** Source: Established regional average price

***Source: IAW National Drug Standards – One marijuana plant equals 2 pounds of processed marijuana.

DRUGS SEIZED—YEAR TO DATE		
Drug Type	Approx. Weight	Approx. Total Value
Powder Cocaine	2,152 Grams	\$215,200.00
Crack Cocaine	282 Grams	\$28,58200.00
Methamphetamine	480 Grams	\$48,000.00
Marijuana	37,918 Ounces	\$5,308,520.00
Heroin	8 Grams	\$2,000.00
Ecstasy	596 D/U	\$14,900.00
Misc. Pills	5,725 D/U	\$28,625.00
Hallucinogens	504 Grams	\$5,040.00
Synthetic (DMT)	90.5 Grams	\$3,620.00

DRUGS PURCHASED			
Drug Type	Value	Approx. Weight	Approx. Total Value
Powder Cocaine	\$100 per gram*	28.00 Grams	\$2,800.00
Crack Cocaine	\$100 per gram*	2.50 Grams	\$250.00
Methamphetamine	\$100 per gram**	1.90 Grams	\$190.00
Marijuana	\$140 per ounce*	40.80 Ounces	\$5,712.00
Heroin	\$250 per gram*	0 Grams	\$0
Ecstasy	\$25 Dosage Unit	0 D/U	\$.00
Misc. Pills	\$5 per D/U	39 D/U	\$195.00

Source: Office National Drug Control Policy

** Source: Established regional average price

WEAPONS SEIZED	
Firearms (including hand guns and long guns)	5
Year To Date Totals	104

PERSONS ARRESTED*	
Felony*	16
Felony Sales/Trafficking	16
Misdemeanor	1
Felony Non-Drug**	0
Total Arrests	33
Year To Date Totals	434

*Felony includes Manufacturing Methamphetamine or Marijuana

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

ADOPTION CASES FROM OTHER AGENCIES		
DATE	AGENCY	OFFENSE
11/2/10	SCMPD	MANUFACTURING MARIJUANA

DRUG COMPLAINTS INVESTIGATED		
Drug Complaints	Received	Assigned
Project Log/Official Complaints	1	1
Hot Line / Call-In Complaints	25	25
Green Sheets/ Outside Agencies	2	2
Crime Stopper Complaints	20	20
DRUG COMPLAINTS—YEAR TO DATE	215	213

**DRUG INVESTIGATIONS
HOURS WORKED BY ZONE**

SCMPD – All Precincts TOTAL 1,322

Municipalities TOTAL 1,403

Administrative Hours	1,280
Case Administration	563
Pharmaceutical Diversions	480
Central Intelligence	480
Out of County (Task Force Operations, etc.)	20
Assistance Rendered to Outside Agencies	20
Training	403
<u>Court Hours</u>	<u>40</u>
TOTAL	<u>3,286</u>

Total Hours Worked 6,011

SIGNIFICANT EVENTS

1. On 11-02-2010, CNT received a call for assistance from SCMPD in reference to an indoor marijuana grow in Highland Woods Trailer park located on Quacco Road. Major Case agents responded and observed approximately seven mature marijuana plants growing in a closet inside the residence. Agents processed all the evidence and conducted interviews at the scene which led to one arrest for manufacturing marijuana. In addition to the plants agents seized dried marijuana, packaging materials and other items associated with manufacturing marijuana.

2. On 11-05-2010, CNT agents conducted a 4th amendment waiver search located at an apartment complex on Apache Avenue. During the search agents seized approximately two pounds of marijuana, approximately \$11,250.00 in currency, and a large amount of liquid and tablet steroids. Two subjects were arrested. In interviews, both subjects admitted that the money seized from each of them was derived from selling marijuana.

3. On 11-17-2010, CNT agents concluded a short term investigation by executing a search warrant in Pooler. With the assistance of Pooler PD and the CCSD K-9, agents executed a search warrant at an apartment complex located in Pooler. A search of the residence produced over fifty (50) grams of powder cocaine, packaging materials, digital scales, a Hi-Point .45 caliber pistol, and over \$5,000 in currency. Upon agents comparing the serial numbers of the seized currency, agents discovered over \$500 in CNT funds that were utilized during the controlled purchases. The target of the investigation was on probation from a previous drug conviction and was uncooperative.

4. On 11-19-2010, CNT received a call for assistance from the Garden City Police Department in reference to a possible methamphetamine lab. CNT agents responded during the early morning hours to a residence on Nelson Street. Officers advised that a GCPD Sergeant went to the hospital due to inhaling an unknown chemical substance found in a trash bag under the kitchen sink, possibly a meth lab. CNT agents took control of the site and entered the residence to access the situation. It was determined that the items in the residence were chemicals and containers that had been utilized to manufacture methamphetamine. Agents processed the scene and contacted a hazmat team to respond for cleanup purposes. Evidence at the scene revealed the suspects were using the "one pot" method of manufacturing methamphetamine. Agents adopted the investigation which led to two arrests for manufacturing methamphetamine.

5. On 11-19-2010, CNT agents worked a joint investigation with the Postal Inspector in Savannah. A suspicious package was flagged and agents along with the Postal Inspector conducted a controlled delivery of the package to a residence on West Duffy Street. A search of the package revealed approximately two pounds of high grade marijuana in two separate bags. A search of the residence revealed additional marijuana, and a variety of illegally obtained prescription medication. A total of three subjects were arrested and charged accordingly.

6. On 11-22-2010, CNT agents attended Federal court in reference to a previous methamphetamine lab investigation on a suspect who was on Federal supervised release when he was arrested on new State drug charges. Federal Judge Edenfield revoked the suspect's remaining time (24 months) in full and advised that his time not run concurrent to any state time that he may receive.

=====

7. REQUEST BOARD APPROVAL TO AWARD A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$70,734,000 (BASE BID PLUS ALTERNATIVES) TO HUNT/MILLS, A JOINT VENTURE, FOR THE CHATHAM COUNTY DETENTION CENTER PROJECT AND AUTHORIZE THE CHAIRMAN TO EXECUTE THE CONSTRUCTION CONTRACT PENDING CERTIFICATION FROM THE ASSISTANT COUNTY MANAGER THAT THE CONTRACTOR HAS SUBMITTED THE REQUIRED DOCUMENTATION AND THE COUNTY ATTORNEY HAS SIGNED OFF ON THE CONTRACT.

Chairman Liakakis said, Item 7, request Board approval to award a construction contract in the amount of a base bid of \$61,450,000 plus nine alternatives valued at \$9,284,000 to Hunt/Mills, a joint venture, for the Chatham County Detention Center project and authorize the Chairman to execute the construction contract pending certification from the Assistant County Manager that the contractor has submitted the required documentation and the County Attorney has signed off on the contract.

County Manager Abolt said, Mr. Chairman, Dr. Thomas, Commissioner Stone, and Gentlemen, it's – it's on rare occasion that I make a formal plea of you to act on this recommendation today. This is a problem that I refer to as a pure crisis. In a moment I want the Sheriff and Colonel Holmes to answer any questions you might have, but from the media coverage and from information that we've sent you, you're aware of the problems and the injury to at least one of our – our deputy sheriff's in the jail, and you're also aware of the tuberculosis situation we're dealing with right now. I – I – I want to praise not just the Sheriff, but also Colonel Holmes and all those employees that work within that detention center for serving well beyond the call of duty. We have an extremely good bid, we have alternatives that are affordable, and we have a process that is defensible, and a process that we can give you regular reports as to the ability of the contractor to comply. It shows local impact of consequence. I'm told as of last night the local impact has reached the 66 percent that was pledged by the contractor. That is due in large part to Mr. Robert James, Jon Hart, Mike Kaigler, Arneja Riley, and all those contractors that stepped forward in a three-day period that said they want to participate in this project. But the real issue – the real issue is the condition of that jail, and I want Sheriff St. Lawrence and Colonel Holmes, if appropriate, to tell you about the conditions in that jail.

Chairman Liakakis said, AI?

Commissioner Odell said, before – before we – before we do – before we do that?

Commissioner Farrell said, can we have a motion on the floor?

Commissioner Odell said, yeah. What I'd like to see us do is to not get into the great detail. I think everyone kinda knows that we got a problem with the jail. We have 1100 and some license and we probably got 17, 1800 in there today?

Colonel Holmes said, 1900.

Commissioner Odell said, 1900 today? We need to have this done. My only question for both of you – you guys are whether or not you're happy with the process and – and you don't have to give me a lengthy answer, just I'm happy or I'm not happy, and then I'm through. That's all I need to know. If you're happy with the process then –

Commissioner Stone said, let's make a motion.

Commissioner Odell said, – I don't need to go any further.

Sheriff St. Lawrence said, I won't take but a minute, Commissioner. You know, we've been at this process since 2 – December 2004 when we received a needs assessment. We're six years later. I can't over emphasize the importance of this Commission awarding a contract. We have got to be able to see a light at the end of the tunnel. The TV – I've had four meetings the past two weeks with the CDC, with the Health Department. We're following their recommendations. They're helping us as much as we can. Colonel Holmes' people is – they're up to their hips in alligators trying to drain the swamp because we got 3, 400 people sleeping on what they describe as boats, which are really plastic cots. Again, I can't over size – over emphasize the importance of a contract, and we'd be glad to answer any questions that you may have. I think – I'm very happy with Kimball. I'm very happy with our staff, and that includes the county engineers, Parveez, the construction manager, with the staff that's made all the trips to see what these people have constructed and how they've constructed it, and whether people are happy are

not. I'm very happy with the contractor. They've bent over backwards. I can't say no more about it. We just want to see a contract. At least get that problem out of the way.

Commissioner Stone said, let's make a motion, then.

Commissioner Gellatly said, I – I – I make – I make a motion that we approve the contract as stated.

Commissioner Farrell said, second.

Commissioner Stone said, Hunt – Hunt/Mills. Not – it's Hunt/Mills, correct?

Commissioner Kicklighter said, as recommended. Yeah.

Commissioner Stone said, as recommended?

Commissioner Odell said, as recommended.

Commissioner Stone said, 'cause their was mention of another. All right, I'll second.

Commissioner Kicklighter said, Mr. Chairman?

Chairman Liakakis said, Dean, go ahead, and then I'll go with –

Commissioner Kicklighter said, I was about to call for the question, but I will – I will yield to –

Chairman Liakakis said, okay. Patrick Shay and then Helen.

Commissioner Stone said, I – I was just wanted to make sure a motion was made and a second was made and let's move on.

Chairman Liakakis said, Patrick?

Commissioner Shay said, couple of quick questions, and not meant to be controversial and probably not directed at the Sheriff. Within the framework of this contract, has the contractor at this point submitted a list of accepted local subcontractors?

County Manager Abolt said, yes, yes, yes.

Sheriff St. Lawrence said, yes.

Commissioner Shay said, who those people are in order to fulfill –

Sheriff St. Lawrence said, but they're presented here this morning, you can –

Commissioner Shay said, well I – I – I – a simple yes is real good, okay?

Sheriff St. Lawrence said, yes.

Commissioner Shay said, okay, yes. And will any future substitutions be approved by our consultants and staff? In other words are they obligated to come back if for any reason they feel like they need to make a substitution and at least make us aware that that's happening.

County Attorney Hart said, the way this con –

Sheriff St. Lawrence said, you – you –

Commissioner Shay said, I'm asking the attorney.

County Manager Abolt said, let Jon – let Jon answer.

Sheriff St. Lawrence said, are you referring to change orders?

Commissioner Shay said, no I'm not. I'm talking about substitutions on the list of local subcontractors.

County Attorney Hart said, the – the way we're handling this is – is we have a person to monitor who is and who isn't there.

Commissioner Shay said, right.

County Attorney Hart said, and obviously if they're going to change subcontractors that's something we've gotta discuss. And the monitoring's going to be pretty broad breath, so as to assure that we've got the participation and the local impact that – that the contractors represented to us.

Commissioner Shay said, and – and – and my point is this. It's a long project, and we want to get you started real soon. It's going to take years in order to be able to do this, and during the course of that work there are sometimes subcontractors that fall out, that aren't able to perform or – or other circumstances come along, but I don't want this to end up being a sort of, you know, situation where when we get done, and we look at all these numbers that

somehow or another because all the substitutions that we fall significantly short of these goals. So I just want to make sure that there's a mechanism within the contract and if the short answer is yes –

County Attorney Hart said, yes.

Commissioner Shay said, – then I'm done with my questions.

Chairman Liakakis said, the question that I want to ask the County Manager. Now, we've got a – a lot of local contractors on this project, is that correct?

County Manager Abolt said, yes, sir. Sixty-six percent.

Chairman Liakakis said, sixty-six percent of local –

County Manager Abolt said, that's the local impact. Yeah. Yes, sir.

Chairman Liakakis said, – contractors on this job?

County Manager Abolt said, and on your insistence, sir, and the Board.

Chairman Liakakis said, okay. All right then, wait a minute. Dean is next.

Commissioner Kicklighter said, based off of the superior job that the Sheriff's Department and our county staff did at evaluating the bids, I now call for the question.

Chairman Liakakis said, okay. Call for the question. I see that we had someone in the audience to speak, but because they called for the question it's the end of the discussion, and all. And what we have to do for procedure, we have to listen to all of the County Commissioners before we discuss anything, you know, have anybody in the audience to come up and speak. That's just the – the way it's set up. So, I wasn't ignoring you, it's just that we had to go through the procedure.

Audience Member said, that's fine.

Chairman Liakakis said, okay? All right. The motion has been approved.

ACTION OF THE BOARD:

Commissioner Gellatly moved for approval of the contract as stated. Commissioner Farrell seconded and the motion carried unanimously.

AGENDA ITEM: IX-7

AGENDA DATE: December 17, 2010

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

Issue: Request Board approval to award a construction contract in the amount of \$70,734,000 (base bid plus alternatives) to Hunt/Mills, A Joint Venture, for the Chatham County Detention Center Project and authorize the Chairman to execute the construction contract pending certification from the Assistant County Manager that the contractor has submitted the required documentation and the County Attorney has signed off on the contract.

Background: The 2008-2014 SPLOST referendum includes a project to expand the Chatham County Detention Center. The purposed project consists of approximately 330,000 sq feet of new construction and renovation, to include an additional 852 inmate beds. A mandatory pre-qualification conference was held in January of 2010. On March 11, 2010, staff received a total of eight (8) responses to the pre-qualification questionnaire for the Detention Center Expansion Project. The evaluation committee interviewed all eight (8) firms and scored their proposals. Six (6) of the eight (8) firms achieved the cut-off score of 281. Also during the pre-qualification, staff requested all firms re-submit projected levels of local participation in a standardized format for clarification. Each firm responded with an overall impact of 50% or greater (see response from lowest bidder below). On August 11, 2010, staff invited the six (6) pre-qualified contractors to bid the CCDC Project.

Facts and Findings:

1. Staff received six (6) bids from pre-qualified bidders for the Chatham County Detention Center Project on September 30, 2010. The six (6) base bids were as follows:

Hunt/Mills, A Joint Venture Tampa, FL	\$61,450,000
Hensel/Phelps Orlando, FL	\$63,454,000

Skanska/Carson Savannah, GA	\$65,621,101
MB Kahn Columbia, SC	\$67,329,000
Archer Western-Caddell, A Joint Venture Atlanta, GA	\$67,449,000
Clark Construction/Polote, A Joint Venture Savannah, GA	\$73,070,000

- Hunt/Mills, the lowest responsible responsive bidder, re-stated their self-imposed local economic impact goal of 66% along with their bid. Based on the information provided staff issued a Letter of Intent to Award. The Letter provided bidder thirty (30) days to submit items to include the Schedule of Values and local utilization impact plan. The low bidder responded within the thirty (30) day period.

	MBE	WBE	SBE	Large Business Enterprise	Local Economic Impact	Local Labor
Commitment or Projections During Pre-qualification Phase						
Hunt/Mills	20%	10%	12%	24%	66%	76%
As of 12/10/10						
Hunt/Mills	12.15%	16.44%	8.11%	26.28%	64%	76%

- The project was bid with 14 alternates. The Sheriff's Department staff accepted 9 of the 14 alternates totaling \$9,284,000. The list of Alternates accepted is:

Alt 1	Additional Housing at H	\$8,446,000
Alt 3	Paving Lot D	\$85,000
Alt 5	Plating Kitchen Equipment	\$245,000
Alt 7	Waterproofing 2 nd Floor of J	\$42,000
Alt 8	Clean Agent in Room B143	\$25,000
Alt 10	Waterproofing 2 nd Floor of H	\$42,000
Alt 11	Communication Gateway BAS	\$12,000
Alt 13	Add Entrance Floor Grilles	\$11,000
Alt 14	Replacement of Fan Coil Units	\$376,000
	Total Alternates Accepted	\$9,284,000

- Based on the Needs Assessment, this project was to provide 786 beds. The base bid provides an additional 84 beds, bringing the total to 852 beds. Alternate 1 provides 284 more beds which if the alternate is accepted, will bring the total number of beds in the project to 1,146. The current Detention Center is designed for 1,224 beds. The total number of beds at project completion will be 2,360 (1,224+1,136). Current inmate count is about 1,970.
- Staff believes the bid from Hunt/Mills, A Joint Venture, to be fair and reasonable.
- Some of the alternatives that were bid (particularly the additional housing are out of the project scope. The Alternates if accepted would entitle the Architect/Engineering (A/E) firm, L.R. Kimball & Associates, to an additional design fee of about \$535K. If the Board awards this project, staff will present the \$535K change order at the January 14th County Commission Meeting.

FUNDING: SPLOST (2008-2014)
(3803355 - 54.13009 - 380 60407 - 54.13009)

ALTERNATIVES:

- Request Board approval to award a construction contract in the amount of \$70,734,000 (base bid plus alternatives) to Hunt/Mills, A Joint Venture, for the Chatham County Detention Center Project and authorize the Chairman to execute the construction contract pending certification from the Assistant County Manager that the contractor has submitted the required documentation and the County Attorney has signed off on the contract.
- Provide staff other direction.

POLICY ANALYSIS: As per the Chatham County Purchasing Ordinance, award of contracts for good and services must be approved by the Board of Commissioners.

RECOMMENDATION: Staff recommends approval of Alternative 1.

=====

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, next on the Action Calendar, we have Items 1 through 12, and under 12, we have Items A through K. We need a motion on the floor to approve --

Commissioner Shay said, so moved.

Commissioner Stone said, Mr. Chairman?

Chairman Liakakis said, -- yes?

Commissioner Stone said, I -- I would agree with that but I would just like to make a comment about Item number 7.

Chairman Liakakis said, okay. We'll hold out Item number 7, and we've got a motion on the floor to hold out -- do we have a second for Item 7? Okay, all right. That's fine. The -- okay, so we have a motion on the floor to adopt the action calendar --

Commissioner Shay said, Mr. Chairman, I'd like to make a motion that we adopt the action calendar, with the exception of Item number 7, which we'll hold for discussion.

Commissioner Farrell said, second.

Chairman Liakakis said, okay. Let's go on the Board. Motion passes.

Commissioner Farrell said, what about Item two?

Chairman Liakakis said, wait a minute. Did --

Commissioner Stone said, okay.

Commissioner Shay said, we just approved everything but Item number 7.

Commissioner Stone said, Item number 7.

Chairman Liakakis said, 7, yeah.

Commissioner Shay said, and now I believe Commissioner Stone wants to talk about --

Chairman Liakakis said, Helen?

ACTION OF THE BOARD:

Commissioner Shay moved for approval of the Action Calendar with the exception of Item 7. Commissioner Farrell seconded and the motion carried unanimously. [NOTE: Commissioner Kicklighter was not present.]

=====

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

=====

- 1. APPROVAL OF THE MINUTES FOR THE REGULAR MEETING OF DECEMBER 3, 2010, AS MAILED.**

ACTION OF THE BOARD:

Commissioner Shay moved to approve the minutes of the regular meeting of December 3, 2010, as mailed. Commissioner Farrell seconded the motion and it carried unanimously. [NOTE: Commissioner Kicklighter was not present.]

=====

- 2. CLAIMS VS. CHATHAM COUNTY FOR THE PERIOD NOVEMBER 23, 2010 THROUGH DECEMBER 8, 2010.**

ACTION OF THE BOARD:

Commissioner Shay moved to authorize the Finance Director to pay the claims against the County for the period November 23, 2010, through December 8, 2010, in the amount of \$2,323,202. Commissioner Farrell seconded the motion and it carried unanimously. [NOTE: Commissioner Kicklighter was not present.]

=====

3. REQUEST BOARD TENTATIVELY SET THE DAYS AND TIME FOR REGULAR COMMISSION MEETINGS FOR 2011. THE BOARD WILL BE ASKED TO CONFIRM ADOPTION OF THE CALENDAR AT THE FIRST MEETING OF 2011.

ACTION OF THE BOARD:

Commissioner Shay moved to approve the request of the Board to tentatively set the days and time for regular Commission meetings for 2011. Commissioner Farrell seconded the motion and it carried unanimously. [NOTE: Commissioner Kicklighter was not present.]

AGENDA ITEM: X-3

AGENDA DATE: December 3, 2010

TO: Board of Commissioners

FROM: R. E. Abolt, County Manager

ISSUE:

To tentatively set the days and time for regular Commission meetings for 2011. The Board will be asked to confirm adoption of the calendar at the first meeting of 2011.

BACKGROUND:

The County's Enabling Act requires the action be taken during the first meeting of the Board each year.

FACTS AND FINDINGS:

1. The Enabling Act states:
The Board of Commissioners shall hold two regular meetings each month except as may otherwise be determined by the Board of Commissioners, as the County seat for all matters requiring action of an administrative or policy nature, and for all matters advertised or scheduled for hearing in which the public will be asked to speak for or against the items under consideration, which meetings shall be open to the public. At the first meeting of the Board of Commissioners in January of each year, the Board of Commissioners shall set the days and the time when it will hold its regular meetings. Meeting hours for the public hearings may be changed by action of the Board of Commissioners and may be held at such hour as stated in the public notice of the date and time of such hearing. Special or additional meetings may be held as necessary upon call of the Chairman or any five members of the Board of Commissioners, provided all members of the Board of Commissioners have been notified at least 24 hours in advance of such special or additional meeting, and such notice shall specify the subject matter to be considered.
2. The Commissioner has met on the second and fourth Fridays of the month in the past except for November and December. The meetings in November and December are held on the first and third Fridays to allow for the holidays. There are five Fridays in September 2011. Changing to first and third Fridays beginning in October will allow at least two weeks between meetings for the remainder of the year.
3. The Chamber will hold Savannah Day in Atlanta on January 27, 2011. This will conflict with the second and fourth Friday schedule. Because of this conflict, there will be just one meeting on January 14, 2011.
4. The ACCG Capitol Connection Conference will be January 31 through February 1, 2011, in Atlanta. This will not be a conflict.
5. The NACo Legislative Conference will be held March 5 through March 9, 2011, in Washington, D.C. This will not conflict with the second and fourth Friday schedule.
6. In 1998 the Board asked that in future years meetings not be scheduled on Good Friday. In 2011 Good Friday will be on April 22nd. This will conflict with the second and fourth Friday schedule. There are five Fridays in April. Switching the second meeting to the fifth Friday (April 29) will solve the conflict.
7. The ACCG Annual Meeting will be April 30 through May 2, 2011, in Chatham County. This will not be a conflict.
8. The NACo Annual Conference will be July 15 through July 19, 2011, in Portland, Oregon. This will not conflict with the second and fourth Friday schedule.
9. The ACCG Legislative Leadership Conference will be October 3 through 4, 2011, in Atlanta. This will not be a conflict.
10. Currently the pre-meeting is scheduled for 9:00 a.m. to be followed immediately by the regular meeting, generally at 9:30 a.m.
11. A calendar is attached showing County holidays for 2011 and tentative Commission meeting dates.

ALTERNATIVES:

1. Set meeting time to immediately follow 9:00 a.m. pre-meeting and set dates for the second Friday in January; second and fourth Fridays in February and March; second and fifth Fridays in April; second and fourth Fridays in May through September; and first and third Fridays in October through December, schedule to be confirmed at first meeting of the year.
2. Set meeting time and dates as designated by Commissioners, schedule to be confirmed at first meeting of the year, January 14, 2011.

POLICY ANALYSIS:

Compliance with the Enabling Act.

FUNDING:

Not applicable.

RECOMMENDATION:

Alternative #1.

=====

4. **REQUEST BOARD APPROVAL TO SEND A LETTER TO THE SPECIAL COUNCIL ON TAX REFORM AND FAIRNESS TO CONVEY AGAIN THE BOARD'S LEGISLATIVE PRIORITY TO AMEND STATE LAW TO AUTHORIZE COUNTIES TO COLLECT FRANCHISE FEES.**

ACTION OF THE BOARD:

Commissioner Shay moved for approval to send a letter to the Special Council on Tax Reform and Fairness to convey the Board's legislative priority to amend State Law to authorize counties to collect franchise fees. Commissioner Farrell seconded, and it carried unanimously. [NOTE: Commissioner Kicklighter was not present.]

AGENDA ITEM: X-4

AGENDA DATE: December 17, 2010

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

ISSUE:

To convey again the Board's legislative priority to amend State law to authorize counties to collect franchise fees.

BACKGROUND:

The Special Council on Tax Reform and Fairness will present a report to the legislature on January 10 that includes recommendations. Chairman Liakakis has already spoken to them and already sent in a letter, but it's time to submit another letter outlining the inequities related to how the franchise fees are collected and distributed.

FACTS AND FINDINGS:

1. Chairman Pete Liakakis previously wrote and presented a letter to the Special Council on Tax Reform and Fairness about the inequity in Georgia Law regarding franchise fees.
2. With the Special Council's work concluding, another letter would serve as a reminder.

ALTERNATIVES:

1. Approve this letter to the Council.
2. Do not approve this letter to the Council.

FUNDING:

No funding required.

POLICY ANALYSIS:

The Board of Commissioners has identified the current franchise fee inequity as a legislative priority.

RECOMMENDATION:

That the Board approve this letter to the Council.

COMMISSIONERS OF CHATHAM COUNTY

PETE LIAKAKIS
Chairman

Chatham County Courthouse
Post Office Box 8161
Suite 210 - 124 Bull Street
Savannah, Georgia 31412

(912) 652-7878
(912) 652-7880 fax

December 17, 2010

Georgia Special Council
on Tax Reform and Fairness
Attention: Chairman A. D. Frazier
640 Possom Hollow Road
Mineral Bluff, Georgia 30559

Dear Ladies and Gentlemen:

As Chairman of the Chatham County Commission, I commend this Special Council for tackling the issue of tax reform and fairness. As addressed in a previous letter and in my comments to members of your group in a public hearing in Savannah, we are requesting your assistance on the matter of fairness on collecting and distributing franchise fees for citizens who live in unincorporated areas of counties throughout Georgia.

Typically, utilities that utilize public property for the extension of their lines include a "franchise fee" in each customer's monthly bill to offset this cost. Georgia law authorizes only cities to negotiate with utilities, such as Georgia Power and Atlanta Gas Light, for a return of these collected fees through franchise agreements. Hence, the Chatham County Commission questions the fairness of this structure as authorized by Georgia law.

Chatham County has created an Unincorporated Area Special Service District, which provides municipal-type services to unincorporated area citizens from revenues collected from those residents, including ad valorem taxes. Franchise fees collected by utilities from residents of the Unincorporated Area Special Service District are redistributed to municipalities and not to counties. That is unfair and could accurately be described as taxation without representation. Citizens in unincorporated Chatham County last year paid \$3,235,500 in franchise fees to Georgia Power and Atlanta Gas light. Those franchise fees paid by the utilities provide funding for municipalities and not the unincorporated area despite the existence of the Unincorporated Area Special Service District.

Chatham County has attempted to resolve this unfairness by asking the Georgia General Assembly to amend Georgia law to authorize counties with Unincorporated Area Special Service Districts that provide qualified municipality services to negotiate franchise agreements.

However, since this situation affects fewer than six counties in Georgia, we have not been able to generate sufficient support in the legislature to correct this inequity.

On behalf of the Chatham County Board of Commissioners and the citizens of our county, I write today to ask you to address this inequity in your recommendations to the Georgia General Assembly.

Sincerely yours,

Pete Liakakis, Chairman
Board of Commissioners of Chatham County

cc: Board of Commissioners
R.E. Abolt, County Manager
Ross King, Executive Director, Association County Commissioners of Georgia

=====

5. REQUEST BOARD APPROVE A RESOLUTION IN FAVOR OF RAISING THE TOBACCO TAX BY \$1 PER PACK.

ACTION OF THE BOARD:

Commissioner Shay moved to approve a resolution in favor of raising the tobacco tax by \$1 per pack. Commissioner Farrell seconded the motion and it carried unanimously. [NOTE: Commissioner Kicklighter was not present.]

AGENDA ITEM: X-5
AGENDA DATE: December 17, 2010

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

ISSUE:

For the past two years Chairman Ron Stephens (Dean of the Chatham County delegation) has sponsored and promoted legislation to raise the tobacco tax in Georgia from 37 cents per pack to \$1.37 per pack. (The national average is \$1.45 per pack, and only three states in the country have lower tobacco taxes than Georgia. All of the surrounding states have higher tobacco taxes than Georgia).

BACKGROUND:

Chairman Stephens asked the Board of Commissioners to pass a resolution in favor of raising the tobacco tax by \$1 per pack. Other Boards of Commissioners have also endorsed the measure as has the Savannah Chamber of Commerce.

FACTS AND FINDINGS:

1. State Revenues will come up approximately 2 billion dollars short as the legislature prepares the 2011-2012 budget. Also, the constitutional amendment that would have established a funding mechanism for the state trauma network failed so the legislature will have to find approximately 90 million dollars to fund that. Revenues continue to lag behind past years and the legislature will not have federal stimulus money this year to help fill the budget holes. The state budget office projects 400 million dollars in new revenue from tobacco taxes if they are raised by \$1 per pack.
2. Representatives Mickey Stephens, Bob Bryant, Craig Gordon, Burke Day and Ann Purcell were all co-sponsors of the bill (HB 36) along with Chairman Stephens.

ALTERNATIVES:

1. Approve this resolution
2. Do not approve this resolution

FUNDING:

No funding required.

POLICY ANALYSIS:

The Board of Commissioners has identified unfunded and underfunded mandates from the state as an ongoing problem for the county. If the legislature does not approve the tobacco tax increase as recommended by Chairman Stephens, then the legislature is missing an opportunity to raise 400 million dollars in much needed revenue.

RECOMMENDATION:

That the Board Approve this resolution as requested by Chairman Stephens.



WHEREAS, the use of tobacco products has been proven beyond any doubt to be harmful to the health of those using it; and

WHEREAS, those who use tobacco products are much more likely to die from a heart attack or stroke, as cigarettes are responsible for one in four deaths due to cardiovascular disease; and

WHEREAS, an increase in the total cost of tobacco products is a proven deterrent to young people using tobacco products; and

WHEREAS, the State of Georgia has set their excise tax on cigarettes at only 37 cents per pack and has not adjusted that tax in more than 7 years; and

WHEREAS, only three states have lower tobacco taxes than Georgia, and none of those border Georgia; and

WHEREAS, the national average of such excise taxes is \$1.45 per pack; and

WHEREAS, raising the state excise tax by \$1 per pack will raise \$400 million dollars a year in much needed revenue and will result in a total excise tax of \$1.37 per pack and still be below the national average; and

NOW, THEREFORE, the Board of Commissioners of Chatham County, in heed of this call for action, by this resolution does hereby offer public encouragement to the Georgia General Assembly to immediately increase the state excise tax on tobacco products, specifically a one dollar per pack increase on cigarettes, so that the increased price will deter young people from smoking and so that sales of those products will generate sufficient revenue to offset the costs to the state government and citizens of Georgia generated by smoking-caused illnesses.

ADOPTED, this 17th day of December, 2010.

Pete Liakakis, Chairman

Attest: _____
Frances Q. Rasmussen, Deputy Clerk

=====

6. REQUEST BOARD APPROVAL AUTHORIZING THE CHAIRMAN TO SIGN SUPPLEMENTAL AGREEMENT 2 WITH THE DEPARTMENT OF TRANSPORTATION EXTENDING THE CLOSING DATE OF THE LIBERTY COUNTY GDOT TEA PROJECT STP-0000-00, P.I. NO. 0000538 COASTAL GEORGIA GREENWAY MULTI-USE TRAILS CHATHAM COUNTY [All Districts.]

ACTION OF THE BOARD:

Commissioner Shay moved for approval authorizing the Chairman to sign Supplemental Agreement 2 with the Department of Transportation extending the closing date of the Liberty County GDOT TEA Project STP-0000-00, P. I. No. 0000538 Coastal Georgia Greenway Multi-Use Trails Chatham County. Commissioner Farrell seconded, and the motion carried unanimously. [NOTE: Commissioner Kicklighter was not present.]

AGENDA ITEM: X-6
AGENDA DATE: December 17, 2010

TO: Board of Commissioners
THRU: R. E. Abolt, County Manager
FROM: Robert Drewry Director, Public Works and Park Services Department
ISSUE: Request Board approval authorizing the Chairman to sign Supplemental Agreement with the Department of Transportation extending the closing date for construction of the Liberty County GDOT TEA Project STP-0000-00 (538), P. O. No. 0000538 Coastal Georgia Greenway Multi-Use Trails Chatham County.

BACKGROUND:
Since the mid to late nineties, the Board funded and adopted the Gateway to Coastal Georgia Connecting the Coast Master Plan which recommends construction of a 450-mile trail system to be known as the "Coastal Georgia Greenway." January 1999, Chatham County accepted the leadership role among six counties (Chatham, Glynn, Bryan, Liberty, McIntosh, and Camden) to develop the Coastal Georgia Greenway, a 142-mile trail that will connect Georgia's coastal community to the north and south.

- FACTS AND FINDINGS:**
1. The Supplemental Agreement is necessary for Liberty County to complete construction of Trailhead at US 17, Riceboro Creek and Cay Creek Road in Liberty County.
 2. All terms and conditions of the Original Contract dated 8/4/03 and Supplemental Agreement No. 1, dated 5/23/05 shall remain in full force.
 3. The new closing date is December 31, 2012.

FUNDING: N/A

- ALTERNATIVES:**
1. Board approval authorizing the Chairman to execute the Supplemental Agreement extending the Preliminary Engineering for construction completion date until December 31, 2012 per the Agreement.
 2. The Board provides staff other direction.

POLICY ANALYSIS:
It is consistent with Board policy to authorize the Chairman to sign all contracts and agreements for the County.

RECOMMENDATION:
That the Board approves Alternative 1.

{All Districts}

=====

**7. REQUEST BOARD AUTHORIZE THE CHAIRMAN AND CLERK OF COMMISSION TO EXECUTE A REQUEST FOR TRAFFIC SIGNAL WITH THE GEORGIA DEPARTMENT OF TRANSPORTATION ON WHITEFIELD AVENUE (SR 204 SPUR) AT HESSE ELEMENTARY SCHOOL.
[District 1.]**

Chairman Liakakis said, Helen?

Commissioner Stone said, I – I just – and actually I want to make a comment about Item number 8, but I want to just say that – to go on record as saying that with the approval of the traffic signal at Whitefield Avenue at Hesse School, I'm very concerned that the sooner we can get a traffic signal on the entrance of Old Whitefield onto Whitefield, the safer it will be for the residents coming and going, especially during the early morning and late afternoon traffic. With the dump trucks coming from Bethesda's property, I'm very concerned that there's going to be an accident. And on number 9 –

Commissioner Farrell said, is this going to be a temporary light or is this once the construction's finished, it's going to be up there forever? 'Cause there's a lot of lights.

Commissioner Stone said, I think it's going to be a permanent light. Is that correct?

County Manager Abolt said, I – I don't have mister –

Commissioner Stone said, I think it is.

County Manager Abolt said, I don't have Mr. Davenport, he went home ill, but I – I believe it's permanent.

Commissioner Stone said, because the problem is you've got all of the traffic coming and going from the Landings and the people from Old Whitefield cannot get out in the mornings. Sometimes you can wait four or five minutes, and I'm afraid that people are getting careless in pulling out when it's – it's – it's a safety hazard.

ACTION OF THE BOARD:

Commissioner Shay moved for approval to authorize the Chairman and Clerk of Commission to execute a request for traffic signal with the Georgia Department of Transportation on Whitefield Avenue (SR 204 Spur) at Hesse Elementary School. Commissioner Stone seconded, and it carried unanimously. [NOTE: Commissioners Kicklighter and Thomas were not present.]

AGENDA ITEM: X-7

AGENDA DATE: December 17, 2010

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

ISSUE: To authorize the Chairman and Clerk of Commission to execute a Request for Traffic Signal with the Georgia Department of Transportation (GDOT) on Whitefield Avenue (SR 204 Spur) at Hesse Elementary School.

BACKGROUND: The intersection of Whitefield Avenue at Grace Drive is on State Route 204 Spur within Unincorporated Chatham County. The Board of Education requested a HAWK (High-Intensity Activated Crosswalk) be considered adjacent to Hesse Elementary School as part of the Whitefield Avenue widening project.

FACTS AND FINDINGS:

1. The HAWK signal is only active when crossing is requested by a pedestrian. The signal warrant analysis for a pedestrian signal was conducted by the consultant for the widening project and reviewed by the GDOT. The GDOT determined that a signal is warranted at this location.
2. The costs of electric energy and telephone service used to operate the signal will be at the expense of the County. Installation costs of the signal will be included in the cost of the construction contract.

ALTERNATIVES:

1. To authorize the Chairman and Clerk of Commission to execute a Request for Traffic Signal with the Georgia Department of Transportation (GDOT) on Whitefield Avenue (SR 204 Spur) at Hesse Elementary School.
2. To not authorize executing the request.

FUNDING: Funding for the cost of operation and maintenance of the traffic signal is available in the Special Services District - Utilities (Fund #2701577, Object Code 53.12901).

POLICY ANALYSIS: The Board must approve intergovernmental agreements.

RECOMMENDATION: That the Board approve Alternative 1.

District 1

=====

8. REQUEST BOARD APPROVE EXTENSION OF LEASE AGREEMENT FOR 222 WEST OGLETHORPE AVENUE (COMMERCE BUILDING) FOR GSA AND CONVERGYS THROUGH MARCH 31, 2011.

ACTION OF THE BOARD:

Commissioner Shay moved to approve extension of lease agreement for 222 West Oglethorpe Avenue (Commerce Building) for GSA and Convergys through March 31, 2011. Commissioner Farrell seconded and it carried unanimously. [NOTE: Commissioner Kicklighter was not present.]

AGENDA ITEM: X-8

AGENDA DATE: December 17, 2010

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

ISSUE:

To approve extension of lease agreements for 222 West Oglethorpe Avenue (Commerce Building).

BACKGROUND:

Chatham County acquired 222 West Oglethorpe Avenue as an alternative for renovating the old jail for offices within the scope of the Courthouse project. The purchase included assumption of existing leases, including rental payments. While the tenant's leases are set to expire December 31, 2010, both are requesting an extension for 90 days.

FACTS & FINDINGS:

1. At 222 West Oglethorpe Ave., the U.S. General Services Administration (GSA) leases space on behalf of the U.S. Bankruptcy Trustee/Administration. GSA has requested an extension of the lease through March 31, 2011. A late determination by GSA of Bankruptcy Court's needs has left few options.
2. Convergys, a software development company, also wants to extend its lease through March 31, 2011. While Convergys' request would not be considered otherwise, should the Board opt to extend the lease with GSA, the lease with Convergys could be extended. Convergys could not relocate easily because of the number of computer servers and communication wiring situated within its offices.
3. The lease extensions will delay work on 222 West Oglethorpe Ave., which remains integral to the relocation of non-judicial offices from the Courthouse. In turn, the delay in moving non-judicial offices affects the schedule for new courtroom space, especially for State Court. Staff has met with judges in State Court and Superior Court to review the request and impact on the Courthouse Master Plan implementation.
4. Under the lease terms, GSA would pay \$7,733.56 monthly under its lease agreement, while Convergys would pay \$32,260.70 monthly under its lease agreement.
5. The lease extensions also affect county-funded leases at 410 Broughton Street (Board of Assessors) and 540 East Oglethorpe Avenue (Public Defender); however, the lease income from 222 West Oglethorpe Avenue will be sufficient to cover these lease extension for 90 days.

FUNDING:

Not applicable. Lease payments will be used to offset expenses to maintain and operate the Commerce Building. Net income would be used for the Commerce Building renovation and rent expenses for county leases which will need to be extended.

ALTERNATIVES:

1. That the Board approve lease extensions for 222 West Oglethorpe Avenue through March 31, 2011, for GSA and Convergys under terms of existing agreements but at the following rates:
2. That the Board opt not to extend the lease agreements with GSA and Convergys, which would require the tenants to vacate by December 31, 2010.

POLICY ANALYSIS:

The Commerce Building provides new direction for the Courthouse project, but the opportunity which the Commerce Building provides not only meets immediate needs at a lower cost basis but also preserves long-

term options which benefits the courts. The tenant agreements provide a hurdle to the relocation of offices consistent with the Master Plan, and approval of the lease agreements will delay implementation of the Courthouse Master Plan; however, accommodating U.S. Federal Court/Bankruptcy remains a high priority because of its work.

RECOMMENDATION:

That the Board adopt Alternative 1.

=====

9. REQUEST BOARD AUTHORIZE THE CHAIRMAN TO SIGN THE NOMINATION OF PENNYWORTH ISLAND TO THE NATIONAL REGISTER OF HISTORIC PLACES.

Commissioner Stone said, the last thing that I wanted to mention was Item number 9, the Pennyworth property, and I wanted to thank our Assistant County Manager for the acquisition of that. It is truly historic, and I would like for any of the Commissioners that haven't had the opportunity to see the video, it's quite impressive, and I – I think it's a true asset and I'm – I'm very pleased with – with how he went about acquiring this property. That's all.

ACTION OF THE BOARD:

Commissioner Shay moved to authorize the Chairman to sign the nomination of Pennyworth Island to the National Register of Historic Places. Commissioner Farrell seconded and it carried unanimously. [NOTE: Commissioner Kicklighter was not present.]

AGENDA ITEM: X-9

AGENDA DATE: December 17, 2010

TO: Board of Commissioners
THRU: R. E. Abolt, County Manager
FROM: Thomas L. Thomson, MPC Executive Director

ISSUE:

To authorize Chairman Pete Liakakis to sign the nomination of Pennyworth Island to the National Register of Historic Places. MPC File Number DD20101122-10-1.

BACKGROUND:

Chatham County acquired Pennyworth Island as recommended by the Chatham County Resource Protection Commission in December 2009. The Island's natural and cultural resources are significant.

FACTS AND FINDINGS:

1. Pennyworth Island is a locally and regionally significant cultural resource that has only recently been cohesively studied and conclusively documented in the National Register of Historic Places Nomination.
 - a. The Island is an excellent representation for 19th century rice culture that greatly contributed to the economic boom of Savannah at that time.
 - b. Pennyworth Island has noteworthy events that occurred during its period of significance. The first steam powered rice thresher in the area was utilized on the Pennyworth rice fields in 1833. Additionally, the Island was utilized as a point in the documented evacuation route from Savannah for Confederate General Hardee and his men on December 29, 1864.
 - c. Lastly, the Island is significant due to its connection to James Hamilton, Jr., who owned, built, and lived on Pennyworth Island Plantation. He was a member of the U.S. Congress from 1822-1829 and the Governor of South Carolina from 1830 to 1832. His younger brother was Alexander Hamilton, one of the founding fathers of the United States of America.
2. After completing two archaeological reconnaissance surveys, it has been determined that the Island is highly likely to provide more data on rice culture and plantation lifeways of the 19th century. Due to its outstanding integrity, Pennyworth Island is a rare time capsule into plantation life that has not yet been exhausted and should be designated for its inherent importance.

ALTERNATIVES:

1. To authorize the Chairman to sign the National Register of Historic Places nomination.
2. To not authorize Chairman to sign the National Register of Historic Places nomination.

FUNDING:

No funding required.

POLICY ANALYSIS:

The nomination is consistent with the Chatham County Historic Preservation Ordinance and the Chatham County Resource Protection Commission Ordinance.

RECOMMENDATION:

That the Board adopt Alternative #1.

District 8

Prepared by: Ellen I. Harris
Cultural Resource and Urban Planning Manager
December 6, 2010

=====

- 10. **REQUEST FOR TRANSFER OF BEER, WINE, AND LIQUOR POURING LICENSE AND SUNDAY SALES LICENSE FOR 2010. PETITIONER: RACHAEL GREINER ALDINGER, D/B/A STEAMERS, LOCATED AT 1190 KING GEORGE BOULEVARD, SAVANNAH, 31419. [District 6.]**

ACTION OF THE BOARD:

Commissioner Shay moved to approve transfer of beer, wine, and liquor pouring license and Sunday sales license for 2010. Petitioner Rachael Greiner Aldinger, d/b/a Steamers, located at 1190 King George Boulevard, Savannah, 31419. Commissioner Farrell seconded and it carried unanimously. [NOTE: Commissioner Kicklighter was not present.]

AGENDA ITEM: X-10
AGENDA DATE: December 17, 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 a transfer of beer, wine and liquor pouring license and Sunday Sales license for 2010, **Rachael Greiner Aldinger d/b/a Steamers**, located at **1190 King George Blvd., Savannah, Georgia 31419.**

BACKGROUND

Ms. Aldinger requests approval of transfer of ownership to Steamers in connection with an existing restaurant. The business at this location meets the requirements of the Chatham County Alcoholic Beverage Ordinance. License is being transferred from Robert Mims to Rachael Aldinger.

FACTS AND FINDINGS

1. The application was reviewed by the Police Department for compliance of the applicant and site distance requirements and approved.
2. The returned application was reviewed by Building Safety. The County Fire Marshal inspected the site for compliance and approved the facility.
3. The applicant and business meet the requirements of the Chatham County Alcoholic Beverage and Sunday Sales Ordinance.

RECOMMENDATION:

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

District 6

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

Gregori S. Anderson, CBO

Chief Willie Lovett

=====

- 11. **REQUEST FOR NEW BEER AND WINE POURING LICENSE AND SUNDAY SALES OF BEER AND WINE LICENSE FOR 2011. PETITIONER: DONNA BRACKNEY, D/B/A SWANK (BISTRO), LOCATED AT 1 DIAMOND CAUSEWAY, SUITE 15-A, SAVANNAH, 31406. [District 1.]**

ACTION OF THE BOARD:

Commissioner Shay moved to approve new beer and wine pouring license and Sunday sales license of beer and wine for 2011. Petitioner Donna Brackney, d/b/a Swank (Bistro), located at 1 Diamond Causeway, Suite 15-A, Savannah, 31419. Commissioner Farrell seconded and it carried unanimously. [NOTE: Commissioner Kicklighter was not present.]

AGENDA ITEM: X-11
AGENDA DATE: December 17, 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 approval of a new beer and wine pouring license for 20110, **Donna Brackney, d/b/a Swank (Bistro)**, located at **1Diamond Causeway, Suite 15-A, Savannah, Georgia 31406.**

BACKGROUND

Ms. Brackney requests approval of a new beer and wine pouring license in connection with an existing restaurant. The business at this location meets the requirements of the Chatham County Alcoholic Beverage 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 Building Safety. The County Fire Marshal inspected the site for compliance and approved the facility.
3. The applicant and business meet the requirements of the Chatham County Alcoholic Beverage and Sunday Sales Ordinance.
4. The applicant has been notified in writing of the date and time of the hearing.

RECOMMENDATION:

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

District 1

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

Gregori S. Anderson, CBO

Chief Willie Lovett

=====

- 12. **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).**

ACTION OF THE BOARD:

Commissioner Shay moved to approve the following bids. Commissioner Farrell seconded and it carried unanimously. [NOTE: Commissioner Kicklighter was not present.]

ITEM	DEPT.	SOURCE	AMOUNT	FUNDING
A. Task Order contract for various engineering, geo-technical, surveying and environmental services	Engineering	•Spatial Engineering •L.R. Kimball •Thomas and Hutton	Not to Exceed \$250,000	•SPLOST - (1985-1993), (1993-1998), (1998-2003), (2003-2008), (2008-2014) •CIP
B. Contract extension to provide engineering services	Engineering	Vincent Grevemberg	\$63 per hour	•SPLOST - (1985-1993), (1993-1998), (1998-2003), (2003-2008), (2008-2014) •CIP
C. Construction contract to pave Billings Road	Engineering	Clifton Construction (WBE)	\$66,180	SPLOST (2003-2008) - Unincorporated County Roads, Billings
D. Change Order No. 2 to the construction contract for the Henderson Canal Drainage Improvement Project for additional services and extend the contract time by 30 days	Engineering	Pine Valley Concrete Company	\$35,195	SPLOST (1998-2003) - Gateway/ Henderson Drainage Improvement Project
E. Change Order No. 1 to the construction contract to repair the guide rails on the Pipemakers Canal sluice gates for additional work	Public Works and Park Services	TIC - The Industrial Company	\$5,465	CIP - Drainage
F. Amendment to the banking services contract to acknowledge the name change from Wachovia	Finance	Wells Fargo	N/A	N/A
G. Annual revenue producing contract with option to renew for four (4) additional one (1) year terms to provide vending machine services at the various Park and Recreational facilities	Public Works and Park Services	•Rawls Distributing •Savannah Coca-Cola Bottling	Varies by location	Revenue Producing
H. Purchase and installation of a shredder and baler equipment for the Records Center	Administrative Services	Compactors, Inc.	\$29,835	CIP - Administrative Services
I. Annual contract with automatic renewal options for four (4) additional one (1) year term to provide tax sale preparation of the delinquent real and personal property taxes	Tax Commissioner	Government Tax Services, LLC	Varies by service	Paid by the delinquent taxpayer or frm proceeds from a Tax Sale
J. Amendment to the contract for the increase in hours to provide Case Management Services for the Mental Health Court	Court Administrator	Antoinette Joiner	\$15.50 per hour	Mental Health Court Grant

<u>ITEM</u>	<u>DEPT.</u>	<u>SOURCE</u>	<u>AMOUNT</u>	<u>FUNDING</u>
K. Change Order No. 1 to the contract for structural and civil engineering for the Records Center	Courthouse/ Records Center	Thomas and Hutton Engineering	\$15,200	SPLOST (2003-2008) - Courthouse Renovation

AGENDA ITEM: X-12 A THRU K
AGENDA DATE: December 3, 2010

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

ITEM A

ISSUE: Request Board approval to authorize professional services Task Order Contracts for amounts not to exceed \$250,000 with various engineering, geo-technical, 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 are either 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 or 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. Spatial Engineering (drainage) (NTE \$250,000)
 - b. L.R.Kimball (architectural) (NTE \$250,000)
 - c. Thomas & Hutton (transportation/civil) (NTE \$250,000)

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

ALTERNATIVES:

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

POLICY ANALYSIS: It is consistent with Board policy to approve 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 B

ISSUE: Request Board approval of an extension to the professional services contract with Vincent Grevemberg in the amount of \$62 per hour to provide engineering services.

BACKGROUND: Mr. Grevemberg has been providing professional services since 7 November 2008. The contract was for one (1) year with an option to renew for one (1) year. He has agreed to assist with projects on a part-time basis for another year.

FACTS AND FINDINGS:

1. Due to his unique background and experience, staff finds Mr. Grevemberg’s continued services indispensable. Staff anticipates needing his services for at least one (1) more year. The hourly rate (no change) is comparable to the compensation as a direct employee.
2. His services are charged to projects or programs for which he provides consulting services. His services involve, but are not necessarily limited to:
 - a. Quality assurance/quality control (QA/QC) on the LiDAR (Light Detection and Ranging) acquisition contract awarded by the MPC in November, 2008. County-wide LiDAR is used with other topographic mapping to support drainage studies for SPLOST projects and permitting.
 - b. Geographic Information System (GIS) support and QA/QC for the Municipal Separate Storm Sewer System (MS4) inventory.
 - c. GIS support and QA/QC for the Right-of-Way inventory project that will create new GIS layers for road and drainage rights-of-way and easements.
 - d. Coordinating implementation of the new Digital Flood Insurance Rate Maps (DFIRMs) for Unincorporated Chatham County, and updating the GIS flood hazard map layer to recognize Letters of Map Changes approved by the Federal Emergency Management Agency.
 - e. Maintaining the digital plat GIS layers used by the Board of Assessors to improve the accuracy of the parcel maps.
 - f. Managing Chatham County's part of the Georgia Power street lighting inventory data sharing agreement.

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

ALTERNATIVES:

1. Request Board approval to a one year extension to the professional services contract with Vincent Grevemberg in the amount of \$62 per hour.
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 professional services agreements.

RECOMMENDATION: Staff recommends the approval of Alternative 1.

BUDGET APPROVAL _____
ESTELLE BROWN

ITEM C

ISSUE: Request Board approval to award a \$66,180 construction contract to Clifton Construction, Inc. to pave Billings Road.

BACKGROUND: Billings Road is on the list of unpaved roads in Unincorporated Chatham County. The proposed improvements include grading, drainage, base and paving on Billings Road.

FACTS AND FINDINGS:

1. This project was properly advertized and ten (10) bids were received and opened 1 December 2010.

**	Clifton Construction, Inc. Garden City, GA	\$66,180
	Eastern Excavating Co., Inc. Savannah, GA	\$69,120
	Harbor Construction & Contracting, LLC. Savannah, GA	\$79,789
	Yates Paving Corp Savannah, GA	\$80,491
	Savannah Paving Company Eden, GA	\$84,125

	Hoffman Electric Co., Inc. Savannah, GA	\$85,336
	Griffin Contracting, Inc. Pooler, GA	\$99,800
*	Sandhill ALS Construction, Inc. Hardeeville, SC	\$104,610
**	E&D Contracting Services, Inc. Savannah, GA	\$132,064
**	First City Utilities, LLC Savannah, GA	\$143,497

* MBE firm
** WBE firm

- Staff believes the bid from Clifton Construction, Inc. is fair and reasonable and well within the construction cost estimate. The project is expected to be completed within 90 days after issuing the Notice To Proceed.

FUNDING: SPLOST (2003 - 2008) - Unincorporated County Roads, Billings
(3234220 - 52.12003 - 32356427)

ALTERNATIVES:

- Board approval to award a \$66,180 construction contract to Clifton Construction, Inc. to pave Billings Road.
- Provide staff other direction.

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

RECOMMENDATION: Staff recommends the approval of Alternative 1.

BUDGET APPROVAL _____
CHRIS MORRIS

ITEM D

ISSUE: Request Board approval of Change Order No. 2, in the amount of \$35,195, to the construction contract with Pine Valley Concrete Company and extend the contract time by 30 days for the project.

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

FACTS AND FINDINGS:

- Construction of a culvert on the Little Neck Canal at Little Neck Road was completed in January 2010. The Henderson Canal Improvement project replaces the culverts at Henderson Oaks Drive and the golf cart culvert near the Henderson Golf Community swimming pool.
- Notice to Proceed with construction was issued on 16 August 2010. Work on the current contract scope is expected to be complete by 13 January 2011. Work is currently underway to replace the last culvert at Henderson Oaks Drive. During this work, staff identified deposits of sediment along the canal bottom between the three (3) new culverts that impedes positive drainage of flows. This change order will pay for removing this sediment. The price of the change order is based on unit costs negotiated between the contractor and staff. Staff believes the prices represent fair compensation for the effort involved and reflect a savings to the County through elimination of mobilization costs that would be charged by a different contractor.
- | | | |
|--------------------|-------------------------|-----------|
| Contract History: | | |
| Original Contract | (5-28-10) | \$278,317 |
| Change Order No. 1 | (9-17-10) | \$ 22,700 |
| Change Order No. 2 | (Pending) | \$ 35,195 |
| | Revised Contract Amount | \$336,212 |

FUNDING: SPLOST (1998 - 2003) - Drainage, Gateway/Henderson Project
(3224250 - 54.14021 - 32280357)

ALTERNATIVES:

1. Board approval of Change Order No. 2, in the amount of \$35,195, to the construction contract with Pine Valley Concrete Company and extend the contract time 30 days for the Henderson Canal Improvements project.
2. Provide staff other direction.

POLICY ANALYSIS: It is Board policy to approve change orders for construction contracts that are necessary for the completion of projects.

RECOMMENDATION: Staff recommends the approval of Alternative 1.

BUDGET APPROVAL _____
ESTELLE BROWN

ITEM E

ISSUE: Request Board approval of Change Order No. 1, in the amount of \$5,465, to the construction contract with TIC-The Industrial Company to provide and install stainless steel shim plates required to level the sluice gates at Pipemakers Canal.

BACKGROUND: On 13 August 2010, the Board approved a construction contract with TIC-The Industrial Company to repair the guide rails on the Pipemakers Canal sluice gates for Public Works and Park Services.

FACTS AND FINDINGS:

1. On 16 September 2009, a field inspection was conducted to determine what was needed to get the Pipemakers Canal sluice gate structure to operate properly. Inspection was conducted by representatives from Chatham County Engineering, Public Works, EMC Engineering Services (consultant) and Golden Harvest, Inc. (Manufacturer). It was determined that the problems with the sluice gates developed from the failure in the operators. Without approval, the contractor removed the drive nuts and reinstalled them incorrectly in the operators during original construction of the structure. Consequently, the bearing failed causing the railing to deform and the gates to quit operating.
2. While executing the current contract with TIC-The Industrial Company, staff and the contractor found the base plates for the operators uneven. This could not have been discovered during the field inspection on 16 September 2009, however this has contributed significantly to the constrained motion causing binding of the components of the gates.
3. Staff agrees along with the contractor, leveling the base plates will provide smoother, unconstrained motion that will alleviate problems caused by the binding of mechanical components of the gates.
4. Contract history is as follows:

Original Contract Amount (08-13-10)	\$31,815
Change Order No. 1 (Pending)	<u>\$ 5,465</u>
Revised Contract Amount	\$37,280

FUNDING: CIP - Drainage - Storm Drainage
(3504250 - 52.22001 - 35038227)

ALTERNATIVES:

1. Board approval of Change Order No. 1, in the amount of \$5,465, to the construction contract with TIC-The Industrial Company to provide and install stainless steel shim plates required to level the sluice gates at Pipemakers Canal.
2. Provide staff other direction.

POLICY ANALYSIS: It is consistent with Board policy to issue Change Orders to reflect changes in the scope of work.

RECOMMENDATION: Staff recommends approval of Alternative 1.

BUDGET APPROVAL _____
CHRIS MORRIS

ITEM F

ISSUE: Request Board approval of an amendment to the existing contracts for Banking Services to acknowledge a name change to Wells Fargo.

BACKGROUND: On 26 June 2010, the Board approved a contract for Banking Services to Wachovia Bank of Georgia.

FACTS AND FINDINGS:

1. Staff has obtained official documentation declaring the name change through contract project manager.
2. This amendment is needed to reflect the name change to the contract.
3. There will be no changes to the terms and conditions of this contract.

FUNDING: N/A

ALTERNATIVES:

1. Request Board approval of an amendment to the existing contracts for Banking Services to acknowledge a name change to Wells Fargo.
2. Provide staff other direction.

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

RECOMMENDATION: Staff recommends approval of Alternative 1.

BUDGET APPROVAL _____
CHRIS MORRIS

ITEM G

ISSUE: Request Board approval to award annual revenue producing contracts, with automatic renewals for four (4) additional one (1) year terms, to Rawls Distributing Company of Savannah, and Savannah Coca-Cola Bottling Company, to provide vending machine services for various Park and Recreational Facilities.

BACKGROUND: The County has historically contracted for vending machine services at the Chatham County Aquatic Center, the Anderson/Cohen Weightlifting Center, and various County Park and Recreational facilities, which include King’s Ferry Boat Ramp and Frank Spencer Boat Ramp. Service will be provided at other park facilities once electrical service or connections become available.

FACTS AND FINDINGS:

1. The bids were properly advertised and two (2) bids were received. Specifications required bidders to provide all equipment, food and beverage items, and servicing of all machines, and to provide bid pricing on three (3) “fixed rate” revenue options, to be paid to the County on a monthly basis.
2. Staff recommends awarding contracts to Rawls Distributing Company of Savannah and to Savannah Coca-Cola Bottling Company, the two (2) respondents, to provide the vending machine services for the items and at the revenue rates as follows:

<u>Bidder:</u>	<u>Type of Machine:</u>	<u>Commissions to be paid to the County:</u>
Rawls Distributing Company Savannah, GA	Snack Snack	10% Aquatic Center 10% All Other Potential Sites
Savannah Coca-Cola Bottling Savannah, GA	Juice Beverage	30% All Facilities 35% All Facilities

FUNDING: N/A- Revenue Producing

ALTERNATIVES:

1. Board approval to award annual revenue producing contracts, with automatic renewals for four (4) additional one (1) year terms, to Rawls Distributing Company of Savannah, and Savannah Coca-Cola Bottling Company, to provide vending machine services for various Park and Recreational Facilities.
2. Provide staff other direction.

POLICY ANALYSIS: It is consistent with Board policy to award essential revenue producing contracts as deemed to be in the best interest of the County.

RECOMMENDATION: Staff recommends approval of Alternative 1.

BUDGET APPROVAL _____
CHRIS MORRIS

ITEM H

ISSUE: Request Board approval to award a \$29,835 purchase and installation of a shredder and baler equipment from Compactors, Inc for the new Chatham County Records Facility.

BACKGROUND: On 14 August 2009, the Board approved a contract with Choate Construction Company for construction of the Chatham County Records Center. The Board acquired the former Kroger Center in Garden City to renovate a 38,000-square foot building into a new Records Center to consolidate the location of all county records and documents, including many historical ones, into a single location.

FACTS AND FINDINGS:

1. Request for Quotes were properly advertised and three (3) responses were received on 23 November 2010. The quote responses are as follows:

Compactors, Inc Hilton Head, SC	\$29,835
Allegheny Paper Shredder Delmont, PA	\$34,935
California Compactors, Inc. Pleasanton, CA	\$38,645

2. Staff believes the total cost of \$29,835 for the shredder and baler equipment to be fair and reasonable.

FUNDING: CIP - Administrative Services - Building Offices
(3501580-54.13001-35031137)

ALTERNATIVE

1. Board approval to award a \$29,835 purchase and installation of a shredder and baler equipment from Compactors, Inc for the new Chatham County Records Facility.
2. Provide staff other direction.

POLICY ANALYSIS: The *Chatham County Purchasing Ordinance and Procedures Manual* require certain procedures for the purchase of goods and materials. Staff followed these procedures in this procurement.

RECOMMENDATION: Staff recommends approval of Alternative 1.

BUDGET APPROVAL _____
CHRIS MORRIS

ITEM I

ISSUE: Request Board approval to award an annual contract with automatic renewal options for four (4) additional one (1) year terms to provide Tax Sale Preparation of the delinquent real and personal property taxes with Government Tax Services, LLC of Carrollton, Georgia for the Tax Commissioner’s office.

BACKGROUND: The contract provides Tax Sale Preparation of the delinquent real and personal property taxes. This will provided the Tax Commissioner an opportunity to identify procedural improvements which speeds and makes more efficient the sale of real and personal property upon which taxes become overdue.

FACTS AND FINDINGS:

1. The County neither pays a fee to the contractor for his service nor does it pay any portion of delinquent taxes collected to the contractor. In accordance with State law, the contractor’s fee is added to the delinquent taxes due and, thus, are paid when the delinquent taxes are resolved, **not by the County**. All delinquent taxes will be paid directly to the Tax Commissioner.
2. Bids were properly advertised and two (2) bids were received and opened 15 November 2010. The bid responses are as follows:

Government Tax Services, LLC Carrollton, GA	Phase I	\$26 \$45
	Phase II	\$150 \$150
Delinquent Tax Services, Inc. Monroe, GA	Non- Responsive	

3. The current service provider, Delinquent Tax Solutions, Inc. (DTSi) contract was up for its third renewal in August 2010. The Contractor requested a \$25 increase. The Tax Commissioner felt the increase was too high. Staff counter offered a \$10 increase which was rejected by DTSi. DTSi was notified in writing, if the \$10 increase was not accepted, the service will be rebid. DTSi did not submit a bid.
4. During the rebid process, Delinquent Tax Services, Inc notified Purchasing they did not receive the bid in time to prepare a response. The Purchasing Agent extended the bid for eleven (11) additional days and an Addendum was issued to all.
5. The Delinquent Tax Services, Inc bid response was determined to be “non-responsive” because the Addendum was not acknowledge in the bid response, a requirement in the bid instructions. Addenda must be acknowledged the same as if a Bid Bond is required and not submitted - automatic disqualification as non-responsive.
6. Staff reviewed the bids and believes the low bid from Government Tax Services, LLC to be fair and reasonable.

FUNDING: Paid by delinquent taxpayer or from proceeds from a Tax Sale

ALTERNATIVES:

1. Board approval to award an annual contract with automatic renewal options for four (4) additional one (1) year terms to provide Tax Sale Preparation of the delinquent real and personal property taxes with Government Tax Services, LLC of Carrollton, Georgia for the Tax Commissioner’s office.
2. Provide staff other direction.

POLICY ANALYSIS: It is consistent with Board policy to collect delinquent real and personal property taxes at minimum cost to the County.

RECOMMENDATION: Staff recommends approval of Alternative 1.

BUDGET APPROVAL _____
CHRIS MORRIS

ITEM J

ISSUE: Request Board approval of Amendment No. 1 to the professional services agreement with Antoinette Joiner for an increase in hours per week to be paid from an additional grant source received by Mental Health Court from The Justice and Mental Health Collaboration Program, administered by the U.S. Department of Bureau of Justice Assistance.

BACKGROUND: On 28 May 2010, the Board approved a professional services agreement with Antoinette Joiner for a one (1) year term under the terms of the Georgia Criminal Justice Coordinating Council’s (CJCC) Edward Byrne Memorial Justice Assistance Grant Program (JAG) grant authorized under the American Recovery and Reinvestment Act (ARRA) of 2009 awarded to Chatham County 30 December 2009.

FACTS AND FINDINGS:

1. Under the current agreement, Antoinette Joiner is functioning as an independent contractor providing case management duties to the Mental Health Court. She works a 40 hour work week at a rate of \$15.50 per hour for the term of one (1) year, with the possibility of a renewal term for the balance of the grant funding.
2. Savannah-Chatham Mental Health Court received The Justice and Mental Health Collaboration Program awarded on 16 September 2009. Part of this grant will enable funding of additional hours not to exceed 15 hours per week to the existing professional services agreement with Antoinette Joiner.
3. Agreement history is as follows:

Original Agreement Amount (5-28-10)	\$15.50 per hr. (30 hours)
Amendment No. 1 (Pending)	\$15.50 per hr. (additional hours)
Revised Contract Amount	\$15.50 per hr.

FUNDING: Mental Health Court Grant
(2502100 - 52.12099 - 25024122) - 30 hours
(2502100 - 52.12099 - 25020212) - not to exceed 15 hours

ALTERNATIVES:

1. Board approval of Amendment No. 1 to the professional services agreement with Antoinette Joiner for an increase in hours per week to be paid from an additional grant source received by Mental

Health Court from The Justice and Mental Health Collaboration Program, administered by the U.S. Department of Bureau of Justice Assistance.

- 2. Provide staff other direction.

POLICY ANALYSIS: It is consistent with Board policy to issue Amendments to reflect changes in the scope of work.

RECOMMENDATION: Staff recommends approval of Alternative 1.

BUDGET APPROVAL _____
TOM DRANE

ITEM K

ISSUE: Request Board approval of Change Order No. 1 to the professional services contract for engineering services for the Records Center.

BACKGROUND: At the 16 June 2008 meeting, the Board awarded a contract to Thomas & Hutton Engineering for engineering services for the Records Center project. After receiving quotes from three professional engineering firms, the Board awarded the contract to Thomas & Hutton based on its qualifications and lowest fee to complete the scope of work.

FACTS AND FINDINGS:

- 1. The contract with Thomas & Hutton specified engineering work related to structural improvements to retrofit the Records Center to withstand a Category V hurricane. The scope of work included construction administration.
- 2. During the last phase of work, an issue arose about the water supply for the fire suppression system. Garden City shows a 10-inch water line; however, the water line remains on the east side of Augusta Road. The water line which serves the west side of Augusta Road, where the Records Center is situated, remains limited to a six inch line. Because of the distance from the well, the height of the building with a mezzanine, and the size of the pipe, a new water service to connect to a pump room will be needed. Thomas & Hutton remains qualified to design this work, which is clearly outside of the original contract for structural engineering.
- 3. Contract history is as follows:

Original Contract Amount (6/16/08)	\$45,500
Change Order No. 1 (pending)	15,200
Revised Contract Amount	\$60,700

FUNDING: SPLOST (2008-2014 SPLOST) - Courthouse Project
(3244980 - 54.13011 - 32460427)

ALTERNATIVES:

- 1. Board approval of Change Order No. 1 to the professional services contract for engineering services for the Records Center.
- 2. Provide staff other direction.

POLICY ANALYSIS: It is consistent with Board policy to issue Change Orders to reflect changes in the scope of work.

RECOMMENDATION: Staff recommends approval of Alternative 1.

BUDGET APPROVAL _____
TOM DRANE

PREPARED BY _____
PURCHASING AGENT

=====

XI. FIRST READINGS

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

None.

=====

XII. SECOND READINGS

- 1. **AMENDMENT TO CHATHAM COUNTY ZONING ORDINANCE REGARDING SECTION 4-14f (ENVIRONMENTAL OVERLAY DISTRICT; ENVIRONMENTAL STANDARDS). The MPC recommends approval. MPC File No. Z-100824-56047-1.**

Chairman Liakakis said, the second reading. Amendment to Chatham County Zoning Ordinance regarding Section 4-14f (Environmental Overlay District; Environmental Standards). The MPC recommends approval. All of that information was sent to all of the Commissioners. Need a motion on the floor.

Commissioner Odell said, recommend approval.

Commissioner Shay said, second.

Chairman Liakakis said, all right. Let's go on the Board. Motion passes.

ACTION OF THE BOARD

Commissioner Odell moved to approve the amendment to the Chatham Zoning Ordinance regarding Section 4-14f (Environmental Overlay District; Environmental Standards). Commissioner Shay seconded and the motion carried unanimously. [NOTE: Commissioners Kicklighter and Thomas were not present.]

~~AGENDA ITEM: XI-1~~
~~AGENDA DATE: December 3, 2010~~

AGENDA ITEM: XII-1
AGENDA DATE: December 17, 2010

TO: Board of Commissioners
THRU: R. E. Abolt, County Manager
FROM: Thomas L. Thomson, Executive Director

LEGAL NOTICE/AGENDA HEADING:

Amendment to Chatham County Zoning Ordinance
RE: Section 4-14f (Environmental Overlay District; Environmental Standards)
The MPC recommends approval. MPC File No. Z-100824-56047-1

ISSUE: An amendment to the Environmental Overly (EO) District to: 1) eliminate a 50 foot building setback requirement for certain marsh front properties; and 2) require a 35 foot riparian buffer for certain marsh front properties.

BACKGROUND: Marsh front properties within the EO District have varying building setback and marsh buffer requirements. The differing requirements are based on whether or not residential structures existed on such properties at the time the setback and marsh buffer standards were adopted in 2011. Properties with residential structures would have to comply with the standards while properties without residential structures would not. This inequitable application and has led to the approval of 31 variance requests to reduce the building setback and/or the buffer.

On August 31, 2010, the MPC Board considered a request by the Chatham County Zoning Board of Appeals to amend the text of the County Zoning Ordinance to clarify buffer requirements for certain marsh front properties. The MPC recommended approval of the text as proposed. Subsequent to the recommendation by the MPC, notice was received from the Chatham County Engineering Department of concerns with the wording of the amendment. Though the differences in proposed language appear to be semantic in nature, the changes are, none-the-less, substantial enough that the matter is, in the interest of open communication, being referred back to the Planning Commission for reconsideration. The initial facts and findings of the proposal do not change.

FACTS AND FINDINGS:

- 1) In 2001, the Board of County Commissioners adopted the EO District following the adoption of the Islands Community Plan. The Plan provides a long-range vision for the Islands area while the EO District is a zoning toll used to implement the vision through zoning standards. The overlay district requirements are in addition to any base zoning district requirements, such as yard setbacks.
- 2) When the EO District was initially adopted in June 2001, all marsh front properties had the same building setback (50 feet) and same riparian buffer (35 feet).

- 3) In November 2001, the County Board of Commissioners amended the building setback and marsh buffer requirements to provide relief for owners of properties without residential structures. The amendment eliminated the 50 foot building setback from the marsh but left the base zoning district rear yard setback requirement in tact. The amendment also eliminated the riparian buffer requirement of 35 feet; however, the 25 foot state marsh buffer remained. For existing properties with residential structures as of the date of the amendment, the 50 foot building setback and 35 foot riparian buffer remained intact.
- 4) When the amendment was initially proposed, the emphasis was on providing relief to owners of shallow marsh front properties where it was known that a variance to the building setback and/or the marsh buffer might be necessary in order to develop such property. According to the staff report at that time, this approach would have addressed 120 parcels.
- 5) Ultimately, it was decided to include properties without residential structures no matter the depth of such properties. The rationale for addressing residentially developed and undeveloped properties differently appears to have been that owners of undeveloped properties had development expectations that might be hindered by the more restrictive building setback and buffer. This thinking, however, did not acknowledge that property owners with improved property might also have that same expectation.
- 6) Since the adoption of the text amendment, there have been 39 variance requests to reduce the building setback and/or marsh buffer requirement. Of the 39 variances, 31 (approximately 80%) have been approved.
- 7) Acknowledging the large number of variance requests over the years for these particular standards, the high number of approvals, and a concern regarding a seemingly inequitable application of the building setback and marsh buffer, the County Zoning Board of Appeals suggests the elimination of the 50 foot building setback and the application of the 35 foot riparian buffer to all marsh front properties within the EO District.
- 8) In effect, the proposed text amendment would require an additional 10 foot buffer to the state-required 25 foot riparian buffer *for only those properties that did not have a residential structure* as of November 16, 2001. The elimination of the 50 foot setback would treat all marsh front properties equally.
- 9) Should property owners' desire relief from the buffer requirement, if the proposed text is adopted, a variance may still be requested to reduce the riparian buffer. Depending on the extent of the proposed reduction, the variance process will vary. The County ZBA would be responsible for variance review for the first 10 feet of the overall 35 foot buffer. The Department of Natural Resources would be responsible for approving a reduction to provide a buffer less than 25 feet.

ALTERNATIVES:

- 1) Approve the proposed amendment as recommended by staff.
- 2) Approve a modified amendment.
- 3) Deny the proposed amendment.

POLICY ANALYSIS:

To require a 35 foot marsh buffer for all marsh front properties in the EO district would allow for equal application of the marsh buffer and further the interests of the County to protect marshes as well as private property. Marsh buffers can minimize flooding potential and serve as natural storage areas for high waters; provide a filtration area for substances such as fertilizers and pesticides before entering nearby water; and, among other things, accommodate for slight variations of marsh boundaries over time due to hydrologic effects. And the elimination of the 50 foot building setback for all properties will allow such properties to be regulated consistently as well as provide additional space for residential expansion without necessitating a variance.

RECOMMENDATION: The MPC and Director of Building Safety and Regulatory Services recommend approval of the recommendation to amend Section 4-14.f (Environmental Overlay District, Environmental Standards) as follows:

EXISTING TEXT

- (1) The minimum building setback from the marsh line shall be 50 feet. However, this standard shall not apply to lots of record at the time of enactment of this provision having no residential structures on them. Such lots shall be subject to the general County setback and buffer standard of 25 feet. See 4-6.1 (footnote) for additional standards. The setback requirement shall not apply to any type of marina, commercial marine use, or public docking facility.
- (2) The minimum riparian buffer shall be 35 feet, 30 percent of which may be altered by pruning and selective clearing for access and to maintain view corridors. However, this standard shall **not** apply to lots of record at the time of enactment of this provision (November 16, 2001 for the Islands Community and [date enacted] for the Southeast Community), having no residential structures on

them. Such lots shall be subject to the general County setback and buffer standard of 25 feet. See Sc. 4-6.1 (footnote).

- (3) The riparian buffer and setback standards established in this section shall not apply to existing habitable structures within the buffer or setback that are damaged by fire or natural disaster and seek to rebuild on their existing footprint, except where they are 100 percent destroyed and reconstruction of the building would not intrude upon any setback or drainfield area.
- (4) Expansion of existing structures within the riparian buffer shall be limited to a maximum of 1400 square feet of vertical surface area for each 100 feet of lot width facing the marsh or waterfront.

PROPOSED TEXT

[Text to be repealed shown in strikethrough; proposed text is underlined]

- (1) ~~The minimum building setback from the marsh line shall be 50 feet. However, this standard shall not apply to lots of record at the time of enactment of this provision having no residential structures on them. Such lots shall be subject to the general County setback and buffer standard of 25 feet. See 4-6.1 (footnote) for additional standards. The setback requirement shall not apply to any type of marina, commercial marine use, or public docking facility.~~
- (2)(1) ~~The minimum riparian buffer shall be 35 feet, 30 percent of which may be altered by pruning and selective clearing for access and to maintain view corridors. However, this standard shall not apply to lots of record at the time of enactment of this provision (November 16, 2001 for the Islands Community and [date enacted] for the Southeast Community), having no residential structures on them. Such lots shall be subject to the general County setback and buffer standard of 25 feet. See Sc. 4-6.1 (footnote).~~

A 35 foot riparian buffer as measured from the Department of Natural Resources jurisdictional marshline as established by the Coastal Resources Division in accordance with the Coastal Marshlands Protection Act of 1970 is required. The buffer must remain undisturbed at all times, except as permitted in paragraph (2) of this section. The requirement of the riparian buffer does not exclude the property owner from compliance with any other State or local buffers of State waters. Except that for marinas, only the provisions of Coastal Marshlands Protection, Chapter 391-2-3 shall apply.

- (2) No more than 30 percent of the riparian buffer may be altered by pruning or selective clearing for access and maintenance of view corridors.
- (3) The riparian buffer and setback standards established in this section shall not apply to existing habitable structures within the buffer or setback that are damaged by fire or natural disaster and seek to rebuild on their existing footprint, except where they are 100 percent destroyed and reconstruction of the building would not intrude upon any setback or drainfield area. The minimum building setback from the marsh line shall not apply to any type of marina, commercial marine use, or docking facility.
- (4) Expansion of existing structures within the riparian buffer shall be limited to a maximum of 1400 square feet of vertical surface area for each 100 feet of lot width facing the marsh or waterfront.

Prepared by: Jim Hansen, AICP, Director
Development Services

November 2, 2010

Gregori Anderson, Director
BUILDING SAFETY AND REGULATORY SERVICES

=====

XIII. INFORMATION ITEMS

- 1. **PROGRESS REPORT ON GENERAL FUND CONTINGENCY ACCOUNT - M&O AND THE SPECIAL SERVICE DISTRICT (SEE ATTACHED).**

ACTION OF THE BOARD:

A status report was attached as information.

=====

- 2. **LIST OF PURCHASING ITEMS BETWEEN \$2,500 AND \$9,999 (NOTE: NONE FOR THIS AGENDA).**

AGENDA ITEM: XIII-2**AGENDA DATE: December 17, 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>
Automatic tapes for ICS department backups	ICS	Veristor Systems	\$2,800	General Fund/M & O - ICS
Replace ECU assembly on Unit #251	Fleet Operations	W.W. Williams	\$3,072	General Fund/M & O - Fleet Operations
Replacement soccer equipment	Parks and Recreation	M.A.S.A.	\$3,430	General Fund/M & O - Parks and Recreation
Purchase and installation of computer cabling tray	ICS	Entre Solutions (MBE)	\$5,970	General Fund/M & O - ICS
Ten (10) wide screen monitors and one (1) HDTV for the Dispatch Area	Sheriff	Dell Marketing (State Contract)	\$5,653	General Fund/M & O - Sheriff
Flash upgrades	CEMA	Savannah Communications (Sole Source)	\$9,750	CIP - CEMA
10,500 printed file folders	State Court Clerk	VIP Office (WBE)	\$6,726	General Fund/M & O - State Court Clerk
Traffic signs material	Public Works and Park Services	American Traffic and Safety Materials	\$7,173	SSD - Public Works
Drug screening for pre-employment for September and October	Sheriff	GEA - Immediate Care	\$4,015	General Fund/M & O - Sheriff
December 2010 tag renewals	Tax Commissioner	World Marketing (Sole Source)	\$4,902	General Fund/M & O - Tax Commissioner
Drug screening of current employees	Detention Center	GEA - Immediate Care	\$6,320	General Fund/M & O - Detention Center
Paint and body work to unit #917	Fleet Operations	Chatham Collision Center	\$5,341	General Fund/M & O - Fleet Operations
4x2 utility vehicle with canopy top and windshield	Parks and Recreation	Hendrix Machinery	\$6,984	•General Fund/M & O - Parks and Recreation - \$1,984 •Reserve for Deductible \$5,000
Repair parts for Unit #287	Fleet Operations	Consolidated Disposal Systems	\$5,266	Fleet Inventory Parts account
Office furniture	Special Projects	VIP Office (WBE)	\$2,606	SPLOST (2008-2014) - Courthouse Construction
Four (4) replacement computers	ICS	Dell Marketing (State Contract)	3,956	ICS Computer Replacement

=====

3. ROADS AND DRAINAGE REPORTS.

A status report was attached as information.

AGENDA ITEM: XIII-3 ROADS
AGENDA DATE: December 17, 2010

TO: Board of Commissioners
THRU: R. E. Abolt, County Manager
FROM: Leon Davenport, P.E., Assistant County Engineer
ISSUE: To provide information on the status of Chatham County road projects.

BACKGROUND: Funding priorities for projects using Federal aid are established in the State Transportation Improvement Program (STIP). For awarded construction contracts, this report provides the latest scheduled completion dates.

FACTS AND FINDING:

1. Truman Parkway, Phase 5. Construction underway. Estimated completion December 2013.
2. Diamond Causeway. The Georgia Department of Transportation (GDOT) awarded a design/build contract in 2009 to LPA/United Contracting (joint venture) to construct a two lane high level bridge over Skidaway Narrows to replace the bascule bridge. Construction ongoing with an estimated completion of September 2013.
3. Whitefield Avenue. ROW was certified to the GDOT on June 23. Final Field Plan Review (FFPR) scheduled for December 15, 2010. Letting scheduled for FY 2011.
4. Bay Street Widening from I-516 to Bay Street Viaduct. ROW plans approved by GDOT. Right of way acquisitions are on hold pending assessment of alternatives to minimize impacts to historic properties.
5. Local Roads.
 - a. Kings Ferry Boat Ramp roads and parking. Under construction. Ramps and parking area are closed to public use. Board awarded a contract on August 13. Estimated completion date is March, 2011.
 - b. Fenwick Avenue/Medford Street. Paving of dirt roads is under construction. Estimated completion is April, 2011.
 - c. Wild Heron Sidewalks. Under construction. Estimated completion date is January 2011.
 - d. Intersection improvements at King George Blvd and Grove Point Road. Construction plans complete. Utility relocation in progress. County Contract with GDOT complete. Bids will be solicited for construction contract in December 2010.
 - e. Billings Road. Design complete. ROW acquisitions complete. Award of construction contract pending for December 17, 2010 meeting.
 - f. Elmhurst Road. Beechwood Road and Ridgewood Road. Design and ROW acquisition complete on Elmhurst and Beechwood. Ridgewood re-design ongoing.

RECOMMENDATION: For information.

Districts All

AGENDA ITEM: XIII-3 DRAINAGE
AGENDA DATE: December 17, 2010

TO: Board of Commissioners
THRU: R. E. Abolt, County Manager
FROM: A. G. Bungard, P.E., County Engineer
ISSUE: To provide information on the status of Chatham County drainage projects.

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

FACTS AND FINDING:

1. Pipemakers Canal. The Pipemakers Canal extends from Bloomingdale to the Savannah River (over 13 miles). The project includes canal widening, bank stabilization, sluice gates and culverts. Construction of the sluice gate structure and channel improvements from SR21 to the Savannah River (Phase 1) was completed in 2005. Construction of Phase 2A which includes improvements from Phase 1 to Dean Forest Road is underway. Work will take 21 months to complete.
2. Hardin Canal. The Hardin Canal extends from Bloomingdale to Salt Creek near US 17 (over 12 miles). The project includes canal widening, bank stabilization, bridges and culverts. A project to replace golf cart bridges between I-16 and Southbridge Boulevard is approximately 80 percent complete. The SR 307/Hardin Canal Bridge Culvert project is underway. Dean Forest Road reopened to traffic on August 19, 2010. Completion of both projects is expected by December 2010.
3. Conaway Branch Canal. The Conaway Canal extends from Bloomingdale at US 80 to Pipemakers Canal (about 1.6 miles). The project includes canal widening, bank stabilization and larger culverts. A project to replace three culverts is complete. Staff is reviewing the need for additional improvements to improve capacity and access for maintenance.
4. Wilmington Park Canal. The Wilmington Park Canal extends from North Cromwell Road to the Wilmington River (about 1.4 miles). The project includes canal widening, bank stabilization and culverts. Projects including new culverts with tide gates and rip rap erosion protection are complete. Design work is underway on the design of five undersized culverts along the canal.
5. Queensbury Drainage Improvements. The project area is south of Montgomery Cross Road and west of Ferguson Avenue (includes Tara Manor, Ennis Mobile Home Park, Lakeview and Forest City Gun Club.) A preliminary design for improvements to serve Tara Manor is under review. Final design of improvements for the mobile home park is complete. Permitting is complete. Staff expects to present the Board with a recommendation for award of a construction contract by January 2011. Negotiations for easements and design of drainage improvements involving the Gun Club's lakes and properties along Remington Drive are underway.
6. Kings Way Canal. The Kings Way Canal extends from the Kingswood Subdivision to Whitefield Avenue (about 0.7 miles). The project includes canal widening, bank stabilization and culverts. Negotiations are complete on the acquisition of drainage easements from the Gun Club and enables construction of drainage improvements along the outer perimeter of the subdivision. Construction on these improvements is underway and expected to be completed in December 2010.
7. Louis Mills/Redgate Canal. The Louis Mills and Redgate Canals are tributaries to the South Springfield Canal. Work to upgrade an additional culvert is underway. Construction is expected to be complete by the end of 2010. Staff is continuing review of alternative concepts to extend needed drainage improvements within the system.
8. Ogeechee Farms Area. The Ogeechee Farms project includes improvements to canals and culverts. Phase 1 was completed in July 2005 (piped in about 0.2 miles of channel south of Vidalia Road and replaced a road crossing at Waynesboro Road). Phase 2 was completed in June 2010 (replaced several undersized culverts along Vidalia Canal south of Vidalia Road). Staff started work to design improvements at Yemassee Road and Ridgeland Road. Preliminary designs are under review by staff. Final design and permitting are expected to be complete by January 2011.
9. Quacco Canal. The Quacco Canal extends from the little Ogeechee River to the Regency Mobile Home Park (about 4 miles). The project includes canal widening, bank stabilization, culverts, and providing access for maintenance. A contract to construct the drainage improvements is underway and is expected to be complete by January 2011.
10. Quacco Canal Drainage Extension: the project will relieve drainage issues causing street and nuisance flooding in the Willow Lakes Subdivision. Preliminary and final design work to extend the piping network from Quacco Trail to the existing lake within the subdivision are complete. Final design plans and permitting are complete. Construction will be complete by March 2011.
11. Norwood Drainage Outfalls. The project will improve drainage capacity and access for maintenance. Four outfalls along Norwood, between Skidaway Road and Lester Avenue, are being considered. Design work and permitting is complete for the Norwood Place outfall. Design work is underway for the outfall at Skidaway Road. Staff is acquiring rights-of-ways and easements for these two projects.
12. Henderson/Gateway. Drainage is provided by the Little Neck Canal and the Henderson Branch Canal (combined length 2 miles). Development of the subdivisions led to increased rates and volumes of storm water runoff which the canals cannot handle. A construction to replace the golf cart culvert at Henderson Oaks Drive is underway. The work at Henderson Oaks Drive will require temporary closure of the road to traffic. Work is expected to be complete by early winter.
13. Shipyard-Beaulieu Area. The project will be accomplished in phases. The first phase replaced the storm drain pipe at Beaulieu Avenue and was completed in January 2010. The second phase will replace three undersized storm drain pipes and reshape the existing ditch. Staff is in the process of acquiring required easements for access, construction, and maintenance.

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

15. Skidaway Road. The project will improve roadside drainage and address vehicle safety issues along a portion of Skidaway Road near Wormsloe. A recommendation for award of a construction contract is pending Board approval.

16. LaRoche Culvert. The project includes the replacement of a drainage culvert located under LaRoche Avenue north of Lansing Avenue. The culvert replacement is in response to a deteriorating brick arch culvert with several cracks. Preliminary design work is underway and is expected to be complete by January 2011.

17. Leigh-Shipyard Lane Area. The project will relieve roadside drainage issues causing nuisance flooding in the Lehigh Avenue and Shipyard Lane area. Staff is in the process of acquiring required right of way for construction and maintenance. Final design plans and required permitting are expected to be complete by January 2011.

18. Laberta-Cresthill Area. The project will relieve flooding within the Cresthill Subdivision. An engineering firm evaluated the storm water drainage system and the outfall to Hayner's Creek. Final design plans and required permitting are expected to be complete by January 2011.

19. Wahlstrom Road. The project will address drainage and maintenance access along the portion of Wahlstrom Road north of the railroad tracks. The drainage infrastructure in the area received infrequent maintenance in the past due to extensive industrial activities in the area and lack of access. Current work is directed toward identifying ownership and responsibility of existing infrastructure and locating existing drainage easements and rights of way.

20. Romney Place Drainage Phase. Improve storm drains and road crossings on Romney Place and along Parkersburg Road. Construction work is complete.

RECOMMENDATION: For information.
Districts: All

=====

EXECUTIVE SESSION

Chairman Liakakis said, thank you. Did a good job. I'll – I'll mention to Tom about that.

County Manager Abolt said, litigation and personnel.

Next, we have a motion on the floor to go into Executive Session for personnel --

County Manager Abolt said, litigation and personnel.

Chairman Liakakis said, – litigation. Let's go on the Board. Motion passes.

ACTION OF THE BOARD:

Upon motion being made by Commissioner Farrell and seconded by Commissioner Shay, the Board recessed at 11:20 a.m. to go into Executive Session for the purpose of discussing personnel and litigation.

=====

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 Chairman to execute an Affidavit that the Executive Session was held in compliance with the Open Meetings Act. Commissioner Farrell seconded the motion and it carried unanimously. [NOTE: Commissioner Kicklighter was not present.]

=====

APPOINTMENTS

1. SAVANNAH ECONOMIC DEVELOPMENT AUTHORITY

Chairman Liakakis said, we need a motion to appoint Senator Eric Johnson to the Savannah Economic Development Authority.

Commissioner Stone said, so moved.

Commissioner Farrell said, second.

Chairman Liakakis said, motion and second. All those in favor vote yes. The motion carried unanimously.

ACTION OF THE BOARD:

Commissioner Stone moved to appoint Senator Eric Johnson to the Savannah Economic Development Authority to fill a vacancy. His term will begin on January 1, 2011 and expire on January 7, 2016. Commissioner Farrell seconded the motion and it carried unanimously. [NOTE: Commissioner Kicklighter was not present.]

=====

ADJOURNMENT

There being no further business to be brought before the Commissioners, the Chairman declared the meeting adjourned approximately 12:05 p.m.

=====

APPROVED: THIS _____ DAY OF JANUARY, 2011.

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

JANICE E. BOCOOK, INTERIM CLERK OF COMMISSION