

**MINUTES OF THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF CHATHAM COUNTY, GEORGIA, HELD ON FRIDAY, JUNE 22, 2012, 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 9:16 a.m. on Friday, June 22, 2012.

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**II. INVOCATION**

Chairman Liakakis said, I call on Commissioner Helen Stone for the Invocation.

Commissioner Stone said, thank you, Mr. Chairman. Please bow your heads.

Commissioner Stone gave the invocation as follows:

Dear God, as we work through our agenda today, may we never lose sight of our oath and responsibilities. Please be with us as we deliberate the decisions that affect each and every citizen of our community and that we strive to do what is in the best interest of all. God, may we always be grateful to the many men and women who have chosen careers in our Armed Forces and in our local law enforcement because if it were not for them, we would not be able to live our lives in freedom and safety. It is in your precious name that we pray. Amen.

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**III. PLEDGE OF ALLEGIANCE**

Chairman Liakakis said, I call on Commissioner this morning, James Holmes, for the Pledge of Allegiance.

Commissioner Holmes led all in the Pledge of Allegiance to Flag of the United States of America.

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**IV. ROLL CALL**

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

The Clerk called the roll.

Present:           Pete Liakakis, Chairman  
                      Helen L. Stone, Chairman Pro Tem, District One  
                      James J. Holmes, District Two  
                      Patrick Shay, District Three  
                      Patrick K. Farrell, District Four  
                      Tabitha A. Odell, District Five  
                      David M. Gellatly, District Six  
                      Dean Kicklighter, District Seven

Not Present:       Dr. Priscilla D. Thomas, Vice Chairman, District Eight

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

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Chairman Liakakis said, I need a vote from the Commission. Commissioner Thomas could not be here today to – I need a vote –

Commissioner Stone said, so moved, Mr. Chairman.

Commissioner Farrell said, second.

Chairman Liakakis said, – dismissing –

County Attorney R. Jonathan Hart said, excuse.

Chairman Liakakis said, okay, we have a motion on the floor and a second to give Priscilla Thomas a leave of absence for today. Let's go on the board. Motion passes.

**ACTION OF THE BOARD:**

Commissioner Stone moved to excuse Commissioner Priscilla Thomas from the meeting. Commissioner Farrell seconded the motion and it carried unanimously.

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Chairman Liakakis said, next item, we have proclamations and presentations and the first item on there is the recognition of Lewis Leonard on his retirement as Director of the ICS Department.

Commissioner Kicklighter said, excuse me, Mr. Chairman, point of order, we didn't finish the roll call.

Chairman Liakakis said, oh, excuse me. I'm sorry.

Clerk said, that's all right.

Chairman Liakakis said, I'm hurrying it up.

[NOTE: Clerk finished calling the roll.]

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**V. PROCLAMATIONS AND SPECIAL PRESENTATIONS**

**1. RECOGNITION OF LEWIS LEONARD ON HIS RETIREMENT AS DIRECTOR OF THE ICS DEPARTMENT**

Chairman Liakakis said, okay, as I was stating, the first item on Proclamations and Presentation is the recognition of Lewis Leonard on his retirement as Director of the ICS Department. Lewis [Leonard], if you'll come up with you and your wife, and the other members that would like to come up to the podium also. If you'd like you can have, you know, all of those great staff --

Mr. Lewis Leonard said, come on.

County Manager Russ Abolt said, oh yeah. Oh yeah. Oh yeah.

Chairman Liakakis said, today we have one of our top directors of a department who has worked greatly for the citizens of all of Chatham County and many of the innovative and creative things that this gentleman has done has put the County up above many other counties around not only the State of Georgia but around the country because we can see the great things that he has done to make it more efficient for our communications and other things that have been set up by Lewis [Leonard]. And now I'll do the proclamation.

Chairman Liakakis read the proclamation as follows:



**WHEREAS**, Lewis Leonard will be retiring after 26 years of dedicated service to this community and this organization as Director of the Information and Communications Services Department; and

**WHEREAS**, Mr. Leonard will be remembered for his leadership in creating Chatham County's technology infrastructure, which evolved during his tenure from three personal computers to a state-of-the-art system of automation including more than 1,500 computing devices; integrated network communications and security; data disaster and recovery plans; financial management, judicial, tax, and human resources systems; cutting edge communications system of telephone and messaging; expanded wireless; and web-based applications which

improved how Chatham County communicates as an organization; and

**WHEREAS**, no better testament stand to the diversity of his can-do vision than several of his recent projects—the Southeast Georgia Regional Radio Network, funded through a \$7.3 million grant which he obtained to link radio communication among 7,300 public safety responders in seven counties; implementation of an automated records management system and opening of the new Records Center, which meets state and national archival standards in a building certified to withstand a Category 5 hurricane; and

**WHEREAS**, his legacy will be not only the way Chatham County as an organization works but also the organizational culture he helped to create which achieves value to its citizens through coordinated solutions and streamlined business functions—this way of thinking has led to decreased costs, increased responsiveness and interoperability to serve better the ever-changing needs of its customers.

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

**LEWIS LEONARD**

upon his retirement and recognizes his contributions to the people of this community, and to his profession, and do wish him well in his retirement.

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Pete Liakakis, Chairman  
Chatham County Commission

**ATTEST:**

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Gail F. Gordon, Administrative  
Assistant to the Chairman

[Applause.]

Chairman Liakakis said, and of course, I read many of the innovative things that Lewis [Leonard] with his leadership has put into place but there are many more, and it's just great that we had an individual like you that went beyond the call of duty because we can see on sometimes on evening times that you were doing those things so that you could make schedules and put things in a better place. So thank you. And, of course, we can see this great staff that you have that have done wonders for us. Russ [Abolt]?

County Manager Abolt said, thank you, Mr. Chairman. Commissioner Stone, Commissioner Odell, Gentlemen, it – it is a special time just not for Lewis [Leonard] and his wife, Patricia, it is a special time for this organization to celebrate. And I want to focus that celebration on what I know about the man. It's been my good fortune to work for this County for almost a quarter century. Lewis [Leonard] was here before I arrived but I want to tell you about Lewis [Leonard] the renaissance man.

Mr. Leonard said, uh-oh.

County Manager Abolt said, beyond – beyond all the wonderful things the Chairman has said in the proclamation, Lewis [Leonard] is a very special person. He has a feel and appreciation for history. I consider him an authority on General Oglethorpe's battle against the Spanish. I consider him an authority on the French and Indian War. I consider him an authority on – on many things related to the history of Coastal Georgia. He appreciates black powder shooting. He's an archer. He's a colonial re-enactor. He's a very special person, can tell you the workings of a Lamont pistol carried by General Stewart during the War between the States. This man is exceptional. He is very humble, but he has been an agent of change now for well over a century – quarter century. You must realize that when Lewis [Leonard] came to work for the County, he was employed and still is officed in the Montgomery Street Courthouse, but when he walked through the halls of the Montgomery Street Courthouse, the first day of work, he heard something we don't hear any more, the typing of typewriters. Can you remember the last time you've ever heard the typing of a typewriter sound? Lewis [Leonard] changed the culture of this organization. Not to in effect to – to benefit Lewis [Leonard], quite the opposite. His ego is – is – is – you can't measure – you can't find his ego. He's able to work with people to show them the benefit of technology to in effect, as a missionary, to convince them that this is the best way to go. He's introduced so much. And again, the interoperable communications, is a special tribute for what he's done for just public safety and first responders. Please realize until Lewis Leonard it was impossible for emergency responders to communicate up and down Coastal Georgia. Now it's a matter of just every day business because of Lewis Leonard. That \$7 million plus is here because Lewis Leonard got the grant. Lewis Leonard implemented with those first responding agencies, but Lewis Leonard takes no credit for it. But I'm telling you this, without Lewis Leonard it would not have happened. This is the quality of the person you have in front of you. He's a very special man. He's also special because he's kind of our Dick Clark of data processing. If you look at the – the youth behind him, he's able to capture the youth, the initiative and the creativity of so many wonderful men and women who wear their sharp shirts showing ICS on it. That's because of Lewis Leonard. They're here. They're – they're fun to be with. You ask anybody throughout the organization that has occasion to use the call help line and one of these ladies or gentlemen respond, and it's truly a enjoyable experience. That's all because of Lewis Leonard.

County Manager Abolt said, and in my own personal life, when Diane and I lost our daughter, Lewis [Leonard] was there for us. I remember a knock on the door shortly after we lost Tisha, and there we found Lewis [Leonard] with a very delicious fried turkey. Lewis [Leonard] is a man of all seasons. He's a man that's traveled over the oceans to trace his ethnic roots. He and I enjoy the same type of historical reading material, but most importantly, he and I enjoy working for this organization. He's a man that I will miss. I now want to introduce a man that's worked almost as long as Lewis [Leonard] for – for Chatham County to make a special presentation, this is Mr. Monahan. Mr. Monahan in

addition to hearing typewriters when he first came to work, had just come forth from the area of – didn't graduate from the University of Florida, but at that time the University of Florida was a community college. Mr. Monahan.

Assistant County Manager Pat Monahan said, he always knows how to set the tone. Thank you, Mr. Abolt. Think about in our personal lives what's happened over the past 26 years. I mean think about it. Twenty-six years ago how many of us owned a personal computer in our home? How many of us owned a cell phone? How many of us even thought about the possibility of the internet and how we exchange information? When we heard the word – when someone mentioned the word apple, we thought of fruit and not of computers and – and – and entertainment. I mean I look at the Youth Commission, and they were probably 10 years away from even beginning to think about life, or their parents thinking about their lives before – when Lewis [Leonard] arrived with Chatham County. And in listening to the proclamation, listening closely to it since I wrote it, it – it – it – it made me think of – of – of two other – probably two aspects of Lewis [Leonard] that wasn't – that – two other aspects that the proclamation did not go – delve into too much. First of all, he's – he's been a very not only creative, but he's also a department head who's learned how to – to live within his resources. It's – it's been tight times for the County on occasion but – and – and he's not always often been able to offer market salaries for his – his technology employees, but, you know, Lewis [Leonard], Lewis [Leonard] always found a way. I mean if you take a look at those behind, you know, he went to Savannah State; he went to Armstrong; he went to Savannah Tech. He, you know, he got the youngsters and he taught them. He – they – they learned about mentoring through others within his department. So he – he – Lewis [Leonard] knew how to save a buck. And the other that's been mentioned is just his creativity. We – we sight the – the Southeast Georgia Radio Network probably exists because of Lewis Leonard and – and his vision. Anyway, the only – the only way I want to conclude was the proclamation that the Chairman read we put it – memor – memorized it in wood for you.

Mr. Leonard said, thank you, so much, Pat [Monahan]. Those are awfully kind words for you and Russ [Abolt] and the Chairman. I just want to say that it's been a wonderful career working for Chatham County, 26 years. I have also – I've actually been working for 40 years. I started after graduate school in 1972 in – July the 5<sup>th</sup>, I think, 1972, so this is – concludes 40 years for me. And so – it's time. It's time to turn it over to these wonderful young people who have so much talent. And you are – you are really blessed by having a staff like this, especially Renee Bridges who's the real secret behind the ICS Department. And these – these folks have – have actually rendered the services and done the hard job, stayed up all night making sure that people are back up in the morning. Just taking care of, you know, thousands of tiny details that – that it takes to keep 1500 telephone subscribers and 1,000 computer users and 10,000 radio users. So, yeah, they're – they're the heroes, and I'm just privileged to have been associated with you all. Y'all have been a wonderful Board to work with. And, of course, working for the greatest County Manager in the galaxy is – is – has – has been – has been a real pleasure too. And so, thank you all so much. Take care. Good luck. [Applause.]

Chairman Liakakis said, God bless you in the years to come.

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## **CHATHAM COUNTY YOUTH COMMISSION**

Chairman Liakakis said, all right, next under special presentations this morning – before I do that, I'd like to introduce three of our Chatham County Youth Commissioners that are at the desk right now. On my left is Brianna Polite, who is representing Windsor Forest High School. And next to her is Alexis Parker, who is the Chairperson-Elect for the Commission, and she is representing Saint Vincent's Academy. Next to her is Jaylah Diggs, who is the Parliamentarian-Elect and representing Jenkins High School. Nice to have all three of you here today.

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### **2. GRADUATION CEREMONY FOR THE 2011-2012 CHATHAM COUNTY YOUTH COMMISSION.**

Chairman Liakakis said, and now we will go to item 2, is the graduation ceremony for the 2012 Chatham County Youth Commission. And we will have Van Johnson, that is the leader for our founder. Of course, Commissioner Priscilla Thomas was unable to be here today because this is very important to her. It was her vision that brought the Chatham County Youth Commission to fruition, and we can see that we have had over the years hundreds and hundreds of the Commission people – the Youth Commissioners that have gone to greater things in their lifetime because all of the things that they participated in and learned while they were on the Youth Commission and many other things also. So, Van [Johnson].

Mr. Van Johnson said, thank you, Mr. Chairman, Commissioner Stone, Commissioner Odell, Gentlemen. Thank you for this opportunity. As you know this time of year is one of our happiest times of year and at the same time one of our saddest times of the year as we watch our collective investment to the world grow up and walk in their destiny. It gives me good – great pleasure this morning to introduce to you the 2012 graduating class of the Chatham County Youth Commission. I thank you for your continuing support of now this 20-year endeavor. We are 20 years old this year. I thank Dr. Thomas in her absence for her vision and her enthusiastic support of these young people. Certainly we thank Mr. Abolt, Mr. Kaigler, all the county department heads, and my wonderful team of Mrs. Debra Allen, Ms. Takiyah Martin, Ms. Marilyn Rodriguez, Ms. Octavia Brown, Ms. Zazonna Slay, and of course, behind the camera, Mr. Pete Nichols. We also thank our partners in progress, the parents, the grandparents, aunts and uncles of these fine young people. We have cried with them during the bad times, and we have celebrated with them during the good times, so we would like to ask parents and grandparents and godparents to please stand and be recognized. [Applause.] I think you can do a little better than that. [Applause.]

Mr. Johnson said, there are some happy parents around. And to our graduates, and my children, our children, I can only offer you these famous but true words of wisdom, and it says – it's from a poem called It Couldn't Be Done. Somebody said that it couldn't be done, but he with a chuckle replied that "maybe it couldn't," but he would be one who wouldn't say so till he'd tried. So he buckled right in with the trace of a grin on his face. If he worried he hid it. He started to sing as he tackled the thing that couldn't be done, and he did it. Somebody scoffed: "Oh, you'll never do that; at least no one ever has done it"; and he took off his coat and he took off his hat, and the first thing we knew he'd begun it. With a lift of his chin and a bit of a grin, and without any doubting or quiddit, he started to sing as he tackled the thing that couldn't be done, and he did it. There are thousands to tell you it couldn't be done, there are thousands of prophesy failure; there are thousands to point out to you, one by one, the dangers that wait to assail you. But just buckle in with a bit of a grin, and just take off your coat and go to it; just start to sing as you tackle the thing that "cannot be done," and you'll do it. I want to tell our young people that the only thing that stands between them and the top of the ladder is the ladder. And we are very excited for them. So if you would, Mr. Chairman, Commissioner Stone, if you will come down to – to salute our graduates.

Mr. Johnson said, our chairman, Eric Brantley, is a third term Youth Commissioner from Jenkins High School. He is going to Valdosta State University. And we're going to ask his parents to come up as well. Joseph Drought is a third term Youth Commissioner from Benedictine Military Academy, and he is going where he wanted to go, the University of Georgia. Brianna Brack, is a three term Youth Commissioner from Savannah Arts Academy. She is going to Benedict College. Portia Boscoe is a three term Youth Commissioner graduating from Windsor Forest High School. She is going to South Carolina State University. Victoria Conley is a two term Youth Commissioner graduating from Bible Baptist. She is going to Mercer University. Kadajah Green is a three term Youth Commissioner graduating from Savannah Arts Academy, and she is going to Georgia Southern University. Jasmine Henderson is a two term Youth Commissioner graduating from Groves High School, and she is going to Spellman College. Mallorie Holmes is a bit of – of a surprise to us because she graduated in three years from high school. She has been with us two years. She is graduating from Windsor Forest, and we don't know exactly where she's going, but she's going somewhere. Gabrielle Hunter is a two term Youth Commissioner from Saint Vincent's Academy. She is also going to Spellman. And she is having surgery at this moment. So certainly keep her in your thoughts and prayers. Nothing serious but we want her to know we're thinking about her. Richard Jackson is a three term Youth Commissioner from Beach High School, and he's going to serve our country in the United States Air Force. [Applause.] We have a stand in, surrogate mom. Kenneth Johnson's a three term Youth Commissioner graduating from Jenkins High School, and he's going to Tuskegee University. Robin Leguerre is a three term Youth Commissioner from Beach High School. She's going to Armstrong Atlantic State University, and she is not feeling well this morning, so we're thinking about her as well. Amanda Maner is a first term Youth Commissioner from Calvary Day School, and she's going to Washington and Lee University. She's not here? Okay. Brittany Miller is a three term Youth Commissioner from Savannah Arts Academy, and she's going to Clark Atlanta University. Jasmine Moran is a two term Youth Commissioner from Saint Vincent's Academy, and she is going to Armstrong Atlantic State University. Tiffany Palmares is a one term Youth Commissioner, and she graduated from Calvary Day School. She cannot be with us today because she's already started her studies at the Georgia Institute of Technology, and I don't think her parents are here. Harry Scott is a three term Youth Commissioner from Savannah Arts Academy, and he is going to Savannah State University. You can get anywhere from Savannah State University.

County Manager Abolt said, except the end zone.

Mr. Johnson said, except the end zone, until this year. Aigner Smith is a three term Youth Commissioner from Jenkins High School, and she is going to Georgia State University. And finally Samantha Zellner is a two term Youth Commissioner graduating from Savannah High School, and she is going to Savannah Technical College. Ladies and gentlemen, join me in giving a big round of applause to – to our future. [Applause.] Thank you very much. Thank you.

Mr. Johnson said, ladies and gentlemen – thank you, you may be seated. We were fortunate this year to be under the leadership of a young man who first came to us through the Savannah Youth Council as a seventh grader, and earned his way on to the Chatham County Youth Commissioner, and he rose – to Youth Commission, and he rose to become the only second male chairman in our 20-year history. We will have some brief comments from Eric Brantley, our chair.

Mr. Eric Brantley said, sixth grade.

Mr. Johnson said, sixth grade, sorry.

Mr. Brantley said, good morning.

Commissioner Shay said, good morning.

Mr. Brantley said, to the Chatham County Commissioners, around this time three years ago I sat in Computer Apps looking up an email for Alderman Van Johnson, one tab on Gmail for him, and the other on Yahoo from Ms. Kentia Jenkins, an advisor of the Savannah Youth Council. I waited and waited for a response until about three minutes until the end of class. I had finally received a reply from Alderman Johnson saying that he was on the way to City Hall to pick up recommendations from Ms. Jenkins. At the same time Ms. Jenkins replied and said, he's on the way. From that moment on everything I did for the Youth Commission was serious. From the interview to the orientation to the graduation, I took it all in. Candidacy was not at all what I intended it to be, but it was great because I had made the great – a great group of friends that had become close to me. That I can truly say has been the best experience as a Chatham County Youth Commissioner. The family that I've grown to know, love and respect, the friends and friendships that I can say I will have for a life time. There are many things that I can say I've learned and experienced as a Youth Commissioner, from finer dining to the Old Country Buffet. From the City Kitty to the wonderful coach class seats of Delta airplanes. I have truly been blessed by the awesome experiences. I believe I can sum up my experiences in the days of the life of a Chatham County Youth Commissioner in about three words. Exciting, for there is never a dull moment as a Youth Commissioner. Even if you're interested in the town hall meetings or the hour and

a half long seminars at NACo, there is always a way to grab something from the meeting. If you actually listen and pay attention to not only the speaker but your surroundings you will catch some odd things, such as county commissioners taking naps in the seminars and waking up like they were paying attention the whole time. It's like what some of us

do in church, except for the Commissioners, Judges, or whatever their perspective titles may be, are actually paid to be there. And I'm sure the forum sessions of the city's quarterly town hall meetings would be no less exciting as well.

Mr. Brantley said, random, because you never know what could happen. I'm sure many Youth Commissioners can attest, especially officers, that you never know when Mr. Johnson will call you up. Might want to say – might want you to say something, sing something, follow him through the emergency exit of a subway in New York to reach Broadway on time, or even play the imaginary piano that you're expected to keep with you at all times. Thirdly and finally, family, because these people are around – these people that are around will always have your back and your best interests at heart. Of course we don't like each other all the time, especially after seeing each other for about 20 hours straight for four – three to four days, but it's to be expected. As I close I want to say thank you first to Dr. Thomas in her absence and the County Commissioners for your support and your vision. Next to Mr. Johnson and our wonderful staff of advisors for the long enduring hours of overtime that you put in to guiding and directing us. Then to the parents, not only my parents, but to the parents across the room that are forced and/or gently pushed us to being the young men and women that we have developed into today. To the remaining Commissioners I personally thank you for entrusting me to lead you and also supporting me because this is definitely not the same chairman you began with in September. To the incoming candidates, good luck. Few easy tips, check your email, check your attitude, and check your heart. Youth Commission isn't just an organization, this is a family. Candidacy is not to weed you out but to weave you in, and I promise you that we will all be protective of this family. And finally, to my fellow members of the graduating class of 2012, continue to move forward, continue to remember that we aren't the average student that will walk on campus this upcoming semester. We are know – knowledgeable citizens and leaders of this country. Continue to strive for excellence in all that you do, and don't forget that we are just phone calls, texts, email, Skype, Tingle, Oovoo, calls, messages, tweets, tweet grams, Facebook posts and messages away. I want to leave you with this quote from one of my new favorite books called *Letters to a Young Brother: Manifest Your Destiny* by Hill Harper. It says you are the latest and greatest perfect model of the human species and each year you can improve. You can become the upgrade you're – you're seeking. The way you are right now, today, is perfect. You are an improved version of your parents and their generation. You are an improved version of your grandparents and their generation. This doesn't mean that you shouldn't respect them or that you're better than they are, and it certainly doesn't mean that the many important – they have many important life lessons that come from listening to and being interested in their stories. However, it does mean that you have your whole future ahead of you. You can learn from their mistakes and do better. You will live longer, become better educated, make more money, and be happier than the previous generation. You are here to improve the human race, and you need to embrace that. So right now, whisper to yourself, I am the perfect new model. I'm going to do better than my parents, and I today, am the best this world has to offer. Thank you. [Applause.]

Commissioner Shay said, thank you.

Mr. Johnson said, thank you very much. This year was also unique that for the first time in our history we had a dual male tandem as the head of the Youth Commissioner – the Youth Commission. Joseph Drought, graduate of Benedictine, has also earned the distinction of being only the third Chatham County Youth Commissioner to also earn the designation of a Eagle Scout. He will offer comments at this time.

Mr. Joseph Drought said, thank you, Mr. Johnson. It is my honor to share a few words about the mother of the Chatham County Youth Commission, Dr. Priscilla D. Thomas. Dr. Thomas is one that we all love, honor, and respect for her many contributions to this community, and her many contributions to the youth of the community, particularly through the Chatham County Youth Commission and Summer Bonanza. She is a living example to us of the values we hold dear, and we appreciate the many hours she spends with us, caring for us and encouraging – encouraging us. Although she is not here today in person, we know that she is here today with us, celebrating this day. We have a token of appreciation for her that we will give her later. We cannot thank her enough for all she's – for all that she has done for us. For we would not be here today without her. Thank you. [Applause.]

Commissioner Shay said, thank you.

Mr. Johnson said, thank you. We have two quick presentations. I'm – I'm getting to the age now where I can say that I've known someone their entire life, and this young lady is proof positive of this. I have known her since the day she was born, and I've watched her grow into a very gifted and talented young lady. Brianna Brack, executive member and graduate of Savannah Arts Academy will introduce the Beverly M. Whitehead award.

Ms. Brianna Brack said, the Beverly M. Whitehead award is named in honor of Chatham County's first Human Resource Director who passed away in 1998. This award recognizes organizations and/or individuals who have provided exceptional service to youth through the – through the Chatham County Youth Commission. Here to present this award is Ms. Whitehead's daughter, Monica Whitehead.

Ms. Monica Whitehead said, good morning. This year's recipient is someone who was one of the very best products of our community. Bright, articulate, down to earth, well-grounded, funny, and professional are some of the many adjectives that many have used to describe him. He understood the unique partnership of the Board of Education and Chatham County and assisted the Youth Commission on a variety of ways by making things happen, cutting through red tape, and being an advocate. Like my mother, he left us way to soon at the age of 41 years old. Our community and Chatham County Youth Commission is better because of the life and contributions of Otis J. Brock, III. Here to accept the award is his mother, Dr. Annette K. Brock. [Applause.]

Dr. Annette K. Brock said, Ms. Whitehead, thank you so very much. Mr. Johnson, Chair Liakakis, members of the Chatham County Commission, thank you so very much. I am accepting this on behalf of my daughter-in-law, my – my

son's wife, and his three children, Zuri, Zoey, and Elijah Otis, one month old today – uh one month old – yeah, today. So, it is on their behalf that I thank you, and I would like to just commend Chatham County for 20 years of – of this wonderful institution, the Youth Commission. Mr. Brantley, I am so impressed with your speech. I'm so impressed with all of you, and I wish you Godspeed and the very best and just always stay on the case and do your very best. Thank you. Thank you so much. Otis [Brock] would be very pleased.

Chairman Liakakis said, Annette [Brock]?

Dr. Brock said, yes?

Chairman Liakakis said, just a minute.

Dr. Brock said, yes.

Chairman Liakakis said, we can see where Otis [Brock], your son came from because you and your husband involved in the education for thousands of students, not only in high schools with your husband as principal, and many other things, and also you as a leader at Savannah State University and was interim president of the Savannah State University. The many things that you have done in the community of – in charity and civic things, you and your husband. And of course, we all know what a great job that Otis [Brock], your son did for the school system. Because he helped put a lot of positive things into the system by helping to oversee building of new schools and many other things that he did. But it came from his parents, and I know now that Otis [Brock] is right above, and he is really smiling at this award that you're given.

Dr. Brock said, thank you very much. I appreciate that. Again thank you. And again congratulations. Thank you. [Applause.]

Mr. Johnson said, and finally for real. For real, for real. The final presentation is from a young lady who is the epitome of our core values, respect, success, influence, integrity, and leadership. She has blossomed before our – our very eyes, and her light continues to shine. Her peers thought so much of her that last year they selected her to receive the highest youth award that our organization gives, the Brandon Brown Youth Commissioner of the Year Award. This year Victoria Conley not only graduated from Bible Baptist, she graduated as the Valedictorian of her class. To introduce the Brandon Brown Youth Commissioner Award – Youth Commissioner of the Year Award is Victoria Conley. [Applause.]

Ms. Victoria Conley said, the Brandon Brown Youth Commissioner of the Year Award is named in honor of a young man who exemplified the core values of the Youth Commission. I'm told that Brandon [Brown] was a very unique person who loved the Youth Commission, was active even in – in his graduation. When Brandon [Brown] passed away in 2004 at the age of 21, his passing left a void that still exists today. To present the Brandon Brown Youth Commissioner of the Year Award is graduate advisor, former Youth Commission Chairwoman, and Brandon's [Brown] good friend, Ms. Zadonna Slay. [Applause.]

Ms. Zadonna Slay said, good morning. I had the pleasure of serving with Brandon [Brown] from 1999 through 2001, and he became a dear friend, a big brother, a verbal conscience, a confidant, and our very own little Tigger as he was often called. Ms. Brown, Brandon's mother, could not be with us today so I stand in her stead to present a similar charge. Never turn your back on your peers and always be a mentor to carry someone along the way as that big brother or big sister. It is with great pleasure that I announce for the first time in history, two recipients of the Brandon L. Brown Youth Commissioner of the Year Award for demonstrating the same attributes as Brandon [Brown]. They are Mr. Lamar Ballard and Ms. Tiffany Palmares. [Applause.]

Ms. Slay said, thank you.

Mr. Johnson said, ladies and gentlemen thank you all so much. Thank you for indulging us and thank you for your support of these young people. Thank you. [Applause.]

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

### **1. PEDESTRIAN ISSUES, JOHNNY MERCER BOULEVARD (CHAIRMAN LIAKAKIS AND COMMISSIONER FARRELL).**

Chairman Liakakis said, Item 6 on the – for the next item and it's concerning pedestrian issues at the Johnny Mercer Boulevard. A town hall meeting was held – well, let me let everybody leave now and then we can get into the rest of the agenda. A couple of weeks ago there was a town hall meeting for the area Wilmington Island and the other general areas next to Wilmington Island, and the town hall meeting was held because the County had put some proposals together for that particular area. And one of the concerns that came out is the – at crosswalks, it was dangerous in that particular area, especially in the Johnny Mercer Boulevard area. Some of the people have stated – they walked up to talk to me and to Commissioner Farrell about that the people that were driving the vehicles were not being safety conscious because some of those people felt that – that they might get hit there. There is a state law that vehicles are required to stop for pedestrians in the crosswalk area. Well, you know, when you're whizzing on by and – and not thinking about the safety and you sort of – those people who are driving those vehicles are sort of bullying those pedestrians. So anyway, after that meeting, Commissioner Farrell and I had a lot of conversations about that particular project, but nothing is being done on that project at this particular time. The concerns that we have right now that we

wanted to address is the safety of people in the crosswalk area, and so Commissioner Farrell discussed it with me about things that could be done, and we – I talked to the County Manager, and one of the things that – that we are going to put in place is they're going to widen crosswalks and also they will be giving information and the County Manager will be giving direction to the police department that people that are not stopping as the State law requires and for the – especially for the safety of the pedestrians in those crosswalks is that they will be getting citations and going to court. We're also finding out information like other cities around the country and one of those is Salt Lake City, Utah, that – boy people in that area sure have learned that when you come to a crosswalk in Salt Lake City you better stop because they have graduated penalties that you can get there for being unsafe at a crosswalk.

Chairman Liakakis said, and so I'd like to thank Commissioner Farrell because he came up and said why don't we try this and we discussed some of those particular things, and that's really good. That just shows one of his concerns. He represents that particular area, and – and I'm glad that – that we can do something right now for the safety of the citizens on those crosswalks. And – and so we're going to be moving on from there and now go to the item 7 –

Member of the audience said, Mr. Chairman?

Chairman Liakakis said, – the requirements for campaign disclosure --

Member of the audience said, Mr. Chairman? Mr. Chairman?

Chairman Liakakis said, – and financial filing.

Member of the audience said, Mr. Chairman?

Chairman Liakakis said, yes?

Member of the audience said, Mr. Chairman, aren't you going to receive any kind of comments on the Johnny Mercer project from the public?

Chairman Liakakis said, no, this is not a town hall meeting. When we have a town hall meeting – we're not getting into the Johnny Mercer project whatsoever at this time, and we don't even know if that project is going to even proceed because it might not proceed or it could. We're going to take comments from the public, but we don't allow people to talk about a particular subject because this is not a town hall meeting. Now, if this was a town hall meeting, and we had multiples of those that people – like we did a couple of weeks ago for any citizen that wanted to speak. But we – this is just not the protocol to do it here. If you would like you could send – call me or Commissioner Farrell on the phone or send a – a – a line, and the next time we have meetings we'll make sure that you are the person that will come up, you know, hopefully at the first of the meeting and you can make any comments that you want to at that time, sir.

Member of the audience said, all due respects to your comments, I've been doing that since January. Most recently I sent a – a – a suggestion to you, Pat Farrell – copies to Pat Farrell, Mr. Abolt, and there wasn't anything – any response whatsoever that you even received it, thank you for your suggestions, go take a hike. I don't care. You got a right – we had a right to hear from you, and I mean you as a group because we don't hear anything. We're sitting there on pins and needles waiting for the next shoe to drop.

Chairman Liakakis said, all right, let me say this to you, sir, so that you fully understand this. Number one, I don't know about the other people, I did not receive anything from you, and so, sir, if you will please sit down at this time and after the meeting be glad to talk with you about anything that you've got to say after the meeting today. Thank you, sir.

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## **VII. COMMISSIONERS' ITEMS**

### **2. REQUIREMENTS FOR CAMPAIGN DISCLOSURES AND FINANCIAL FILING (COMMISSIONER STONE).**

Chairman Liakakis said, okay, as I was mentioning, requirements for campaign disclosures and financial filing. Commissioner Stone?

Commissioner Stone said, thank you, Mr. Chairman. I'm bringing this up because of some discussions that I had with the State finance committee that several of our local elected officials have incurred penalties since we have gone to the electronic filing and the State recognized this early on by extending the grace period so that in order for everybody to get their passwords and their PIN numbers. And Mr. Chairman, I would like to – for the Board to consider asking our local – our local elections board to produce a document, a very short document of what is required of both elected officials and candidates so that we can be very clear as to what is needed – what needs to be done. It's a little bit confusing. Since I've been in office this has changed four times starting with our paper disclosures being turned in to our local elections board to a disc to e-filing to our local board and now e-filing to the State. And some of these requirements are not as clear when you have to go on line. So I would like for this Board to consider asking our local elections board to come up with a simple document that could clearly spell out what's required not only of – of candidates – I mean not only of elected officials, but of our new candidates as well.

Chairman Liakakis said, okay, and what I'll do unless there's some objections from any of the members of the Commission, what I will do is immediately get with Russell Bridges, who is the superintendent of the elections, and I will talk with him about your suggestion so that they can get that implemented right away.

Commissioner Stone said, thank you. I just think it would be a service to the citizens of this community.

Chairman Liakakis said, okay.

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## **CHATHAM AREA TRANSIT AUTHORITY**

Chairman Liakakis said, next item, we will recess now as County Commission and convene as the Chatham Area Transit Authority for a special called meeting. And as soon as – it's a short meeting today. As soon as we've handled the business for the Chatham Area Transit Authority, we will adjourn that one and reconvene as the Chatham County Commission. And now I'd like for all of the members that are working with the Chatham Area Transit Authority to come forth. The Board recessed as the County Commission at 10:09 a.m., and convened the meeting as the Chatham Area Transit Authority.

Following adjournment of the Chatham Area Transit Authority, the Board reconvened at 10:16 a.m., as the County Commission.

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## **VIII. TABLED/RECONSIDERED ITEMS**

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

- ~~1. **COMPENSATING CHAIRMAN FOR USE OF PRIVATE VEHICLE. Note: Item was tabled at Board meeting of June 8, 2012. Request is made to keep this on the table for one more meeting.**~~

Chairman Liakakis said, Tabled and Reconsidered Items. Compensating the Chairman on a private vehicle, I'm withdrawing that particular item, and there was no objections with the Commissioners to withdraw that item.

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- \* 2. a. **MODIFY THE CHATHAM COUNTY REVENUE ORDINANCE TO INCREASE THE SOLD WASTE FEES FOR DRY TRASH. See additional staff report. Note: Item was tabled at Board meeting of June 8, 2012.**

Chairman Liakakis said, Item 2, Second Reading. Item was tabled at Board meeting on June the 8<sup>th</sup> of this year, and it's to modify the Chatham County Revenue Ordinance to increase the solid waste fees for trash. And we have an additional report that is in our book. Russ [Abolt]?

County Manager Abolt said, motion to take it off the table, please, sir.

Chairman Liakakis said, I need a motion to take it off the table.

Commissioner Stone said, so moved.

Commissioner Holmes said, second.

Chairman Liakakis said all in favor go on the board. Motion passes.

County Manager Abolt said, Mr. Chairman, Commissioner Stone, Commissioner Odell, Gentlemen, this is a follow-up discussion had – when you had the ordinance that the Chairman introduced on – on a second reading at your last meeting. You asked to pull out the consideration of the increase in dry trash fee with the understanding that staff would come back with other options. We have done that. Mr. Drewry has prepared a – a – a detailed report giving you different options, and we'd be glad to go through that with you if you would like, but essentially you have the choice today as to whether or not to initiate the increase in the dry trash ordinance or discontinue the service, use reserves, and then we give you some other choices which in effect are enumerated, and if you would like we will take you through those choices. Would you like us to take you through the choices?

Chairman Liakakis said, yes.

County Manager Abolt said, okay, Mr. Drewry, please come forward. If you go to the staff report which is referenced in the title of the agenda new information. We give you what I believe are five – five options. Robert [Drewry], will you take them through the five options?

Mr. Robert Drewry said, good morning, Robert Drewry, Director of Public Works and Park Services. The staff report I have outlined five options. Option number one is living with the current \$43 per household fee. I've outlined some

– some concerns with that because that is only half the fee that we need to continue to operate as we currently do. There are some concerns with keeping with the \$43 fee and not increasing the fee additionally. There would have to be layoffs and there would be changes in the program itself that would be significant to the ability to keep up with the routine curbside collection program. Option number 2 is continue to use the solid waste reserves fund to operate the program or to fund the program. This is basically as we have been doing since FY2010, and that is draining down the solid waste fund. I have shared some concerns in page three of my report and – and I'll quickly go through those concerns about continuing to draw down the reserves. Use of those funds without a replacement strategy – strategy violates good fiscal policies. There should be a replacement strategy to replace funds that are used in the reserves. The State of Georgia does require financial assurance against environmental cleanups at the five landfills the County has that are closed. The reserves are needed for cash available in case we have that catastrophic problem with one of the five landfills. Cash reserves needs to fund expensive, catastrophic events such as a hurricane. If we were to have a – a huge disaster with the tremendous volume of debris, reserves should be kept in place to fund that debris. Realizing that the federal government will reimburse if it's declared a disaster, but there still needs to be some percentage paid for by the local government, and as much as 15% has to come out of the County's operating budget to fund a disaster. Those reserves will be there for that purpose. Depleting cash reserves eliminates the availability – availability of funds for capital needs and capital expenditures. As I explained at the last Board meeting, there are capital needs in the solid waste fund, such as replacing equipment, purchasing property, and things of that sort.

Mr. Drewry said, option number 3, stopping the service – the current service as it is and eliminating the current \$43 fee. That obviously will relate to lay offs and ceasing to provide the program all together. And I – my opinion of that is that – is that that would be very detrimental because that is a very good program, and the general public does rely on that curbside program. Option number 4, offer an annual subscription rate service. That is probably of all the options, probably the most difficult to wrap your arms around. If you went through a prescription – subscription service, number one we don't know how much volume's going to be out there for subscriptions. The cost will be very high even if say 25% of the – of the public – public chooses to subscribe, the cost could be well over \$300 a year and – and – and that is phenomenal. But again, you don't really know what the volume's going to be. You have to go through at least a year. But that also means that if you put stuff out on the curb or if a citizen puts stuff on the curb, they're not a subscriber, we will drive by it and leave that there. Which means, obviously, more phone calls and – and we just can't drop and go back and pick that stuff up unless they subscribe. So there's a lot of management problems with a subscription service, administrative problems, and – and the cost could be very high. Option number 5 is the Board – request the Board to adopt the \$85 a year fee for the single family residential household. That is what we are recommending. And that will fund the program, including the capital replacement program. Are there any questions? I'll be glad to answer them.

Chairman Liakakis said, any questions? Now what you're saying is the \$43 is what the present dry trash – dry trash costs for the citizens now, correct?

Mr. Drewry said, that's correct.

Chairman Liakakis said, and so what you're asking is because of the – the monies that's needed to continue this particular project, which is an additional \$42 a year or \$3.50 a month is the cost factor on that if you divide 12 into 42, you get \$3.50 more a month to continue this particular service. Is that right?

Mr. Drewry said, that's – I believe that's correct. Yes, sir.

Chairman Liakakis said, okay. Any comments? Yes?

Commissioner Shay said, I'm not going to comment. I – I think from reading the minutes there was plenty of discussion last time around. I think there was some good ideas. I'm just going to do this the legislative way. I'm going to make a motion and see if it passes. If it passes, we're done. If it doesn't then we keep trying motions until something happens I suppose. So I'm going to make a motion that we adopt the fifth option, which is described as alternative 1 in the alternatives that were presented to us, which would be to change the revenue ordinance to increase all the aspects that are listed in the staff report, but the – the main bone of contention seems to be to increase the \$85 for the dry trash service. But it's in conjunction with all the alternatives that are listed in there.

Chairman Liakakis said, so in other words add the additional 42 – \$3.50 a month to the – what's already being charged?

Commissioner Shay said, yes, sir, and all the other alternatives that are included in here that are relatively minor by comparison.

Chairman Liakakis said, okay. Do we have a second?

Commissioner Holmes said, second.

Chairman Liakakis said, we have a second. Any other comments? All right. Let's go on the board. Tie.

County Attorney R. Jonathan Hart said, fails to pass.

Chairman Liakakis said, okay. It's –

County Manager Abolt said, I will need some direction because of the fact that it does not pass. I – I don't want to make an assumption but I want – I want to make sure I understand the – the intent of the Board –

Commissioner Kicklighter said, Chairman?

County Manager Abolt said, – and maybe that's not possible.

Commissioner Kicklighter said, Chairman?

Chairman Liakakis said, wait a minute. Let him finish.

County Manager Abolt said, but the – the issue is now is – is the budget in front of you which, you know, will be recommended for passage and – and whether or not you want to wait till you have nine people here, realizing that from the standing point of collection, you have a little bit of time but not much because we have to instruct Danny Powers to change the charge on bills, and we have to anticipate a revenue stream. So it would – I – I would think and Mr. Hart may want to volunteer this too, you could just keep this as is until your next meeting or in effect I would ask your interpretation and I would ask would it be your intent to continue the service as it currently is provided and – and use the existing resources of the – the reserves to maintain the program?

Commissioner Shay said, I – I believe the floor is still open for motions.

Commissioner Kicklighter said, well –

Chairman Liakakis said, yeah. But wait a minute. Patrick [Farrell] and then Dean [Kicklighter].

Commissioner Kicklighter said, actually it was me and then him, but that's fine. Go ahead. That's fine.

Commissioner Farrell said, philosophically I – I – I believe in the fee for services. However, due to current inequities in the – in the LOST and the franchise distribution compliments of our Georgia General Assembly, I – I – I can't in good conscience vote for this fee at this time. However, if Chatham County were to eliminate the Special Service District as a taxing district like well over 95% of all the counties in Georgia only have one taxing district that the county – and that's county-wide, that would alleviate lot – a lot of the taxing inequity on a group of 87,000 people, and I would be the one that would make a motion at that time to approve this measure for the full fee for the full service. But until that time, I would – I would like to see us work feverishly to eliminate the Special Service District as a taxing district, and then – and then use the fee system for special services, such as lighting, street – street lighting in certain areas and dry trash pick up.

Chairman Liakakis said, all right. It's Dean [Kicklighter] and then Helen [Stone].

Commissioner Kicklighter said, thank you, Mr. Chairman. My thoughts behind this is that we heard last time that if we did not approve this it would affect the temporary labor force that we utilize to do the collections. My thoughts behind my vote is to no longer seek to employ the temporary labor, cut the service in half, pick up the refrigerators not once a month but maybe once every six months, which is still more than most areas. You could go once a year with – with things such as that. Split the area unincorporated into east and west. When you cut the service in half you have dry trash pick up in both areas every – once every two weeks rather than every week, and go from there. The – the citizens are paying enough. Once a week is quite a bit of pick up, and, you know, when it comes to tough times, we're – we're looking at places such as the Landings that's paying an enormous part of this fee that they get absolutely no service.

County Manager Abolt said, yes they do.

Commissioner Kicklighter said, they do?

County Manager Abolt said, they do. Yes, sir. We have dry trash service in the Landings. Yes, sir.

Commissioner Kicklighter said, okay,

County Manager Abolt said, he packs out –

Commissioner Kicklighter said, well I heard from someone that maybe –

County Manager Abolt said, he packs out –

Commissioner Kicklighter said, – maybe a lot of them's not aware of it.

County Manager Abolt said, he – he packs out in the Landings. Yes, sir.

Commissioner Kicklighter said, okay. Well –

Commissioner Farrell said, yeah, any of the – any of the –

Commissioner Stone said, unincorporated.

County Manager Abolt said, residential properties.

Commissioner Farrell said, – residential subdivisions that give us permission to ride on their roads and hold harmless –

Commissioner Kicklighter said, okay.

Commissioner Farrell said, the county provides the service like they do, you know, when they use our own county roads

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Commissioner Kicklighter said, right.

Commissioner Farrell said, – to access their homes.

Commissioner Kicklighter said, well that's great and – and –

County Manager Abolt said, in fact some of our – some of our biggest complaints come from folks like that when after a big storm we can't clean up fast enough.

Commissioner Kicklighter said, well, and some of my biggest complaints about taxes comes from folks like that that pay a lot of money in their taxes. Again, I think dry trash pick up once every two weeks would be sufficient, and I have no problem with my decision to vote that, and that's what I would recommend that staff do. Stop utilizing the temporary help, split it up instead of complete pampering of once a week, come in once – twice every – every two weeks. I – I believe that's plenty and people would learn that, and we'll hear a lot less complaints about picking up dry trash once every two weeks then we will raising fees and raising taxes.

Chairman Liakakis said, Helen [Stone]?

Commissioner Stone said, thank you, Mr. Chairman. I too have received numerous phone calls and people feel that in the unincorporated area that they pay enough in taxes and they really question some of the services that they get in return. I also agree that by not receiving any benefits from LOST or the franchise fee that the playing field really is not level to the folks in the unincorporated area. And so at this time I would like to see us, until the LOST negotiations are settled and until we find out a little more of what we can look at next year to use the existing resources that we have and keep this fee where it is.

Commissioner Farrell said, is that a motion? I'll second it.

Commissioner Stone said, well, yes. I mean or – I – I thought we had a motion on the floor.

Chairman Liakakis said, not for that.

Commissioner Stone said, okay.

Chairman Liakakis said, I mean. We didn't have a motion there.

Commissioner Stone said, okay, well I'll be happy to make that in the form of a motion.

Commissioner Farrell said, I'll second it. Continue discussion.

Chairman Liakakis said, James [Holmes]?

Commissioner Holmes said, thank you, Mr. Chairman. You know three years ago this – this issue came before us. Just three years ago. You may think that was a long time. And we looked at the problem, or you may say issues that were facing us. You remember that train that we talked about that was going down the railroad track? Now that train done picked up some steam and it's rolling pretty fast. We did not act on that like we should have three years ago. And now that this is the year of 2012, with things facing us in a more difficult time, we want to back up and not really make sound and solid decisions for our citizen. When you say that – that the service is not equal, I can easily say that and stand very strong by it. But you don't see me taking that stand on it because on percentage wise, you can't really measure all of our districts and all of our community to whether we get equal service or not. So let's – let's take that out the equation. But if you don't pass this now, you – you – you keeping dipping into a funds that you know and we know as elected official and Commissioners, you can't keep going into that fund to offset this cost, because that train track is going to wreck. Then all of us going to be elected hopefully next year, and we're going to be facing the same problem again. Same problem. And you know our department head, who do their homework, and I've always constantly say I respect our department heads so much because they put so much work into finding facts and the reason why we make decision. And I have listened – listened very carefully on how they bring it to us. Then you – you – you do your homework. So let's – let's – let's look back at this \$3.50 that you're asking per month to offset a cost that's going to give you the full service. I don't see anything saying you're taxing people out of the box because that's a very minimum tax. But if the service not there, then I'm quite sure Mr. Russ Abolt and the rest of us, the Chairman, we all will be getting calls from all the citizens complaining that the service not there, this wasn't picked up, that wasn't picked up. But yes still we want service but we don't want to increase anything to continuously have the service being given to you. And service is the number one issue to give to any citizen pertaining any issue. And gentlemen [sic], I – I – you – you know, as I've – I've stated, and I almost fuss at y'all the last three years. Please let's pass this. But no we didn't, and it's right before us again. Right before us again three years later, and we still wrestling with it.

Commissioner Kicklighter said, Chairman?

Chairman Liakakis said, Helen [Stone]? No. Helen [Stone], did you want to restate your motion?

County Attorney Hart said, until LOST negotiation –

Commissioner Stone said, well the motion is to leave it at the \$43 and to use our existing resources and – so that was my motion.

County Attorney Hart said, until – until LOST negotiations are resolved, I believe you added.

Commissioner Stone said, yes.

County Attorney Hart said, or is that still part of the motion? I mean?

Chairman Liakakis said, that's what she said, yeah.

Commissioner Stone said, well, I don't want it to come – well, I – I think that at least for the next year in hopes that and I – and I don't want to tie any strings to it, but in hopes that the LOST negotiations would come back positive so that there would be some –

Commissioner Farrell said, well rather than tie it to that maybe we could – if you want to tie it to something meaningful, perhaps the dissolution of the Special Service Taxing District. I think that would be the appropriate time to do that –

Commissioner Stone said, okay, I – I agree – I concur with that.

Commissioner Farrell said, – because if there was some way that we join 96% of all counties in the great State of Georgia at one county tax, not two –

Commissioner Stone said, right.

Commissioner Farrell said, – then we would be able to address that immediately and I would –

Commissioner Stone said, okay, then – then I will –

Commissioner Farrell said, – offer to take the lead on that.

Commissioner Stone said, okay, then that would be my motion.

Chairman Liakakis said, just a minute James [Holmes], I think Dean [Kicklighter] is next.

Commissioner Stone said, but we need a second.

Commissioner Farrell said, I seconded.

Commissioner Stone said, okay.

Chairman Liakakis said, Dean's [Kicklighter] next.

Commissioner Kicklighter said, thank you.

Chairman Liakakis said, and then I'll come to you again, James [Holmes].

Commissioner Kicklighter said, I would greatly think that we should possibly remove the caveat from the motion about anything to do with LOST negotiations and just –

Commissioner Stone said, right.

Commissioner Kicklighter said, – instruct them to operate and provide the amount of service with – that the fee – current fee would fund. I think would be –

Commissioner Stone said, I think my – my original comment with that – I agree. I – I concur. I agree was that if – if –

Commissioner Farrell said, what you're doing is just continuing what we've been doing.

Commissioner Stone said, right.

Commissioner Farrell said, it's not – that's a different thing.

Commissioner Stone said, exactly. I'm – I'm with you. I'm with you.

Commissioner Kicklighter said, so to utilize the –

Chairman Liakakis said, wait a minute. Hold it.

Commissioner Kicklighter said, – reserves?

Chairman Liakakis said, let him – yeah, let him respond. Go ahead, Russ [Abolt].

County Manager Abolt said, you're – you're there. Yes. Two different things. Her – her motion as I understand it would use reserves. Your motion would just live within the \$43.

Commissioner Kicklighter said, well that's what I would prefer that we do rather than spending the reserves on down is go ahead and make the tough cut.

Commissioner Stone said, my motion was to keep it at \$43 and hopes that it wouldn't have to go into the reserves, and

if that meant any other options coming back and saying reducing it from not once a week to twice a month.

County Manager Abolt said, if – if –

Chairman Liakakis said, yes?

County Manager Abolt said, I – I don't want to promise anything that we cannot deliver. And – and the – the problem in the – the decision or the motion is as I first understood it is doable because it would draw down your reserves which would result in disadvantage Mr. Drewry outlined. To go into this year assuming that somehow we're going to live with half the budget, is going to put you, like Commissioner Holmes says, in one cracker jack of a position come six months into the year. It also puts you in the position if, and – and this is where I would speak against the initial motion that was defeated if the motion – excuse me there was no second. If you cut your capacity in half, we all know it goes beyond the curbside aspect of the service. If we have a windstorm, and we had this, and we already know the – the pain and suffering of the constituents go through waiting for us to pick up stuff. You must double that. So in years gone by like last Father's Day storm, and it took us several weeks to finally clean up the streets of the unincorporated area, you've got to double that. And that – that's what I'm worried about. Is you're going to go beyond – I know there's concern about push back and – and – and the pros and the cons of a fee, but I know for sure because I've lived through it as you've lived through it, if you cut your service capability by 50%, I can guarantee you that the next windstorm, the amount of push back we're going to get in not being able to respond will be significant.

Commissioner Kicklighter said, Chairman?

Chairman Liakakis said, yes?

Commissioner Kicklighter said, if I may, and just – Commissioner Holmes made the statement that we need to make solid and sound decisions for our citizens. I respectfully ask this Board to look at that statement and look at the people who are opposed to raising the fee. They, we, are the people who represent those citizens. It's something out of respect, I believe, throughout the twelve years that I've been on this Board, we tend to, unless it's some moral difference, lean towards the decisions of those who are elected to represent those areas. And in this case, you have the four Commissioners that are the very ones that will be held accountable with this decision who oppose it. Can't measure the equality of services in different districts was one of the points Commissioner Holmes made. Absolutely, you know, that's – that's the truth, but this is not the case with this. We're talking – we're not talking the equality of districts funded through the M&O tax, which everybody pays. That part of it be hard to measure it, this is simply the SSD budget, which is the budget that those citizens pay in this area that will be affected by this. And, you know, so you can't measure it, but you can pretty much determine that the people we're talking about here are the ones that we all represent. As far as all of us getting calls, well, y'all can relax on that too, because we're the only ones that can be held accountable. Y'all may get a phone call, but you're – you're going to hang up the phone knowing you're not going to get voted in or out of office from that call. It's – it's us who talk with our constituents just like you talk with yours in your district, and I have found it hard to just go against the decisions that you as elected representatives make that you believe is in the best interest of your citizens if it's no skin off of my back. And in this case, there's no skin off of anybody's back up here except for the four people who are asking you to join with us and oppose this fee. If in six months we're facing a crisis, which we will, I believe personally it's best to face it now and what I stated earlier, but I would rather see us do whatever it takes to not implement an additional fee at this point, and if that's following right along the current path, so be it. But, you know, I just ask all of y'all to please respect our attempt to do what we believe the majority of our constituents actually wants to happen. Just as I believe for most accounts, we've tried to do for all of y'all when it's an effect on your district. And I'll end there with a plea, just at your mercy. Help us do what we believe the majority of our citizens would want. And that's it.

Chairman Liakakis said, Tabitha [Odell] and then –

Commissioner Shay said, Shay.

Chairman Liakakis said, Patrick Shay.

Commissioner Farrell said, what's his name.

Commissioner Odell said, you right there. I – before I vote for – to cut it back, I kind of need to know what that looks like. Is there some way y'all can tell us –

County Manager Abolt said, yes, ma'am.

Commissioner Odell said, – specifically –

County Manager Abolt said, it's horrible.

Commissioner Odell said, – how you implement cutting back –

County Manager Abolt said, it's horrible.

Commissioner Odell said, – the services in half.

County Manager Abolt said, and I don't – I don't want to be dramatic but I will, it's horrible.

Commissioner Farrell said, that's not what we're going to vote on. We're not voting on cutting back service.

Commissioner Odell said, that's what Dean's [Kicklighter] asking.

County Manager Abolt said, you're – you're – you're motion –

County Attorney Hart said, yeah, for clarification –

Commissioner Farrell said, that's not the motion –

Commissioner Odell said, to cut back – oh.

County Attorney Hart said, – for purposes of clarification,

Commissioner Farrell said, – that we're discussing.

County Attorney Hart said, yeah, for purposes of clarification, the motion that is on the floor is to continue the current fee and invade the fund to continue the fee –

Commissioner Farrell said, solid waste fund.

County Attorney Hart said, – solid waste fund --

County Manager Abolt said, and please, it's not a part of the Special Service District. This is an enterprise fund.

County Attorney Hart said, and – and right now there's not any motion on the floor to increase the fee or to cut services.

Chairman Liakakis said, okay. Tabitha [Odell]?

Commissioner Odell said, okay, so, we're going to continue to invade the fund?

County Attorney Hart said, that's the motion.

Commissioner Odell said, that's – that's the current motion? Okay.

Commissioner Farrell said, solid waste fund.

Commissioner Odell said, right.

County Attorney Hart said, so that motion really needs to be disposed of one way or the other.

Commissioner Farrell said, which – which has a recurring revenue from tipping fees.

Commissioner Odell said, okay.

Commissioner Farrell said, from people.

Chairman Liakakis said, Patrick Shay.

Commissioner Shay said, thank you, sir. I do represent some unincorporated area.

Commissioner Kicklighter said, a little bit.

Commissioner Shay said, a little bit. Not a whole lot. So, but I – I'm, you know, look, there's a motion on the floor. I do respect the fact that the majority of the unincorporated area is within the four districts of the people that voted against the motion to raise the fee. So I – I'm – I'm prepared to call for the question. Let's vote on it. See where we are.

Chairman Liakakis said, call for the question of hers.

Commissioner Kicklighter said, point of order?

Chairman Liakakis said, wait a minute, Dean [Kicklighter].

Commissioner Stone said, and wait a minute. I want to hear what Commissioner Kicklighter has – I think he's concerned about the motion in its entirety, and I want to hear his concerns.

Commissioner Kicklighter said, point of order –

County Attorney Hart said, point of order needs to be addressed to the motion though.

Commissioner Stone said, right, to the motion.

Commissioner Kicklighter said, point of order. To achieve what we desire at this very moment, and when what we desire with your motion, I believe your motion needs to be withdrawn totally. That a way someone voting with cannot make a motion to reconsider in the future. The other has already been defeated. If there's no motion at this point, it cannot be brought up in the future and that service will continue just as it is. So withdrawing and and no action makes it move along with the path that you want. But a tie again opens the door for a future to be brought back up where it could be won. It could be –

Commissioner Stone said, is –

Commissioner Kicklighter said, – it could be overturned.

Commissioner Stone said, is – is that –

Commissioner Farrell said, the question's been called for.

Chairman Liakakis said, wait a minute. Hold it. Hold it.

Commissioner Stone said, I mean I want to –

County Attorney Hart said, the question –

Chairman Liakakis said, the question's been called. Let me ask the –

Commissioner Kicklighter said, no action can make it continue.

Chairman Liakakis said, hold it now.

Commissioner Kicklighter said, the question –

County Attorney Hart said, in order for there to be a motion to reconsider, it has to be brought by a – a party that was on the presiding – winning side – prevailing side. And – and if it's a tie, the motion fails. Okay? So, you know, you – you – you can vote now –

Commissioner Kicklighter said, right.

Chairman Liakakis said, on Helen's [Stone] original – what he just called for the question?

County Attorney Hart said, if the motion fails, the motion's off the table, and is subject to being re-brought. Okay. If she withdraws the motion and there's no action on the motion, the motion will – we will continue to do what we are currently doing save and except that the – another motion could be brought at some time independent of this on the agenda because it was never disposed of one way or the other.

Commissioner Kicklighter said, it could not be – how could it be brought back?

County Attorney Hart said, because – because if you don't take any action we're continuing to do what we continue to do and that doesn't mean you have to continue to do it in perpetuity. That means it can go back on the agenda if the Chairman decides to put it on the agenda at the request of one of the members, and then a motion could be made to continue it, dispose of it, change it, modify it, or – or – or whatever paramentations there would be.

Commissioner Kicklighter said, okay, legal question. If someone votes today to approve – a – a majority approves this, they vote for reconsideration and it fails, the previous motion can still no longer be brought back up. Right? Correct?

County Attorney Hart said, I'm – I'm – I really don't think I followed you all the way there.

Commissioner Kicklighter said, okay. If one of these good folks here votes to approve and then a majority approves this today.

County Attorney Hart said, correct.

Commissioner Kicklighter said, and a motion is brought up at the next meeting to reconsider –

County Attorney Hart said, by one that voted for the prevailing side?

Commissioner Kicklighter said, by one of – that voted for it, and at that point the vote takes place again, that motion is defeated.

County Attorney Hart said, correct.

Commissioner Kicklighter said, is there any way because it had been decided, would at that point the issue be dead and they – and it would continue as is or at that point can another motion be made by someone in the opposite –

County Attorney Hart said, if – if – if the motion were defeated it would continue as is.

Commissioner Kicklighter said, so –

County Attorney Hart said, if the motion was made however the motion was made, that's what you would implement.

Commissioner Kicklighter said, but –

County Attorney Hart said, but – but you got to –

Commissioner Kicklighter said, okay I got what you're saying.

County Attorney Hart said, you got to reconsider – you got to reconsider the same motion.

Commissioner Kicklighter said, but – but they could not – no one could make a motion to reconsider implementing the fee is my question.

County Attorney Hart said, yes they could do that –

Commissioner Kicklighter said, how?

County Attorney Hart said, 'cause it's not the motion – 'cause that isn't the motion on the floor right now.

Commissioner Kicklighter said, it was already defeated today though is what I'm saying.

County Attorney Hart said, that's not the motion on the floor today. The motion on the floor today is to continue business as you're doing it and invade the corpus. Your motion is don't bring it up. And – and – and it – and – and what you're asking to be done is different than what Ms. Stone's is – is – her motion on the floor. You can – you can use a motion to reconsider failure on the presiding side – failure to stop the – the present motion. If that same motion were made, yes, it would end that, but if a different motion was brought it would be heard.

Commissioner Kicklighter said, if this – if she withdrew her motion today, did we not decide no –

County Attorney Hart said, no, if she with –

Commissioner Kicklighter said, – on the request and then no further action can –

County Attorney Hart said, no. If she withdraws her motion you've taken no action.

Commissioner Kicklighter said, why? Why was the previous no approval a no action?

County Attorney Hart said, because it didn't – you had a tie vote. You did nothing.

Commissioner Kicklighter said, a tie vote is no action or no?

County Attorney Hart said, you did nothing.

Commissioner Kicklighter said, so a tie vote does not count as no?

County Attorney Hart said, no. It doesn't count as a positive or a negative. It's – it's – it's a non action.

Chairman Liakakis said, so, Jon [Hart], let me ask you this question now before I talk to anybody else. Commissioner Shay called for the question.

County Attorney Hart said, you should vote.

Chairman Liakakis said, and that is not to do anything just to leave it as Helen [Stone] originally stated, to leave it like it is now and then – that's what we vote on now, correct?

County Attorney Hart said, correct. Right now the question's been called.

Chairman Liakakis said, right.

County Attorney Hart said, as far as the Commission –

Chairman Liakakis said, and so we have to go for that?

County Attorney Hart said, as far as Commissioner Kicklighter goes, as long as he's asking for a parliamentary clarification, we can discuss that. Any discussion as to the merits of the motion is cut off. So you need to vote up or down.

Chairman Liakakis said, okay. We'll be voting then to continue as the way we are.

Commissioner Stone said, right.

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

Commissioner Stone said, wait a minute. The – the motion is to continue the way we are.

Chairman Liakakis said, yeah, just what you made, to continue. In other words, we're not going to raise it now –

Commissioner Stone said, but to keep it at 43 – to keep it at \$43?

Chairman Liakakis said, – just leave it at the 43 a month.

Commissioner Stone said, okay.

Commissioner Farrell said, we'll do the same in the future –

Commissioner Stone said, right.

Commissioner Farrell said, as we've –

Commissioner Stone said, right.

Commissioner Farrell said, – done for the past year.

County Attorney Hart said, does that include the SSD question?

Commissioner Farrell said, no.

County Attorney Hart said, okay, great. All right.

Chairman Liakakis said, all right. Motion passes.

**ACTION OF THE BOARD:**

- a. Commissioner Stone moved to remove item from the table. Commissioner Holmes seconded the motion and it carried unanimously. [NOTE: Commissioner Thomas was not present; Commissioners Shay and Farrell were not present for the vote.]
- b. Commissioner Shay moved to adopt Alternative 1 in the staff report, including \$85 fee for dry trash service. Commissioner Holmes seconded the motion and it failed to pass. The motion ended in a tie with Chairman Liakakis, Commissioners Holmes, Shay and Odell voting yes; and Commissioners Stone, Farrell, Gellatly and Kicklighter voting no. [NOTE: Commissioner Thomas was not present.]
- c. Commissioner Stone moved to leave the dry trash fee at \$43 and continue to draw down from the solid waste fund. Commissioner Farrell seconded the motion and it carried unanimously. [NOTE: Commissioner Thomas was not present.]

**AGENDA ITEM: VIII-2 (additional report)**

**AGENDA DATE: June 22, 2012**

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

**Issue:** Provide the Board with options for the Curbside Dry Trash program.

**Background:** At the regular Board meeting on June 8, 2012 the Board tabled the proposed Solid Waste Service Fee increase in an order to discuss options for the Curbside Dry Trash program at their next scheduled Board meeting.

In the Fiscal 2012 the current fee of \$43 per year per single family residential household was implemented. The current fee covers half of the service's cost. Funding for the remaining expenses is subsidizing by net assets in the Solid Waste Fund.

**Facts and Findings:**

1. The Solid Waste Management Fund is an Enterprise Fund which means the fund should be self sustaining. However, over the years the fund has been subsidized by the General Fund and Special Service District Fund.
2. Proposed for Fiscal 2013, the total operating budget for providing a Curbside Dry Trash program is \$1,847,060.
3. The Curbside Dry Trash program includes weekly yard waste and a monthly bulky item collection. The curbside yard waste program yields on average an estimated 403 tons per week. The bulky item collection yields approximately 117 tons per month on average. Bulky items are defined as any non-household garbage too large to fit into a standard roll car. It includes such items as furniture, gardening items, "DIY" debris, bicycles, etc. These items are disposed into a landfill.
4. The Program utilizes compactor trucks to pick up the yard waste and bulky items and a self loading knuckle boom truck for larger piles. If waste is not picked up on a weekly schedule, it stays on the curb until the next collection period. Therefore, savings are not anticipated by changing from a weekly to a less frequent schedule for yard waste collections since the volume of collection will not also decrease.
5. The following are options for Board consideration:

**Option #1: "Living with the current \$43 per year per household fee":**

The \$43 per year per single family residential household fee represents only half of the total operating

cost of the service. Assuming the fee remained and there were no subsidies to the program, the program would only be funded at 50% level. This option would result in the following the impacts:

- Staff would have to develop a program that utilizes half the labor and equipment to pick up the same volume of yard waste from the curb.
- Curbside collection of bulky items would be discontinued.
- Staff layoffs for six (6) employees. Staff would make every effort to relocate these employees within the organization. However, shifting them to an equivalent position within Public Works (of which there are currently two vacancies) will violate the current imposed hiring freeze in the SSD Fund.
- 4 trash compactors and a pick up truck would remain idle in inventory unless the Board took action to declare them surplus for salvage.
- Unincorporated single family residents would be responsible for discarding their bulky items (items too large for their household garbage roll carts such as appliances, furniture, "DIY" debris, etc). The Drop Off Centers would remain open for residents to haul their bulk waste to one of the centers. Some residents could choose to pay a private hauler to discard the material. Yet, others may choose to illegally dump their waste.
- An increase in unemployment insurance costs.
- Inability to effectively and efficiently respond to remove debris following a wind storm event.

Staff does not recommend this option because it does nothing to reduce the volume of yard waste left at the curb. The County would be tasked to pick up the same volume of yard waste with only half the resources. Crews pick up on average 403 tons per week of yard waste. If this service was reduced to a bi-weekly service staff could assume that there will be 806 tons of yard waste to pick up with half the labor and equipment. Because of the volume of dry trash, it would not be practical to stay on a routine collection schedule. It is staff's opinion this could not work.

#### **Option #2: "Bleeding" the Solid Waste Fund's reserves to fund operations**

The Solid Waste Management fund has a restricted net asset/reserve balance of \$3.3 million accumulated primarily from the \$1/ton surcharge from previous years on disposal fees from private landfills. Since the 1990's the revenues from the surcharge was limited to recycling and education, however, the County Attorney has opined that State law will not allow their use for solid waste management activities which would include the Curbside Dry Trash program.

In 2010, Staff recommended using these reserves only if the Board agrees to a corresponding replacement program:

- Use of these funds without a replacement strategy violates good fiscal policy. Recurring expenses should be paid for with recurring revenues. The Commissioners should look past the quick "one year" budget fix to determine the longer-term impact of any action taken.
- Cash reserves are required by the State as a financial assurance against an environmental clean up at any one of the County's five closed landfills.
- Unless there is a plan to replace the funds used, the reserve funds will eventually be depleted, forcing hard decisions on future Board of Commissioners.
- Cash reserves are needed to fund expenses from a catastrophic event such as a hurricane.
- Depleting cash reserves eliminates the availability of funds for capital needs and capital expenditures.

#### **Option #3: Stopping the service and eliminating the current \$43 fee**

This option would result in the following the impact:

- Discontinuation of the weekly curbside yard waste collection service and the monthly bulky collection service effective July 1, 2012.
- Layoff of 13 full time positions that include Equipment Operators, an Administrative Assistant, and two members of the Management Staff.
- 9 trash compactor trucks, a self loading knuckle boom truck, and 2 pick up trucks would remain in inventory but idle for 12 months unless the Board took action to declare the equipment surplus for salvage.

- Unincorporated single family residents would have few options to discard both yard waste and bulky items (items too large for their household garbage roll carts such as appliances, furniture, "DIY" debris, etc). The Drop Off Centers would remain open for residents to haul their bulk waste to one of the centers. Some residents could choose for their lawn care service provider to discard the material but they will charge a fee. Yet, others may choose to illegal dump their waste.
- An increase in unemployment costs.
- The loss of labor and equipment in Solid Waste with the current hiring freeze in Public Works will significantly reduce the County's ability to respond to clean up efforts following a wind storm event.

**Option #4: Offer an annual subscription based service to the unincorporated residents eliminating the current \$43 fee**

This option would allow unincorporated residents to pay an annual subscription fee for curbside dry trash collection. In developing this option, consideration should be given to the following:

- The annual fee would be totally dependent upon the number of subscriptions. The volume of dry trash would be an unknown at least until the end of the first year. For example, based on staff's calculations, if 25% of the unincorporated residents subscribed for the service, the cost (at least for the first year) to the resident could be approximately \$380 per year or \$31 per month.
- Use of the Solid Waste fund reserves would be needed to balance the operating expenses until the subscription rate could equal the actual cost of providing the service divided by the number of subscribers.
- Routine subscription service would cease in order to allow staff to cleanup of a storm related event.
- The cost per household to provide the service would be greater than the proposed Solid Waste Fee and the service would not be available to residents unless they are subscribers.

**Option #5: Board adopt the \$85 per year Solid Waste fee for each single family residential household**

This option would resume the Curbside Dry Trash program as it currently works, making the service available to each single family residential household in the unincorporated County.

**Funding:** Staff is asking the Board to consider adopted the \$85 per single family residential household Solid Waste Fee to fund the Curbside Dry Trash program.

**Policy Statement:** Board action is required to adopt fees and direct staff on the provision of services to its residents. Adopted financial policies state that recurring expenses should be paid for with recurring revenues.

**Alternatives:**

1. Board approval of Option #5 in the Facts and Findings as shown.
2. Board provides staff with other direction.

**Recommendations:** Board approval of Alternative #1 (Option #5).

All Districts

**AGENDA ITEM:** ~~XII-1~~  
**AGENDA DATE:** ~~May 25, 2012~~  
**AGENDA ITEM:** ~~XII-1~~  
**AGENDA DATE:** ~~June 8, 2012~~  
**AGENDA ITEM:** **VIII-2**  
**AGENDA DATE:** June 22, 2012

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

**ISSUE:**

Modify the Chatham County Revenue Ordinance to increase the solid waste fees for dry trash, to amend the definition of single family residential properties for the dry trash fees, to increase the sewer service fees by five percent (5%); and provide conceptual approval to proceed with the implementation of an energy excise tax.

**BACKGROUND:**

The County's fiscal 2013 budget will be adopted in June 2012. The Chatham County Revenue Ordinance has been updated to reflect changes in rates and fees resulting from the budget process. On August 26, 2011, the 2011 Revenue Ordinance was approved by the Board of Commissioners.

**FACTS AND FINDINGS:**

1. An annual solid waste fee per single family residential unit of \$85 is proposed to offset the costs of curbside dry trash pickup. Article V Section 3 needs to be amended to change the fee from \$43 to \$85. Presently, the fund is being balanced using Net Assets. If this continues, Net Assets will be depleted. See Attachment I.
2. The definition of single family residential unit under the solid waste fees needs to be amended to include properties that have more than one dwelling or an ancillary structure such as a garage or dock. Article V Section 3 needs to be changed. See Attachment I. Changes are underlined.
3. A five percent (5%) increase to sewer rates is proposed to offset a pass-through rate increase from the City of Savannah. Article W Section 3 needs to be changed to amend the rates as shown in Attachment I.
4. House Bill 386 was passed by the Georgia Legislature during the 2012 session. The House Bill phases out sales taxes collected on energy used in manufacturing processes over a four year period beginning January 1, 2012. The House Bill allows counties to approve and collect an energy excise tax from companies that sell energy to manufacturers within the County. If the excise tax is implemented, the effect will be revenue neutral. To replace the local share of sales tax, the County's proposed energy excise tax would be:
  - o January 1, 2013 to December 31, 2013 - 0.5%
  - o January 1, 2014 to December 31, 2014 - 1.0%
  - o January 1, 2015 to December 31, 2015 - 1.50%
  - o January 1, 2016 to December 31, 2016 - 2.00%

Prior to adopting an ordinance, the County must enter into intergovernmental agreements with local municipalities who wish to participate in the energy excise tax distribution. Conceptual approval is requested so that County staff can proceed with meetings and other steps required by law.

**FUNDING:**

Not applicable.

**POLICY ANALYSIS:**

In accordance with adopted financial policies, the Finance Department will submit an updated Revenue Ordinance for approval each year within 45 days of annual budget adoption. Amendments to the Ordinance may be submitted throughout the year.

**ALTERNATIVES:**

1. As described in Facts and Findings, modify the Revenue Ordinance to increase the solid waste fees to \$85, redefine single family residential unit and increase sewer service fees as shown in Attachment I. The changes will be effective July 1, 2012. Also, grant conceptual approval to proceed with implementation of the energy excise tax.
2. Provide other direction.

**RECOMMENDATION:**

That the Board follows Alternative 1.

**RECOMMENDED REVENUE ORDINANCE CHANGES  
Attachment I**

**Article V. Section 3 Solid Waste Fees**

For every single family residential unit in the unincorporated area, a Solid Waste Fee will be charged per year. This charge is for solid waste services in the unincorporated area of the county which includes yard waste recycling and curbside bulky item collection. The fee will be included on the 2<sup>nd</sup> installment real estate property tax bills. The Tax Commissioner is responsible for collecting the fees. Penalties and due dates will be the same as indicated on the tax bill.

The fee will be \$85.00 per year per single family residential unit. For purposes of this ordinance, single-family residential means residential properties classified by the County as having one or more dwelling per property or parcel, such as a house with a mother-in-law suite or an additional mobile home. It also includes residential properties with less than one building – a vacant lot with an ancillary structure, such as a garage or dock. A totally vacant lot would be exempt.

**Article W. Section 3 Sewer Service Fees**

	<u>Current</u>	<u>Proposed</u>
<b>Flat Rate</b>	<b>\$72.00</b>	<b>\$76.00</b>
<b>Base Charge</b>	<b>\$28.00</b>	<b>\$29.00</b>
<b>Sewer-Special Flat Rate</b>	<b>\$1,145.00</b>	<b>\$1,202.00</b>
<b>Sewer-Irrigation Base Charge/Bethesda Base Chg</b>	<b>\$22.00</b>	<b>\$23.00</b>

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## **IX. ITEMS FOR INDIVIDUAL ACTION**

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

1. **TO REQUEST APPROVAL OF THE FOLLOWING BUDGET AMENDMENTS AND TRANSFERS: 1) IN THE SALES TAX IV FUND: a) increase revenues \$100,000 for Salt Marsh Mitigation Bank Credits, b) increase Kings Ferry Boat Ramp project \$100,000, c) transfer \$42,000 from Open Space/Greenway project to the Truman Trail II project and d) transfer \$70,200 from the Bells Landing Boat Ramp project to the Truman Trail II project; 2) IN THE DSA SERIES 2005 BOND FUND: a) transfer \$71,584 from DSA Bonds Issuance Cost to the South Annex project, b) transfer \$71,676 from the Animal Control project to the South Annex project and c) transfer \$60,000 from the Animal Control project to the CNT project.**

Chairman Liakakis said, next, Individual Action, 1, to request approval of the following budget amendments and transfers: in the Sales Tax IV Fund: a) increase revenues \$100,000 for Salt Marsh Mitigation Bank Credits, b) increase King Ferrys [sic] Boat Ramp project \$100,000, c) transfer \$42,000 from Open Space/Greenway project to the Truman Trail II project and d) transfer \$70,200 from the Bells Landing Boat Ramp project to the Truman Trail II project; 2) in the DSA Series 2005 Bond Fund: a) transfer \$71,584 from DSA Bonds Issuance Cost to the South Annex project, b) transfer \$71,676 from the Animal Control project to the South Annex project and c) transfer \$60,000 from the Animal Control project to the CNT project. We need a motion on the floor.

Commissioner Stone said, so moved, Mr. Chairman.

Chairman Liakakis said, do we have a second?

Commissioner Holmes said, second.

Chairman Liakakis said, we have a second, let's go on the board. Motion passes.

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

Commissioner Stone moved to approve following budget amendments and transfers: 1) in the Sales Tax IV Fund: a) increase revenues \$100,000 for Salt Marsh Mitigation Bank Credits, b) increase Kings Ferry Boat Ramp project \$100,000, c) transfer \$42,000 from Open Space/Greenway project to the Truman Trail II project and d) transfer \$70,200 from the Bells Landing Boat Ramp project to the Truman Trail II project; 2) in the DSA Series 2005 Bond Fund: a) transfer \$71,584 from DSA Bonds Issuance Cost to the South Annex project, b) transfer \$71,676 from the Animal Control project to the South Annex project and c) transfer \$60,000 from the Animal Control project to the CNT project. Commissioner Holmes seconded the motion and it carried unanimously. [NOTE: Commissioner Thomas was not present.]

**AGENDA ITEM: IX-1**  
**AGENDA DATE: June 22, 2012**

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

### **ISSUE:**

To request approval of following budget amendments and transfers: 1) in the Sales Tax IV Fund: a) increase revenues \$100,000 for Salt Marsh Mitigation Bank Credits, b) increase Kings Ferry Boat Ramp project \$100,000, c) transfer \$42,000 from Open Space/Greenway project to the Truman Trail II project and d) transfer \$70,200 from the Bells Landing Boat Ramp project to the Truman Trail II project; 2) in the DSA Series 2005 Bond Fund: a) transfer \$71,584 from DSA Bonds Issuance Cost to the South Annex project, b) transfer \$71,676 from the Animal Control project to the South Annex project and c) transfer \$60,000 from the Animal Control project to the CNT project.

### **FACTS AND FINDINGS:**

1. The County Engineer has requested the Sales Tax IV fund be amended to establish a revenue account for Salt Marsh Mitigation Bank Credits \$100,000 and increase the Kings Ferry Boat Ramp project \$100,000. Correspondence and a resolution are attached.
2. The Assistant County Manager is requesting the following transfers: in the Sales Tax IV fund \$42,000 from Open Space/Greenway to the Truman Trail II project and \$70,200 from the Bell's Landing Boat Ramp project to the Truman Trail II project. In the DSA Series 2005 Bond Fund

\$71,584 from DSA Bonds Issuance Cost and \$71,676 from the Animal Control project to the South Annex project and \$60,000 from the Animal Control project to the CNT project. Correspondence is attached.

**FUNDING:** Funds are available in the Sales Tax IV and the DSA Series 2005 Bond Funds for the transfers. The budget amendment will establish funding in the Sales Tax IV Fund.

**ALTERNATIVES:**

1. That the Board approve the following:

**SALES TAX IV FUND**

- a) Increase revenues \$100,000 for Salt Marsh Mitigation Bank Credits.
- b) Increase the Kings Ferry Boat Ramp project \$100,000.
- c) Transfer \$42,000 from Open Space/Greenway to the Truman Trail II project.
- d) Transfer \$70,200 from the Bell's Landing Boat Ramp project to the Truman Trail II project.

**DSA SERIES 2005 BOND FUND**

- a) Transfer \$71,584 from DSA Bonds Issuance Cost to the South Annex project.
- b) Transfer \$71,676 from the Animal Control project to the South Annex project.
- c) Transfer \$60,000 from the Animal Control project to the CNT project.

2. Amend or deny the request.

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

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

Prepared by: Estelle Brown

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**2. a. TO ADOPT THE FISCAL YEAR 2013 BUDGET RESOLUTION FOR THE GENERAL FUND M&O AND ADOPT A MILLAGE LEVY RESOLUTION PURSUANT TO O.C.G.A. 48-5-32.1.**

Chairman Liakakis said, item 2, adopt the fiscal year 2013 budget resolution for the General Fund M&O and adopt a millage levy resolution pursuant to O.C.G.A. 48-5-33 – 32-1. Russ [Abolt]?

County Manager Abolt said, Mr. Chairman, Commissioner Stone, Commissioner Odell, Gentlemen, you're about ready to adopt the budget, that's this big book, and – and to your credit as I mentioned before, the way this has come together is exceptional. And I credit all the department heads and elected officials. Even when we had fluctuations in anticipated digest growth, each one of those department heads responded and responded well. They understand the financial challenges we have. They did not come forward and ask to be heard beyond the courtesy you gave them when we had your goal session. I want to publicly recognize all those departments, elected officials, and constitutional officers. You can now adopt this budget. When you adopt the budget, there's a series of different motions you have to make, but that's because of the way the law is written. I do want to just confirm in the record, you're going to adopt this budget. This budget is assuming an \$85 dry trash fee. That has not passed, but we are then going to carry it forward by saying though the budget is imbalanced because of that fee, we will draw down reserves to correct the imbalance. That's my understanding of your legislative intent, so when you make these motions, if I've erred, tell me. Without that though I would assume you can go – with that I should say, with my explanation, you can go through and adopt a, b, and c. And then the clarification, number 3, the fact that you have a fiscal year that begins the first of July, and you've completed another very successful year in budget.

Chairman Liakakis said, Patrick [Shay]?

Commissioner Shay, Mr. Manager, the reserve that would be used to bring that fund back into balance given the fact that we did not approve the increase, is that general fund reserve? That's the reserve –

County Manager Abolt said, no, this is – this is an enterprise fund called – called solid waste.

Commissioner Shay said, just wanted to make sure I understood that, sir.

County Manager Abolt said, you're – you're not – there's no other funds involved.

Commissioner Shay said, hearing that Mr. Chairman, I'll make a motion to adopt the annual budget.

Chairman Liakakis said, item a. 'Cause we've got a, b, and c.

Commissioner Shay said, okay, well if you want to do them individually, then let's do them individually. I say let's do –

Chairman Liakakis said, I have to read them all.

Commissioner Shay said, oh, you got to read them all.

County Manager Abolt said, yeah please do them individually just to perfect the record and keep the auditors off our back.

Commissioner Shay said, okay. Well we don't want auditors on your back, sir.

Commissioner Odell said, oh, Lord.

Commissioner Farrell said, 2a. Second.

County Manager Abolt said, plus – plus, we have a GFOA represent – representative with us –

Commissioner Shay said, 2a. I make a motion to adopt the fiscal year 2013 budget resolution.

Commissioner Farrell said, second.

Commissioner Shay said, Mr. Chairman, if you need to read it, then this would be a good time, sir.

Chairman Liakakis said, yeah.

Commissioner Farrell said, well he just read it.

Chairman Liakakis said, and this is item a that we are voting on.

Commissioner Shay said, yes.

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

Commissioner Kicklighter said, I –

Chairman Liakakis said, yes?

Commissioner Kicklighter said, go – go ahead and then I'll just make a statement then. That's fine. Just for the record, I voted against it because I'm not talking about the reserve whatsoever, the – the fee driven –

County Attorney Hart said, the enterprise fund.

Commissioner Kicklighter said, enterprise fund, but it's just my belief that we would serve this community a little – serve it well and the next Commission to come in if we were to make some tougher cuts now rather than using most of the reserves.

County Manager Abolt said, that's item c.

Commissioner Kicklighter said, and – well it's with the M&O and all this is what – this is what – this is M&O and saves some of the reserves because of the larger – much larger deficit we'll face next year. And that's why I voted against. So that's – that's –

Commissioner Farrell said, he's not using any M&O reserves to do it.

County Manager Abolt said, the reserves – reserves you're using are to keep the Sheriff's operation whole, and – and in effect staffing the jail as you want us to do.

Commissioner Shay said, but I understand –

Commissioner Kicklighter said, you are – you are using the reserves for the M&O.

County Manager Abolt said, yes, sir.

Commissioner Shay said, but I understand what Dean [Kicklighter] is saying –

Commissioner Kicklighter said, okay, let's – let's –

Commissioner Shay said, – that we ought to be making tougher cuts this year in anticipation of –

Commissioner Kicklighter said, next year.

Commissioner Shay said, – bigger problems next year.

Commissioner Kicklighter said, right.

Commissioner Shay said, I hear what you're saying.

Chairman Liakakis said, okay. All right. That has been passed.

**ACTION OF THE BOARD:**

Commissioner Shay moved to adopt the fiscal year 2013 budget resolution for the General Fund M&O and adopt a

millage levy resolution pursuant to O.C.G.A. 48-5-32.1. Commissioner Farrell seconded the motion and it carried in a 7-1 vote with Chairman Liakakis and Commissioners Stone, Holmes, Shay, Farrell, Odell, and Gellatly voting yes; and Commissioner Kicklighter voting no. [NOTE: Commissioner Thomas was not present.]

**AGENDA ITEM: IX-2a**  
**AGENDA DATE: June 22, 2012**

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

**ISSUE:**

To adopt the Fiscal Year 2013 budget resolution for the General Fund M&O and adopt a millage levy resolution pursuant to O.C.G.A. 48-5-32.1.

In addition, authorize the Chairman to sign Form PT-35 County Millage Rate Certification and Form PT 32.1 Computation of Millage Rate Rollback and Percentage Increase in Property Taxes for Tax Year 2012. The Forms are required to be certified and submitted to the Georgia Department of Revenue for digest approval for tax year 2012.

**BACKGROUND**

Chatham County is required by law to adopt balanced annual budgets for its General Fund, Special Revenue Funds and Debt Service Funds. Project length budgets can be adopted for Capital Improvement Funds. A tax levy resolution must be submitted to the State of Georgia Department of Revenue. The Tax Assessor has scheduled delivery of the resolution during the week of July 23, 2012.

**FACTS AND FINDINGS**

- (1) A budget public hearing was held during the Chatham County Commission meeting on May 25, 2012. Copies of the proposed budget were made available in the Finance Department and at Chatham County branches of the Live Oak Public Library.
- (2) By law, Chatham County is required to wait one week after the budget public hearing before adopting budget resolutions. Budget adoption was advertised on Wednesday, May 16, 2012 in the *Savannah Morning News* for adoption on Friday, June 22, 2012.
- (3) If the proposed budget and millage rate are not adopted on June 22, 2012, the Board must revise the budget calendar and re-advertise at least fourteen days prior to millage adoption in accordance with state law. Adoption of continuing resolutions would be required in order to have a budget in place after the end of the fiscal year, June 30, 2012. The continuing resolution would be based on the Fiscal Year 2012 amended budget.
- (4) The Board of Commissioners approved a revised millage adoption calendar for tax year 2012 at its meeting held June 8, 2012. Information on the tax year 2012 tax digest and its impact on the fiscal 2013 recommended budget were also conveyed. Since the actual growth rate in the property tax digest is .12% less than the amount assumed in the recommended budget, an adjustment of \$140,984 is required. The recommended 2013 budget has been modified to show an increase of \$26,000 to Bank Occupation Tax revenue and decreases to expenditures - Special Appropriation \$47,984 and expenditures - Contingency \$67,000. These amendments are included in the attached budget adoption resolution.
- (5) The current year tax digest and five year levy history advertisement was published on June 7, 2012 in the *Savannah Morning News* as required by State law. The published net General Fund millage rate of 11.109 is less than the rollback rate of 11.197 calculated by the Tax Assessor's office on Form PT 32.1. The rollback rate recaptures values lost from the reassessment of existing real property. The current General Fund millage rate is 11.109.
- (6) The current year tax digest and five year levy history advertisement also includes a computation for a rollback millage rate associated with the collection of local option sales tax as required by O.C.G.A. 48-8-91. Note that this rollback rate is different from the millage rollback rate calculated by the Tax Assessor's office. It is computed to be 1.014 mills and is included in the millage levy resolution as required by State law.
- (7) Budget and millage levy resolutions for the Special Service District and other funds are attached to separate staff reports.

**FUNDING:**

Funding sources are identified in the budget resolution. Further detail is on file in the Chatham County Finance Department.

**ALTERNATIVES**

- (1) Adoption of the Fiscal 2013 General Fund M&O budget resolution of \$144,033,681 and adoption of the year 2012 millage levy resolutions for a millage rate of 11.109 mills (net of sales tax rollback of 1.014 mills). The related millage levy and budget resolutions are shown as Attachment I.

The County of Chatham  
 Georgia  
  
 Resolution

(2) That the Board provide other direction.

P O L I C Y  
ANALYSIS  
 State law requires that annual budgets be

adopted by the Board of Commissioners for its General Fund, Special Revenue Funds and Debt Service Funds. Project-length budgets should be adopted for Capital Project Funds. State law also requires that the Board adopt a tax levy resolution annually for submission of the digest to the State of Georgia, Department of Revenue (O.C.G.A. 48-5-302). Georgia law further specifies methods of publications of the County ad valorem tax rate (O.C.G.A. 48-3-32 and 48-5-32.1)

**RECOMMENDATION**

That the Board approve Alternative #1.

Prepared by: Read DeHaven

STATE OF GEORGIA )  
 COUNTY OF CHATHAM )

CHATHAM COUNTY BOARD OF COMMISSIONERS  
 IN RE: TAX LEVY YEAR 2012

IT IS ORDERED that a net tax of Eleven Dollars and Ten and Nine Tenth cents per One Thousand Dollars (\$1,000) (rate of 11.109 millage) is hereby levied and assessed on all taxable property in Chatham County, Georgia, in the year 2012 to pay the cost of the following General Maintenance and Operations Services to be provided by the Chatham County Government during the fiscal year beginning July 1, 2012; General Government, Judiciary, Health and Welfare, Public Safety, Public Works, Culture and Recreation, Housing and Development, Debt Service and Other Financing Uses. The Sales Tax Rollback, as required by State Law, is One Dollar and One and Four Tenths Cents per One Thousand Dollars (\$1,000) (rate of 1.014 millage).

IT IS FURTHER ORDERED that the gross tax rate for General Maintenance and Operations taxes for Chatham County and the sales tax rollback be calculated based upon applicable sales tax collections during 2011 and the final 2012 Chatham County digest. The resulting gross tax rate as reduced by the sales tax rollback for General Maintenance and Operations shall result in a net tax result of Eleven Dollars and Ten and Nine Tenth Cents per One Thousand Dollars (\$1,000) (rate of 11.109) millage).

IT IS FURTHER ORDERED that the Chairman be authorized to execute the documentation for submission of the 2012 Tax Digest to the State of Georgia Department of Revenue in accordance with this resolution.

IT IS FURTHER ORDERED that the said taxes be collected by the Tax Commissioner of the County or his

successor in office.

APPROVED THIS 22<sup>ND</sup> DAY OF JUNE 2012, IN OPEN COURT.

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

\_\_\_\_\_  
Janice Bocook, County Clerk

=====

**b. TO ADOPT THE FISCAL YEAR 2013 BUDGET RESOLUTION FOR THE SPECIAL SERVICE DISTRICT AND ADOPT A MILLAGE LEVY RESOLUTION PURSUANT TO O.C.G.A. 48-5-32.1.**

Chairman Liakakis said, item b. under the same subject, to adopt the fiscal year 2013 budget resolution for the Special Service District and adopt a millage levy – levy resolution pursuant to O.C.G.A. 48-5-32.1. Need a motion on the floor. Talk about it Russ [Abolt].

County Manager Abolt said, please. The silence is deafening.

Commissioner Farrell said, music to my ears. That's what I want a zero millage rate.

Commissioner Stone said, yeah.

Chairman Liakakis said, okay. No motion so we move –

Commissioner Stone said, no.

County Manager Abolt said, you're not going to adopt a budget for the Special Service District? Police? Everything, I mean?

Commissioner Shay said, Mr. Chairman, I'll make a motion that we adopt Item 2.b.

Chairman Liakakis said, need a second. And this means that – explain what will happen if we don't vote on this, Russ [Abolt].

County Manager Abolt said, you'll have to have a continuing resolution until you get a vote. Other than that, we just shut down the SSD first of July. I'm not trying to be dramatic, but I have to be dramatic. You're – you're – you're gonna – you're not going to fund a budget for a city in – in – a second largest city in the County? 87,000 people will not have a budget.

Commissioner Farrell said, second.

Commissioner Kicklighter said, so item number 4 would have to be approved if this is not approved?

Commissioner Stone said, right.

Commissioner Shay said, seconded.

Chairman Liakakis said, all right. There's a motion on the floor and a second for item b. Let's go on the board.

Commissioner Farrell said, just wanted to see you sweat a little.

County Manager Abolt said, thank you for that. Oh my goodness. I appreciate that.

County Attorney Hart said, you were successful.

County Manager Abolt said, that was a big gotcha there.

**ACTION OF THE BOARD:**

Commissioner Shay moved to adopt the fiscal year 2013 budget resolution for the Special Service District and adopt a millage levy resolution pursuant to O.C.G.A. 48-5-32.1. Commissioner Farrell seconded the motion and it carried in a 7-1 vote with Chairman Liakakis and Commissioners Stone, Holmes, Shay, Farrell, Odell, and Gellatly voting yes; and Commissioner Kicklighter voting no. [NOTE: Commissioner Thomas was not present.]

**AGENDA ITEM: IX-2-b**  
**AGENDA DATE: June 22, 2012**

**TO:** Board of Commissioners

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

**FROM:** Linda B. Cramer, Finance Director

**ISSUE:**

To adopt the Fiscal Year 2013 budget resolution for the Special Service District and adopt a millage levy resolution pursuant to O.C.G.A. 48-5-32.1.

In addition, authorize the Chairman to sign Form PT-35 County Millage Rate Certification and Form PT 32.1 Computation of Millage Rate Rollback and Percentage Increase in Property Taxes for Tax Year 2012. The Forms are required to be certified and submitted to the Georgia Department of Revenue for digest approval for tax year 2012.

**BACKGROUND:**

Chatham County is required by law to adopt balanced annual budgets for its General Fund, Special Revenue Funds and Debt Service Funds. Project length budgets can be adopted for Capital Improvement Funds. A tax levy resolution must be submitted to the State of Georgia Department of Revenue. The Tax Assessor has scheduled delivery of the resolution during the week of July 23, 2012.

**FACTS AND FINDINGS:**

- (1) A budget public hearing was held during the Chatham County Commission meeting on May 25, 2012. Copies of the proposed budget were made available in the Finance Department and at Chatham County branches of the Live Oak Public Library.
- (2) By law, Chatham County is required to wait one week after the budget public hearing before adopting budget resolutions. Budget adoption was advertised on Wednesday, May 16, 2012 in the *Savannah Morning News* for adoption on Friday, June 22, 2012.
- (3) If the proposed budget and millage rate are not adopted on June 22, 2012, the Board must revise the budget calendar and re-advertise at least fourteen days prior to millage adoption in accordance with state law. Adoption of continuing resolutions would be required in order to have a budget in place after the end of the fiscal year, June 30, 2012. The continuing resolution would be based on the Fiscal Year 2012 amended budget.
- (4) The Board of Commissioners approved a revised millage adoption calendar for tax year 2012 at its meeting held June 8, 2012. Information on the tax year 2012 tax digest and its impact on the fiscal 2013 recommended budget were also conveyed. The impact on the recommended SSD 2013 budget is an increase of \$26,160 to property tax revenues and a \$26,160 decrease in the fund balance appropriation. These amendments are included in the attached budget adoption resolution.
- (5) The current year tax digest and five year levy history advertisement was published on June 7, 2012 in the *Savannah Morning News* as required by State Law. The published net Special Service District Fund millage rate of 3.59 is less than the rollback rate of 3.598 calculated by the Tax Assessor's office on Form PT 32.1. The rollback rate recaptures values lost from the reassessment of existing real property. The current Special Service District Fund millage rate is 3.59.
- (6) The current year tax digest and five year levy history advertisement also includes a computation for a rollback millage rate associated with the collection of insurance premium tax as required by O.C.G.A. 33-8-8.3. Note that this rollback rate is different from the millage rollback rate calculated by the Tax Assessor's office. It is computed to be 0.848 mills and is included in the millage levy resolution as required by State law.
- (7) Budget and millage levy resolutions for the General Fund M&O and other funds are attached to separate staff reports.

**FUNDING:**

Funding sources are identified in the budget resolution. Detail is on file in the Chatham County Finance Department.

**ALTERNATIVES:**

- (1) Adoption of the Fiscal 2013 Special Service District Fund budget resolution of \$27,961,965 and adoption of the year 2012 millage levy resolutions for a millage rate of 3.59 mills (net of insurance premium tax rollback of .848 mills). The related millage levy and budget resolutions are attached.
- (2) That the Board provide other direction.

**POLICY ANALYSIS:**

State law requires that annual budgets be adopted by the Board of Commissioners for its General Fund, Special Revenue Funds and Debt Service Funds. Project-length budgets should be adopted for Capital Project Funds. State law also requires that the Board adopt a tax levy resolution annually for submission of the digest to the State of Georgia, Department of Revenue (O.C.G.A. 48-5-302). Georgia law further specifies methods of publications of the County ad valorem tax rate (O.C.G.A. 48-3-32 and 48-5-32.1)

**RECOMMENDATION:**

That the Board approve Alternative 1.

Prepared by: Read DeHaven

STATE OF GEORGIA )  
COUNTY OF CHATHAM )

CHATHAM COUNTY BOARD OF COMMISSIONERS  
IN RE: TAX LEVY YEAR 2012

IT IS ORDERED that a net tax for Special Service District of Three Dollars and Fifty-Nine Cents per One Thousand Dollars (\$1,000) (rate of 3.590 millage) is hereby levied and assessed on all taxable property in Chatham County located outside the incorporated limits of the Municipalities of Bloomingdale, Garden City, Pooler, Port Wentworth, Savannah, Tybee Island, Thunderbolt, and Vernonburg for the year 2012 to pay for the support and maintenance of the following during the fiscal year beginning July 1, 2012: General Government, Judiciary, Public Safety, Public Works, Housing and Development, Debt Service and Other Financing Uses. The Insurance Premium Rollback, as required by State Law, is Eighty Four and Eight Tenths Cents per One Thousand Dollars (\$1,000) (rate of 0.848 millage).

IT IS FURTHER ORDERED that the gross tax rate for Special Service District taxes for Chatham County and the insurance premium rollback be calculated based upon insurance premiums received in 2011 and the final 2012 digest. The resulting gross tax rate as reduced by the Insurance premium rollback for Special Service District shall result in a net tax result of Three Dollars and Fifty-Nine Cents per One Thousand Dollars (\$1,000) (rate of 3.590) millage).

IT IS FURTHER ORDERED that the Chairman be authorized to execute the documentation for submission of the 2012 Tax Digest to the State of Georgia Department of Revenue in accordance with this resolution.

IT IS FURTHER ORDERED that the said taxes be collected by the Tax Commissioner of the County or his successor in office.



APPROVED THIS 22<sup>ND</sup> DAY OF JUNE 2012, IN OPEN COURT.

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

\_\_\_\_\_  
Janice Bocook, County Clerk

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- c. TO ADOPT THE FISCAL YEAR 2013 BUDGET RESOLUTION FOR THE COUNTY'S PROPRIETARY FUNDS, DEBT SERVICE FUND, NON-MAJOR SPECIAL REVENUE FUNDS, AND CAPITAL PROJECT FUNDS; AND TO ADOPT THE MILLAGE LEVY RESOLUTION FOR TAX YEAR 2012 FOR THE CHATHAM AREA TRANSIT AUTHORITY.

Chairman Liakakis said, item c to adopt – item c., to adopt the Fiscal Year 2013 budget resolution for the County's proprietary funds, debt service fund, non-major special revenue funds, and capital project funds; and to adopt the millage levy resolution for tax year 2012 for the Chatham Area Transit Authority, which we, you know, they recommended that.

Commissioner Kicklighter said, motion to approve.

Commissioner Shay said, second.

Commissioner Stone said, second.

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

**ACTION OF THE BOARD:**

Commissioner Kicklighter moved to adopt the Fiscal Year 2013 budget resolution for the County's proprietary funds, debt service fund, non-major special revenue funds, and capital project funds; and to adopt the millage levy resolution for tax year 2012 for the Chatham Area Transit Authority. Commissioners Stone and Shay seconded the motion and it carried unanimously. [NOTE: Commissioner Thomas was not present.]

**AGENDA ITEM: IX-2-c**  
**AGENDA DATE: June 22, 2012**

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

**ISSUE:**

To adopt the Fiscal Year 2013 budget resolution for the County's proprietary funds, debt service fund, non-major special revenue funds, and capital project funds; and to adopt the millage levy resolution for Tax Year 2012 for the Chatham Area Transit Authority.

**BACKGROUND:**

Chatham County is required by law to adopt balanced annual budgets for its General Fund, Special Revenue Funds and Debt Service Funds. Project length budgets can be adopted for Capital Improvement Funds. A tax levy resolution must be submitted to the State of Georgia Department of Revenue. The Tax Assessor has scheduled delivery of the resolution during the week of July 23, 2012.

**FACTS AND FINDINGS:**

- (1) A budget public hearing was held during the Chatham County Commission meeting on May 25, 2012. Copies of the proposed budget were made available in the Finance Department and at Chatham County branches of the Live Oak Public Library.
- (2) By law, Chatham County is required to wait one week after the budget public hearing before adopting budget resolutions. Budget adoption was advertised on Wednesday, May 16, 2012 in the *Savannah Morning News* for adoption on Friday, June 22, 2012.
- (3) If the proposed budget and millage rate are not adopted on June 22, 2012, the Board must revise the budget calendar and re-advertise at least fourteen days prior to millage adoption in accordance with state law. Adoption of continuing resolutions would be required in order to have a budget in place after the end of the fiscal year, June 30, 2012. The continuing resolution would be based on the Fiscal Year 2012 amended budget.
- (4) The Chatham Area Transit Authority (CAT) Fund is shown as a proprietary fund within the County's financial reports. The County Manager's Recommended Budget listed a fund budget for CAT of \$18,006,300. The CAT Board approved a budget of \$18,072,890 at its meeting held June 8, 2012. The County's budget resolution is therefore updated to include a budget for the CAT Fund of \$18,072,890.
- (5) Although the CAT Board separately approves the millage rate for the Transit District, the County Board of Commissioners must authorize the related millage levy resolution. The CAT Board recommended a millage rate of 0.859 mills at its meeting held June 8, 2012. The millage levy resolution included herein reflects adoption of a millage rate of 0.859 mills.
- (6) The Board of Commissioners approved an amendment to the FY2012 CIP budget at its meeting held June 8, 2012. The amendment included funding the FY2013 commitment for MPD M&O vehicles. This action created funding for the ICS Storage Area Network project in FY 2013. The total CIP budget remains at \$4,724,000. A revised project listing is attached to the budget resolution.
- (7) The agenda for the June 22, 2012 Board meeting includes items to amend the Sales Tax IV budget. A revised project budget for Sales Tax IV is attached to the resolution showing the June 22, 2012 adjustments. The project budget schedule includes a transfer of \$128,692 from the Reserve for Nonprofit Organizations to the Royce project.
- (8) Budget resolutions for the General Fund M&O and Special Service District Fund are attached to separate staff reports.
- (9) Project budgets for the capital funds as attached to the budget resolution will be adopted upon the Board's approval of the Fiscal Year 2013 budget resolution.

**FUNDING:**

Funding sources are identified in the budget resolution. Further detail is on file in the Chatham County Finance Department.

**ALTERNATIVES:**

- (1) That the Board adopt the Fiscal 2013 budget resolution for the County's proprietary funds, debt service fund, non-major special revenue funds, and capital project funds; and that the Board adopt the millage levy resolution for the Chatham Area Transit Authority of 0.859 mills for Tax Year 2012.
- (2) That the Board provide other direction.

**POLICY ANALYSIS:**

State law requires that annual budgets be adopted by the Board of Commissioners for its General Fund, Special Revenue Funds and Debt Service Funds. Project-length budgets should be adopted for Capital Projects Funds.

**RECOMMENDATION:**

That the Board approve Alternative 1.

Prepared by: Read DeHaven

STATE OF GEORGIA )  
COUNTY OF CHATHAM )

CHATHAM COUNTY BOARD OF COMMISSIONERS  
IN RE: TAX LEVY YEAR 2012

IT IS ORDERED that a Special Service District tax of Eighty-Five and Nine Tenth Cents per One Thousand Dollars (\$1,000) (rate of .859 millage) be levied and assessed on all taxable property in Chatham County located within the Chatham Area Transit District for the year 2012 to pay for the support and maintenance of the Chatham Area Transit Authority.

IT IS FURTHER ORDERED that the Chairman be authorized to execute the documentation for submission of the 2012 Tax Digest to the State of Georgia Department of Revenue in accordance with this resolution.



IT IS FURTHER ORDERED that the said taxes be collected by the Tax Commissioner of the County or his successor in office.

APPROVED THIS 22<sup>ND</sup> DAY OF JUNE 2012, IN OPEN COURT.

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

\_\_\_\_\_  
Janice Bocook, County Clerk

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**3. TO REQUEST THAT THE BOARD APPROVE A RESOLUTION CLARIFYING THE MILLAGE LEVY FOR FISCAL YEAR JULY 1, 2012 THROUGH JUNE 30, 2013.**

Chairman Liakakis said, item 3, request that the Board approve a resolution clarifying the millage levy for fiscal year

July 1, 2012 through June the 30, 2013. Russ [Abolt]?

County Manager Abolt said, that's again what I refer to affectionately as the Rick Tindol resolution. That's when we change fiscal years going from a calendar to 1 July to 30 June. We have to clarify for the auditors that this is our fiscal year what you're doing. So we'd ask you adopt it.

Commissioner Shay said, so moved, Mr. Chairman.

Commissioner Odell said, second.

Commissioner Holmes said, second.

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



**ACTION OF THE BOARD:**

**Resolution**

Commissioner Shay moved to approve a resolution clarifying the millage levy for fiscal year July 1, 2012 through June 30, 2013. Commissioners Odell and Holmes seconded the motion and it carried unanimously. [NOTE: Commissioner Thomas was not present.]

**AGENDA ITEM: IX-3**  
**AGENDA DATE: June 22, 2012**

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

**ISSUE:**  
To request that the Board approve a Resolution clarifying the millage levy for fiscal year July 1, 2012 through June 30, 2013.

**BACKGROUND:**  
On July 28, 2000, the County Commission approved the year 2000 Tax Levy. Prior to January 1, 2000, the adoption of the annual millage levy for the Chatham County government was for generating taxes for the County's fiscal year budget which was January 1 through December 31. With the change of the fiscal year effective in year 2000, it is necessary to clarify the tax year 2012 Millage Levy.

- FACTS & FINDINGS:**
- (1) A meeting was held on September 25, 2000, with the County Attorney, Richard Tindol with the audit firm Karp, Ronning & Tindol, P.C., and the Finance Director of the County to discuss the year 2000 Millage Levy and the funding for the short fiscal year.
  - (2) The County Auditor, Richard Tindol, with the audit firm Karp, Ronning & Tindol, P.C., requested that the County Commission clarify the application of the taxes from year 2000 Millage Levy for the audit for the fiscal year ending June 30, 2000.
  - (3) The attached Resolution is intended to clarify the Tax Levy for the tax year 2012.
  - (4) The millage levy applies to all three taxing districts: the General Fund M&O, Special Service District Fund and Chatham Area Transit District Fund.

**FUNDING:** N/A

**ALTERNATIVES:** N/A

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

**RECOMMENDATION:**  
That the Board approve the attached Resolution.

Prepared by: Read DeHaven

STATE OF GEORGIA )  
COUNTY OF CHATHAM )

CHATHAM COUNTY BOARD OF COMMISSIONERS  
I N RE: TAX LEVY YEAR 2012



WHEREAS, the millage levy approved on June 22, 2012 applies to calendar year 2012 costs that cover portions of two fiscal years of Chatham County as follows: a) the six month period from January 1, 2012 through June 30, 2012 which are part of the County's fiscal year ended June 30, 2012 and b) the six month period from July 1, 2012 through December 31, 2012 which are part of the fiscal year ended June 30, 2013; and

22, 2012 applies to calendar year 2012 costs County as follows: a) the six month period are part of the County's fiscal year ended June 2012 through December 31, 2012 which are

WHEREAS, taxes are billed in two installments, which are due June 1<sup>st</sup> and November 15<sup>th</sup> each year; and

WHEREAS, the second six month period of the fiscal year ending June 30, 2013 representing the period from January 1, 2013 through June 30, 2013 will be billed at the millage rate approved on June 22, 2012 based on assessed values on January 1, 2012, and will be adjusted on the November 2013 installment billing to reflect the approved 2013 millage levy;

NOW, THEREFORE, the Board of Commissioners of Chatham County does hereby clarify the year 2012 Millage Levy in accordance with this resolution.

APPROVED THIS 22<sup>ND</sup> DAY OF JUNE 2012, IN OPEN COURT.

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

\_\_\_\_\_  
Janice Bocook, County Clerk

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**4. TO PRESENT A CONTINUING RESOLUTION FOR FISCAL YEAR BEGINNING JULY 1, 2012 THROUGH JUNE 30, 2013 FOR BOARD APPROVAL TO ENABLE THE COUNTY GOVERNMENT TO OPERATE UNTIL THE FISCAL YEAR 2013 BUDGET IS APPROVED. THIS ACTION IS ONLY REQUIRED IF THE BOARD FAILS TO ADOPT FISCAL YEAR 2013 BUDGET RESOLUTIONS.**

Chairman Liakakis said, item 4, present a continuing – excuse me --

County Manager Abolt said, it's not necessary. Ladies and Gentlemen, but I want to take the opportunity this is now the eighth year in a row for this body of – of in effect acting on your budget in a timely fashion. By acting on the budget before the fiscal year begins, you create all sorts of ease in completion of the audit and keeping the financial books in order, and for that I, as your Manager, am very appreciative. So number 4 is not necessary. You've already adopted your fiscal spending plan for FY 2013.

Chairman Liakakis said, okay.

County Manager Abolt said, thank you.

**ACTION OF THE BOARD:**

No action required.

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**5. BOARD CONSIDERATION OF REIMBURSEMENT OF QUALIFYING FEES OVERPAYMENT TO CANDIDATES FOR ELECTION YEARS 2004 AND 2008.**

Chairman Liakakis said, Board consideration of reimbursement of qualifying fees overpayment to candidates for election years 20 – 2004 and 2008.

County Attorney Hart said, this is a matter that was originally brought to the County Attorney's office by the Magistrate's Court Judges believing that they were – had over paid in their qualifying fees. As you are aware all elected officials have qualifying fees. All elected officials' qualifying fees are determined by the various state laws pertaining to their particular office. Which means you have a collage of different specialties. Some of them take gross numbers, some of them take net numbers as far as budget. Some of them have strict amount. Some of them increase by percentages. So it becomes quite confusing. When it was brought to our attention, we looked at it, and realized that they were indeed correct, that they had over paid the qualifying fees for those years. However, their calculations did not match up with the way we interpreted the ordinance either. So after going through that, we were – we were able to get their concurrence that they believed we were correct in our calculation. But out of an abundance of caution, I felt that since that issue had been raised by them that given the multiple changes in the fees over the years that we ought to go back and – and make sure that – that we're doing the calculation correctly. And so we went back, and if you look in your staff report, you can see that we went back through and – and made some changes as to what we thought were – was appropriate for the various items. Some of them were calculated on the penny and there's no problems, and other cases there needed to be some modifications and changes, and exhibit B you can see that 13 of the calculations were – were correct. The Magistrate Court was not, and several of the other official posts were not correctly calculated due also to the fact the interim years there were some amendments to local laws and general statute changes that changed the calculations from one year to the other. The – the net result is if you add all that up, we will – we are recommending a refund of qualifying fees to those members that qualified for a particular office, whether they were a successful candidate or not that over paid under the calculation. And that's in accordance with the – the chart that we have in the staff report, and therefore, we're asking that the Board adopt this motion in regard to reimbursement of qualifying fees in the amount of \$20,844.29.

Commissioner Farrell said, so moved.

Commissioner Holmes said, second.

Commissioner Stone said, second.

Commissioner Kicklighter said, can I ask a question?

County Attorney Hart said, sure.

Commissioner Kicklighter said, did this group over pay on it?

County Attorney Hart said, I'll have to look at the chart.

Chairman Liakakis said, yes.

County Attorney Hart said, yes.

Chairman Liakakis said, it's in here – I mean it says \$435.

Commissioner Kicklighter said, okay, well i didn't –

County Attorney Hart said, yeah. I mean it –

Commissioner Kicklighter said, I didn't read it. You caught me.

County Attorney Hart said, yeah.

Commissioner Kicklighter said, I didn't see it.

County Attorney Hart said, some of them were rounding errors and some of them were significant errors so we – we just figured if you're going to fix one let's fix it all and get it right.

Commissioner Kicklighter said, all right. Can – can we – do we have to take the reimbursement? I – I have not collected monies from outside sources in 11 years, and I would prefer not to have to establish an account and everything and – can we decline to take it I guess is my question.

County Attorney Hart said, sure.

Commissioner Kicklighter said, okay. Then I have no –

County Attorney Hart said, we'll – we'll gladly accept your donation to the public.

Commissioner Kicklighter said, thank you. That was why I was asking. I thought that we overpaid, but, you know. Thank you.

Chairman Liakakis said, okay. Jon [Hart] has explained this. There's a number of especially constitutional officers and – and others in there. It shows you the exact amount for each one, that Jon [Hart] has had them go through to make it legal. We need a motion on the floor.

Commissioner Farrell said, there's already a motion.

Clerk said, we have a motion. We have a motion, sir.

Commissioner Farrell said, I already made a motion. All's we got to do is vote on it.

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

Commissioner Farrell said, can we give Dean [Kicklighter] permission to – to donate his paycheck too?

Commissioner Kicklighter said, yeah. Well, it's gonna – I mean I imagine it will be difficult filing a reimbursement back, and it will have to be filed back into an account because of the State laws. So.

County Attorney Hart said, correct. Y'all's – y'all's were – was not a truly significant amount –

Commissioner Kicklighter said, right,

County Attorney Hart said, but I mean it was –

Commissioner Kicklighter said, but it will still have to be reported and –

County Attorney Hart said, well, correct.

Commissioner Kicklighter said, – as explained and I'd just rather not have to do it.

**ACTION OF THE BOARD:**

Commissioner Farrell moved for reimbursement of qualifying fees overpayment to candidates for election years 2004 and 2008. Commissioners Holmes and Stone seconded the motion and it carried unanimously. [NOTE: Commissioner Thomas was not present; Commissioner Shay was not present for the vote.]

**AGENDA ITEM: IX-5**  
**AGENDA DATE: June 22, 2012**

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

**ISSUE:**

Board consideration of reimbursement of qualifying fees overpayment to candidates for election years 2004 and 2008.

**BACKGROUND:**

The County Attorney's Office received an inquiry from one of the Magistrate Court judges regarding apparent discrepancies in the qualifying fees they paid in 2004 and 2008. A copy of the correspondence is attached as Exhibit A. As a result of the Magistrate Judge's correspondence, and our review of the applicable law, we determined that the Magistrate Court judges' qualifying fees for the election years at issue were incorrectly calculated. Specifically we determined that the qualifying fees for the Magistrate Court judges were calculated based on their gross salary, as opposed to the base minimum salary set by statute as required by O.C.G.A. §21-2-131(a)(1)(B).

As a result of the above-referenced inquiry, and given that O.C.G.A. §21-2-131 sets forth varying methods for calculating the qualifying fees for various elective offices, our office reviewed the applicable legislation to determine whether the qualifying fees set for election years 2004 and 2008 were accurate for all of the offices for which elections were held during those years.

Based upon our review of all offices up for election during 2004 and 2008, we determined that the qualifying fees for several offices were inadvertently miscalculated. Pursuant to O.C.G.A. §21-2-131, the qualifying fee is 3% of the base minimum salary as set by state statute for the offices of Clerk of Superior Court, Probate Judge, Magistrate Judges, Sheriff, and Magistrates"). For the County Commissioners, the qualifying fee is 3% of the base salary established by local act of the general assembly, exclusive of any supplements, cost-of-living increases, longevity increases or training expenses. For all other offices whose fees are set by the County, the fee is 3% of the actual gross salary paid to the person holding that office during the previous year.

Through inadvertence, qualifying fees for the county officers and magistrates for election years 2004 and 2008 were calculated based upon the actual gross salaries paid to such officers during the previous year. However, the fees should have been calculated based upon the minimum salaries for such offices as set by state statute. Additionally, the 2004 and 2008 qualifying fee for the Commission Chairman was based upon the salary, including training supplements that should not have been included. Also, in 2008, the qualifying fee for the Commission member candidate was calculated based upon the salary, including supplements that should have been excluded.

The total amount of the overpayment of qualifying fee is \$20,844.29. As reflected on the attached chart (attached as Exhibit "B") this amount includes overpayments made by eight (8) candidates during the 2004 election and twenty-one (21) candidates during the 2008 election. You will note that some of the offices were

correctly calculated while others were not.

**FACTS AND FINDINGS:**

1. The qualifying fees for year 2004 and 2008 were incorrectly calculated for several offices.
2. Pursuant to O.C.G.A. §12-2-131, the qualifying fees for the offices of Clerk of Superior Court, Probate Judge, Magistrate Judges, Sheriff and Tax Commissioner (collectively referred to as "county officers and magistrates") is 3% of the base minimum salary as set by state statute. For the County Commissioners, the qualifying fee is 3% of the base salary established by local act of the general assembly excluding supplements, cost-of-living increases, longevity increases or training expenses. For all other offices, the fee is 3% of the actual gross salary paid to the person holding that office during the previous year.
3. Through inadvertence, the 2004 and 2008 qualifying fees for the county officers and magistrates were miscalculated based upon the actual gross salaries paid to such officers, instead of the minimum salaries set by state statute. Additionally, the 2004 and 2008 qualifying fee for the Commission Chairman was based upon the salary, including training supplements when such supplements should not have been included. Also, in 2008, the qualifying fee for the Commissioner member candidates were calculated upon the salary, including supplements that should have been excluded.
4. The total amount of the overpayment of qualifying fees is \$20,844.29. As reflected on the attached chart, this amount includes overpayments made by eight (8) candidates during the 2004 election and twenty-one (21) candidates during the 2008 election.

**ALTERNATIVES:**

1. Reimburse the candidates who overpaid their qualifying fees for the years 2004 and 2008.
2. Do not reimburse the candidates who overpaid their qualifying fees for the years 2004 and 2008.

**POLICY ANALYSIS:**

The qualifying fee statute is silent with respect to refunds. However, there is a Georgia Attorney General opinion that held that the qualifying fee may not be refunded to a candidate who was subsequently determined to be unqualified to run for office. Opinion Atty. Gen. No. 83-38 (1983 WL 41672) (citing Opinion Atty. Gen. No. *Kennedy v. Seamans*, 60 Ga. 612 (1978) (holding before public official required to pay out public funds, or be justified in doing so, there must be clear provision of law entitled prospective recipient to requested funds). Underlying facts of the Attorney General Opinion are distinguishable from the facts at hand in that we are dealing with an overpayment of the fee as opposed to payment of the fee by a person who subsequently was determined to be unqualified to run.

Moreover, it should be noted however that subsequent to the foregoing opinions, the Georgia Supreme Court, in holding that a Magistrate Judge could not receive judicial salary based on erroneously computed fee, referenced without comment, the fact that the county tendered to the Judge a refund of the different between the qualifying fee that the Judge paid and the fee that she should have paid. *Rowland v. Tattnall County, et al.*, 260 Ga. 109 (390 S.E. 2d 217) (1990). Although the question of refunding of a portion of the fees was not before the Court, one could argue that the Supreme Court's referencing the tendered refund of the overpayment amount is tacit approval of the same.

**RECOMMENDATION:**

For Board consideration.

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**6. CNT MONTHLY REPORT GIVEN VERBALLY BY DIRECTOR RAGAN.**

Chairman Liakakis said, okay. Item 6, CNT monthly report given verbally by Director Ragan.

County Manager Abolt said, Mr. Chairman, Commissioner Stone, Commissioner Odell, Gentlemen, this is as always a much looked for report from the Director. Each month he comes before us and tells us some great things, but I do want to take advantage of the occasion to alert you that probably between now and the next report from Director Ragan, that Director Ragan and his department will be featured in the much anticipated issue of Savannah Magazine.

CNT Director D. Everett Ragan said, South Magazine.

County Manager Abolt said, South Magazine, excuse me.

Director Ragan said, yes, sir.

County Manager Abolt said, I'm sorry. And – and Director Ragan is here today not necessarily to talk about that, but as he stands before you and if he moves a little bit, it's because where the staples went it's kind of still hurting him.

Director Ragan said, thank you, Mr. Abolt. No, as Mr. Abolt was saying, we will – we will be featured in the August/September issue. It'll hit the newsstands sometime in latter part of July. So looking for some good – some good press for the Counter Narcotics Team in that magazine. For the month of May we initiated 88 cases. We closed out 42 of those. You can see where the amount of narcotics that we received. Picked up 31 arrests. Two more guns so that makes 20 so far for the year we're working on – that we've gotten. Drug complaints – we've received two outside drug complaints from either municipalities or (inaudible) for the month. You can see the number of hours we expended in each precinct. Again we see that the West Chatham and Central Precincts pretty much neck and neck that we're working in. And the number of hours we expended in the unincorporated areas. You can see that we have spent quite a few of the hours in there. Significant events is number 1 we had an individual that we had already bought marijuana from. Had an arrest warrant for him to pick him up. When we picked him up he had another six ounces and a gun on him. So he's – pill cases, out of that Ogeechee Avenue restaurant. We made three arrests out of a about a month long investigation. Nice photographs of 22 pounds of marijuana. We – came in through a postal service – working with the postal inspectors we were able to make a controlled delivery. Waited on the guy. He actually came in, picked up the marijuana. So he is still in jail. He had a significant history. And then the one dentist that was picked up that we've affected an arrest on for violation of the controlled substances act.

Chairman Liakakis said, any questions for Director Ragan. Well, Everett [Ragan] thank you very much for you and your drug squad doing the jobs that they are. We can see quite a number of individual people that are involved in drugs that are selling and distributing and all of that. Y'all have done an excellent job. Just keep up the good work. I'm glad that the County, you know, is funding that to make sure that we take this terrible thing off the streets and how it's causing so many people that are taking these hard drugs how it is ruining their lives.

Director Ragan said, thank you very much.

Chairman Liakakis said, you're welcome.

**ACTION OF THE BOARD:**  
For information only.

**AGENDA ITEM: IX-6**  
**AGENDA DATE: June 22, 2012**

<b>Chatham~Savannah</b>	
<b>Counter Narcotics Team</b>	<b>May, 2012</b>

<b>NARCOTICS INVESTIGATIONS</b>	
Investigations Initiated During the month	88
Total Number of Investigations Cleared (Arrest, E.C., Unfounded)	42

<b>DRUGS SEIZED</b>			
Drug Type	Value	Approx. Weight	Approx. Total Value
Powder Cocaine	\$100 per gram*	2.90 Grams	\$290.00
Crack Cocaine	\$100 per gram*	1.20 Grams	\$120.00
Methamphetamine	\$100 per gram**	0 Grams	\$0.00
Marijuana	\$140 per ounce*	359 Ounces	\$50,260.00
Heroin	\$250 per gram*	0 Grams	\$0.00
Ecstasy	\$25 Dosage Unit	68 D/U	\$1,700.00
Misc. Pills	\$30 Dosage Unit	164 D/U	\$4,920.00
Hallucinogens	\$10.00 per gram *	0 Grams	\$0.00
Synthetic (Steroids)	\$10.00 per ml *	0 ml	\$0.00

1999\*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.

<b>DRUGS SEIZED—YEAR TO DATE</b>		
Drug Type	Approx. Weight	Approx. Total Value
Powder Cocaine	63.60 Grams	\$6,360.00
Crack Cocaine	37.20 Grams	\$3,720.00
Methamphetamine	241.40 Grams	\$24,140.00
Marijuana	651 Ounces	\$91,140.00
Heroin	0 Grams	\$0.00
Ecstasy	78 D/U	\$1,950.00
Misc. Pills	767 D/U	\$23,010.00
Hallucinogens	0 Grams	\$0.00
Synthetic (Steroids)	0 ml	\$0.00

DRUGS PURCHASED			
Drug Type	Value	Approx. Weight	Approx. Total Value
Powder Cocaine	\$100 per gram*	63 Grams	\$6,300.00
Crack Cocaine	\$100 per gram*	2.20 Grams	\$220.00
Methamphetamine	\$100 per gram**	0 Grams	\$.00
Marijuana	\$140 per ounce*	5.18 Ounces	\$725.00
Heroin	\$250 per gram*	1.70 Grams	\$425.00
Ecstasy	\$25 Dosage Unit	0 D/U	\$0.00
Misc. Pills	\$30 Dosage Unit	4 D/U	\$120.00

Source: Office National Drug Control Policy  
 \*\* Source: Established regional average price

WEAPONS SEIZED	
Firearms (including hand guns and long guns)	2
Year To Date Totals	<b>20</b>

PERSONS ARRESTED	
Felony*	13
Felony Sales/Trafficking	15
Misdemeanor	1
Felony Non-Drug**	2
Total Arrests	31
Year To Date Totals	<b>148</b>

\*Felony includes Manufacturing Methamphetamine or Marijuana  
 \*\*Non-drug related offenses include firearms violations, Obstruction, Simple Battery, etc.

DRUG COMPLAINTS INVESTIGATED		
Drug Complaints	Received	Assigned
Project Log/Official Complaints	2	2
Hot Line / Call-In Complaints	11	11
Green Sheets/ Outside Agencies	4	4
Crime Stopper Complaints	29	28
<b>DRUG COMPLAINTS—YEAR TO DATE</b>	<b>223</b>	<b>218</b>

### DRUG INVESTIGATIONS HOURS WORKED BY ZONE

SCMPD – All Precincts	2,269
Municipalities	346
(Unincorporated Chatham County—358 hours)	
<b>TOTAL</b>	<b>2,615</b>
Administrative Hours	640
Case Administration	777
Pharmaceutical Diversions	480
Central Intelligence	480
Out of County (Task Force Operations, etc.)	358
Assistance Rendered to Outside Agencies	12
Training	600
Court Hours	21
<b>TOTAL</b>	<b>3,368</b>
<b>Total Hours Worked</b>	<b>5,983</b>

### SIGNIFICANT EVENTS

1. On May 14, CNT agents, assisted by SCMPD Patrol, made a vehicle stop for the purpose of arresting the driver on an existing warrant for the Sale of Marijuana. During the arrest, CNT agents seized an additional 6 ounces of Marijuana and 1 weapon with ammunition.
2. May 18, 2012, CNT agents arrested 3 people after receiving a complaint that employees of Bito's Restaurant were selling drugs at that establishment in the 5900 block of Ogeechee Road, Savannah. Agents conducted a month long investigation and arrested 3 suspects for the Sale of Roxycodone.

3. On May 31, 2012, CNT agents concluded a joint investigation with DEA involving a dentist in the Garden City area. The Pharmaceutical Diversion Unit of the CNT arrested the dentist on charges of a Possession of a Controlled Substance with the Intent to Distribute (Hydrocodone) and he has surrendered his DEA registration and lost the ability to prescribe drugs.
4. On May 31, 2012, CNT agents concluded a joint investigation with the Postal Inspector's Office involving a suspect who was receiving Marijuana through the U.S. Mail. CNT agents arrested the suspect for Trafficking Marijuana and seized over 20 pounds of Marijuana.

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#### **7. REQUEST OF REFUND TO ABERCORN TERRACE OWNERS PERTAINING TO OVERPAYMENT OF TAXES BASED ON ERRONEOUS ASSESSED VALUE.**

Chairman Liakakis said, next, item 7, and that's in your book under – it gave – goes into a lot of history, Items for Individual Action, request of refund to Abercorn Terrace owners pertaining to overpayment of taxes based on erroneous assessed value. And if you look at that, you can see that the Board of Assessors has made a very large mistake on that running from – originally from \$2 million for this property to over \$20 million. And on that – so we need a motion – do you want to discuss it, Jon [Hart] or we can just accept a motion?

Commissioner Stone said, I'm – I just have a couple of questions.

County Attorney Hart said, sure.

Commissioner Stone said, and I tried to get through as much of this as I could, and it was voluminous. Did they file appeals on this?

County Attorney Hart said, well, that's – that was one of the issues that the Board of Assessors took with their position is that – that when the change of value notice came in it went to another address and the person that was handling that for them unfortunately took his life unexpectedly. But they do have a right to file for a refund. They do not have a right to file an appeal after the – the appeal runs. But if they can take – take it and frame it in the situation as they have, that the procedure followed insofar as the appraisal methodology reached the wrong conclusion and did not follow the methodology set forth in the regulations, then they have the right to seek a refund and they have a right to seek a refund in front of – in front of you folks and they also have a right, if, you know, they get no relief, to proceed to Superior Court to test their legal theories. The Board of Assessor staff does not agree with that analysis. They don't think they made mistakes here. Quite candidly this is due to the fact that you're now appraising property based on the income method. You used to not have that, and it's – the change is good from the standpoint that, you know, most income earning property is – is done that way. But the regulations say that the leases should be valued at what is fair rental value. The rental value on these leases range from 5 to 750, and the baseline lease amount was 1750. And these are atypical leases. This was a project – this was that project that's about midtown, Ardsley Park, on the westside of Abercorn that was going to be torn down. They were going to put condominiums in there. Make a long story short, that didn't work out the – the owner leased the property to SCAD for dormitory apartment use. The tenant, i.e. SCAD went in and spent a couple of million dollars upgrading the place to make it suitable for that type of need. So you have a tenant that's done a lot of finish in there, so, therefore, that would be reflected in – in a reduced rent. In addition to that, you – you can't exactly take the – the rental amounts because in the amounts that's charged by SCAD is included in the fact that these are furnished apartments and that they include security and trolley. So there's a lot of issues involved in how you could go from the divergence. They have come forward and acknowledged that there is an increase in value and have a fee appraisal in the amount of \$5,100,000, I believe. And they're willing to accept that. They also understand that they were late in payment of taxes and if this Board were to refund the amounts requested, it would be the refund the amounts requested subject to confirmation of the Tax Commissioner of – for being late in payments, a portion of those penalties would be not be deserved to be refunded, and they understand that. So it's really a question of what you folks choose to do. I think we've pretty well laid out the staff version of how we see it from a factual standpoint.

Commissioner Stone said, then –

Chairman Liakakis said, Pat [Farrell] –

Commissioner Kicklighter said, can we hear from the BOA?

Chairman Liakakis said, it was Pat [Farrell] next.

Commissioner Farrell said, she wasn't finished.

Commissioner Stone said, well I just want to finish. So one last question. So they're changing how this property is assessed through rental income now?

County Attorney Hart said, yes. Yes ma'am. Originally when you did apartments like this you did it either on a cost basis or – or a comparative sales basis. Comparative sales basis will work if you're doing a commercial property to a commercial property, but when you're trying to do a comparative sales to a dormitory type apartment to a commercial apartment, it really doesn't work that way. So that doesn't fit particularly well. The income approach will work for this type of property, but in order to follow the income approach, you have to take into consideration what the rental payments are and are they typical leases or atypical leases and try to make some comparison and sense of that.

Commissioner Stone said, so –

County Attorney Hart said, in this particular case, most dormitories are now done under a lease-purchase option situation. For example, all the dormitories built for state universities now are done that way in the State of Georgia. And valuing those lease terms, you can't do it like you would your traditional rent because there are so many other factors that are included in the cost that they're charging the student, such as the trolley system and the security system and the trash and all those things. So they – they have a lower rental value and quite frankly \$1750 a month for those apartments is – is pretty high rent.

Commissioner Stone said, so – so when did this – is this a relatively new approach to this? I mean how long has this been –

County Attorney Hart said, it's been out a couple of years. But you got to remember we've had a freeze for – you know, the – the – the legislation what two years ago passed – gave them a two-year freeze, so you – you – you didn't have the need or necessity to use that at that point. So it's – I – I forget how long that's been on the books, but it's been there. And – and they've recognized that in the past, but the Department of Revenue has officially adopted saying, you know, this is the way we want it done, and they're saying that we don't think it was done that way.

Commissioner Stone said, I – I guess where – what my concern is I – I don't, and maybe I'm incorrect here, because this was a lot to get through, and I want to be fair and reasonable, we're not trying to – this Board is not trying to set a value on this property?

County Attorney Hart said, no, ma'am.

Commissioner Stone said, okay. 'Cause I – 'cause I'm not – I don't think –

County Attorney Hart said, no, ma'am.

Commissioner Stone said, – that that is our job.

County Attorney Hart said, no, ma'am. The – the – the only issue that they have raised – they – they can't raise – all they can say at this point is that they do not believe that the methodology used as specified by the Department of Revenue for the income method fits this situation and factors were considered properly and the methodology used properly and henceforth it's been erroneously collected. They concede that the property is worth more today than it was back in 2007. When they put the freeze on for 2 – \$2,351,000, those were lower income type apartments at that time. And they're willing to concede it's gone up to \$5.1 million. They're not willing to concede that in a matter of a couple of years it went from 2 to 20.

Commissioner Stone said, all right. Well I have one last question, and I appreciate your patience.

County Attorney Hart said, sure.

Commissioner Stone said, is this solely rental property for SCAD? I mean for –

County Attorney Hart said, there's 150 some units within the complex. I – I'm – predominately most of them, I think it's 100 – 140 range are – are totally leased to SCAD. Some of them for whatever reason were – were not released to SCAD. I don't think – know whether there was a demand for that. Their attorney's here, probably could be better to give you more accurate information on that. I – I don't have the specifics of that.

Commissioner Stone said, okay. All right. Thank you.

Commissioner Farrell said, Jon [Hart], do you – what is your recommendation?

County Attorney Hart said, we have taken the position that we understand the argument of the petitioner, and we also understand the value issue. The Board of Assessors does not necessarily agree with our interpretation of it to be blunt. The folks filed an open records request before they made the appeal, and the documentation in the open records request, does not necessarily contain some of the information that might otherwise be needed to determine the rental value of the property, so it's difficult to say. It – it's, you know, you just look at the appraised value on this thing from what it was just a few years before that. That – that bothers you. And the fact that you've got a rental value on those apartments of \$1750, which the appraisals – their appraiser had multiple comparables of commercial property rentals and not being in that range for similar type business. And then you've got to take into consideration, you got to look at the lease for the use that it is, which is a school dormitory lease, which usually lease out at a lesser rate because the school has a guarantee on the – on the number –

Commissioner Odell said, occupancy.

County Attorney Hart said, – occupancy, and because they have a guarantee on the occupancy, the person renting the place will usually take a lower rent for it because he knows I don't have to worry about being 75% full, I know – you guarantee me I'm 90% full. So when you start looking at those factors, you know, I – I – I just don't think – we recommend the refund save and except those penalty portions.

Commissioner Farrell said, my follow up question is, if the Board takes your recommendation today and votes to do that, and the – the – the owners don't feel like that's in their best interests, they have – do they have the recourse to still go to Superior Court –

County Attorney Hart said, yes, sir.

Commissioner Farrell said, – and hash out all the details and try another stab at it?

County Attorney Hart said, yes, sir they do.

Commissioner Farrell said, okay. Well I – I'm gonna – when they finish asking questions, I'm gonna make a motion to go with your recommendation for the refund knowing that if that's not going to work out, then they do have another recourse, and they can dig into the details a little closer. I feel like you've studied this pretty closely, and what you said seems to be reasonable.

Chairman Liakakis said, I've been in a couple of these apartments, and \$1,750 a month for that is outrageous, you know, what they have put on there, 'cause people – they've got different types of formulas that they work on, but all they've got – you – you've got to do is just go over there and look at that location and say \$1,750 a month, it's just absolutely way out of line with that. But anyway, you've made the motion, we need a second.

Commissioner Stone said, Tabitha [Odell] – Tabitha [Odell] wants to –

Chairman Liakakis said, oh, excuse me, Tabitha [Odell], go ahead.

Commissioner Odell said, sorry. Are these the units that are behind Red and White on Habersham?

County Attorney Hart said, yes, ma'am.

Commissioner Odell said, the big, white two-story buildings?

County Attorney Hart said, yes, ma'am.

Commissioner Odell said, okay. And they used to be like low income housing?

County Attorney Hart said, well –

Commissioner Odell said, or –

County Attorney Hart said, yeah, yeah, they were. I – I don't know that they use that term anymore, but they were – they were housing that – that – that rent – rental rates – subsidized housing so the rental rates were lower – lower to the tenant with some subsidy there. Originally it's my understanding the developer was going to level the place and put up a –

Commissioner Odell said, 'cause some of them have been leveled.

County Attorney Hart said, yeah.

Commissioner Odell said, they were going to do like condos or something?

County Attorney Hart said, yes, ma'am, and I think there still is a project that's separate and apart from this that – that may happen over there or may not happen. But basically what they did was they had – when they got into it they realized they were going to have to change the use and – and SCAD had a need for dormitory space and so they worked out a deal and it was a – a good deal because from their standpoint 'cause SCAD was willing to put in the 2 million on the front end to make the conversions, which they didn't have to do.

Commissioner Odell said, right.

County Attorney Hart said, so – which also reflects in – in what you're going to get back on the return on the rent. So that 's – it's – it's a – it – it's very easy to understand why this happened, because it was a convoluted transaction over a period of time with a tax freeze in the middle of it.

Commissioner Odell said, right. So – so did the Board of Assessors assess it based on what the initial use was going to be and not when it became a dormitory?

County Attorney Hart said, they based it as my understanding on as what a commercial rent for a – a apartment or condominium, I don't know whether it would be a condominium, but an apartment would be anyway.

Commissioner Odell said, which is not accurate because they're dormitories.

County Hart said, yes, and – and – and 1750's at – at – according to the appraisals looked at –

Commissioner Odell said, I've seen them. They don't look like \$1750 units.

County Attorney Hart said, – by their appraiser the high end.

Commissioner Odell said, I've been in one of them. They don't look like that.

Commissioner Farrell said, you can get a house on the Landings for that.

Chairman Liakakis said, Dean [Kicklighter]?

Commissioner Kicklighter said, thank you. Does reimbursing the monies – does reimbursing the monies actually lower the value as far as the next year's billings or something? In the future or what?

County Attorney Hart said, well what will happen is they will go in and provide them the information. There will be a

recalculation based on the information provided and there will be a number that comes out. That number could be – well could be higher than the 5.1, but they're willing to, you know, they – they acknowledge it's 5.1 at least for this year. To some extent, schools are reserved about what they publish and how they figure their – their rental rates, but it's well known that their rental rates because they are at higher occupancy rate is generally somewhat less than what you would expect in the market and because of all the other things.

Commissioner Kicklighter said, Jon [Hart], you – you know I love you, and I think you're the best attorney. I need a yeah or a no.

County Attorney Hart said, what?

Commissioner Kicklighter said, does – does reimbursing them monies today lower SCAD's property value to what they think it is or would it remain the same?

County Attorney Hart said, well it – they will have to in next year and challenge the value 'cause they can't change – you can't change the value.

Commissioner Kicklighter said, okay. That's – that's kind of what I guess. Point of procedure or order that concerns me with this is at this point in time it appears because the – the process that's in place is – is not being utilized, I fear that we are going to become the let's reimburse everybody when they think they are over valued, and then next year, hey they can go challenge it and determine later – I – I think this sets a – procedurally I think it sets a horrendous precedence for the future of what could and should happen. This is an enormous amount of money so I understand the petitioner's requesting to be reimbursed, but procedurally, this opens the door for Joe Blow with a mobile home on a quarter of an acre, if he wants to come stand in front of us after he misses the deadline asking for some money back, we, you know, we're going to pretty much have to hear, and we're going to become that alternate, you know –

County Attorney Hart said, I – I understand –

Commissioner Kicklighter said, I mean –

Commissioner Odell said, aren't – aren't there extenuating circumstances?

County Attorney Hart said, I understand your concern and it's a legitimate concern – legitimate concern.

Commissioner Odell said, yeah, somebody died.

County Attorney Hart said, but what you're really talking about is if they miss the appeal time and could not assertively show an inaccuracy in the methodology set by the regs they – they can't complain about value. In other words, I can't come in here and say I think my mobile home's 40 not 60. You've got to say, gee, you valued my mobile home as a house. That – that's an erroneous valuation. An illegal, erroneous valuation, and then if y'all find that to be the case, then you can do what you – you choose to do on the refund. But you can't come in there and say, oh, I think my mobile home's worth 40 and we valued it at 50, but we valued it as a mobile home, and use the excuse, gee I just think it's a different value.

Commissioner Kicklighter said, okay. Difference – difference to some maybe that has not been up here, when we've had circumstances in the past where something, okay, the compassionate side says absolutely, a – a – the man – someone who was responsible, you know, I guess, took his life is what I heard, and did miss the – miss the deadline for the appeal, compassion says let's reimburse. But the difference we've had in the past when things come up is we've had the Board of Assessors stand up and say, yeah, you know, we agree it was overvalued or whatever so although they missed their appeal time we've got a, like an understanding coming from the people that actually assess the property and –

County Attorney Hart said, I – I understand where you're going there. They're – the Board – Board of Assessors took the position that the time ran, okay? Which – which, like you say, can be very harsh, but they can take that position, and they're not appealing on – on the issue of we were late in filing. They recognize that that – that's issue's not one they're going to win. What they've done is they've come back in and say show us how you figured this and we don't think you meet the – you met the standards required by the Department of Revenue and here's why. So you can attack the methodology if you didn't follow the regulations.

Commissioner Kicklighter said, right.

County Attorney Hart said, and that's what you really have here is a – a question.

Commissioner Kicklighter said, and – and I've stated in the past that I – I do understand that there's a difference in being morally and ethically right to do something versus legally correct to do it. I see the Board of Assessors, and I'd like to ask them to please come forward and let's hear what they have to say before we vote just because I think we need to hear – hear their side before we make a decision like this. So if – with your permission, Mr. Chairman, can we allow the Board of Assessors to come at least speak?

Chairman Liakakis said, you mean right now?

Commissioner Kicklighter said, yes, sir. They're standing right over there on the right ready to speak to us and tell us their thoughts on the subject.

Chairman Liakakis said, well, number one, we can have them, but the County Attorney has explained what they are challenging – what they are going on the subject. They're not going because they missed the time element where they

sent it to the wrong address and that person had taken his own life unfortunately. What he's saying is they've got a right to appeal on this particular formula and – and after looking at it, that's what he's recommended.

Commissioner Kicklighter said, well, I mean I –

Commissioner Odell said, well they're appealing – but they're appealing on the methodology, which is separate from the time frame. So if the methodology is incorrect, they have a right to do that. Correct?

County Attorney Hart said, yeah and – and there's a difference of opinion between the Board of Assessors and them. And – and – in regard to that. And I understand that. And so it ended up in my lap. I made a recommendation. You can – you can choose to follow that. You can choose not to follow that. It doesn't, you know, I don't claim to be infallible.

Commissioner Kicklighter said, and I know you'd probably prefer not to have had to make a recommendation on something like this.

Chairman Liakakis said, well, let's hear the Commissioners. You got anything else Tabitha [Odell]?

Commissioner Kicklighter said, I would like to hear from the Board of Assessors, Mr. Chairman.

Chairman Liakakis said, well wait a minute. Let Helen [Stone], she –

Commissioner Stone said, I think I would – I would like to hear from the Board of Assessors as to how they arrived at this. I – I don't want us to be decision makers for something that should be handled through the Board of Assessors. That's my concern.

Chairman Liakakis said, all right, let's go – Jon [Hart]?

County Attorney Hart said, this – this issue at this point under this statute where they're appearing is not under the Board of Assessors' jurisdiction. They don't have authority to do what you're doing. The only two places you can go is here or Superior Court, but you've got to come here first.

Commissioner Stone said, okay.

Commissioner Farrell said, so what we're saying is we can either make a ruling today, and they can accept it or not accept it, or we can decline to make any kind of ruling and tell them their only recourse is to go to court.

County Attorney Hart said, and – and – and –

Commissioner Farrell said, so I think that's the question before us.

County Attorney Hart said, – that would – not making a decision in this particular case is the effect of making a decision for them. From their standpoint on appeal rights.

Commissioner Farrell said, because they have to go to court to – to try to resolve it.

Commissioner Kicklighter said, Mr. Chairman?

Chairman Liakakis said, the Board of Assessors can go to Superior Court and challenge?

County Attorney Hart said, yeah – well, yes, sir. They would – the County would respond and the Board of Assessors would respond.

Chairman Liakakis said, okay.

Commissioner Kicklighter said, Mr. Chairman?

Chairman Liakakis said, Dean [Kicklighter]?

Commissioner Holmes said, Mr. Chairman?

Commissioner Kicklighter said, my – my – my thoughts.

Chairman Liakakis said, wait a minute. Hold it. He had his hand up, Dean [Kicklighter], a long time ago. Wait a minute.

Commissioner Holmes said, how much of this come into effect, Jon [Hart], with the death of that gentleman?

County Attorney Hart said, well, that's really – the reason that I explained that was that was one of the reasons it kept – seemed to kept be – be an issue, well, they didn't file an appeal. Well irrespective of the appeal, if you're challenging the methodology of how you do the tax, and you say it's an illegal levy of a tax because you didn't do it right, under that statute you can raise that issue. The other issues just goes away. I don't think they could be successful on that.

Commissioner Holmes said, okay.

County Attorney Hart said, I think it does explain perhaps why they may have been tardy filing. You know, legally if you wanted to be super hard-nosed about that, you know, you – which – which on many occasions we – we have done

pretty consistently on that, you could say, you know, we're very sorry but that – that's a problem you got to do something about. On the other hand, if they can find a reason to say the tax and the levy was illegal for whatever legal reason they come – they come up with which you can discern, then they can appeal for an illegal or erroneous tax. Erroneous tax we've had numbers of situations where we've taxed somebody's house – not a number, but we've had cases in the past where for whatever reason, you know, we've had digits get dropped and somebody's house not be 360,000 but 3,600,000, which, you know, that's an erroneous issue that you fix. So that – that's just basically –

Commissioner Farrell said, if we do nothing –

Chairman Liakakis said, hold it. Hold it.

Commissioner Farrell said, – can the Assessors challenge what happened?

Chairman Liakakis said, Let's go in order. Let's go in order. James [Holmes], didn't you – did you have something?

Commissioner Holmes said, I'm through. I'm through.

Chairman Liakakis said, all right. Go ahead James [Holmes], and then come back and you can ask that question. Go ahead James [Holmes].

Commissioner Holmes said, I'm through.

Chairman Liakakis said, you're through?

Commissioner Holmes said, yes.

Chairman Liakakis said, okay. Tabitha [Odell], and then you, and go ahead.

Commissioner Odell said, so did they tell the Board of Assessors we question the methodology, and the Board of Assessors said you're late on the appeal process?

County Attorney Hart said, and they also – and my understanding is the Board of Assessors thinks that they correctly calculated the way of valuing this unit and that they followed the rules and basically you're going to get into, you know, you either did or you didn't, and, you know, they'll say they did. The other side'll say they didn't. Somebody's gonna go in.

Commissioner Odell said, because at this – because at this point they're not saying that they didn't file because the guy died? They're not even going there?

County Attorney Hart said, yeah, the – the petitioner is saying –

Commissioner Odell said, the only thing that they're questioning –

County Attorney Hart said, – it's erroneous.

Commissioner Odell said, – is the methodology?

County Attorney Hart said, yeah, erroneous.

Commissioner Odell said, okay.

Commissioner Kicklighter said, Mr. Chairman I –

Commissioner Farrell said, if we – if the Assessors were not accepting of whatever comes out of this procedure today, do they have the option to take it to Superior Court?

County Attorney Hart said, no.

Commissioner Farrell said, it's only the owner's option to take the next step? Thank you.

Chairman Liakakis said, Dean [Kicklighter]?

Commissioner Kicklighter said, Mr. Chairman, we have a body, a government agency, group, chartered to set the values and they, you know, it's probably one of the least liked jobs in – as far as people liking them in – that we – I can imagine having. What's totally different about this today than anything we've faced ever in the past on a reimbursement is we have the Board of Assessors stating that they were correct. That their value of the property was correct. We have the petitioner stating that their's was not. That's where to me the legal process should come into playing beings none of us that I know of are – are experts in that field, and that's why the process to – judicial process is in place, to correct a wrong. And, you know, I just see it as setting a bad precedence for the future for us to jump out there and make a decision because the question as I understand it is not whether or not they filed late, it's – it's on the value of the property itself, and if the group is stating they were correct, and – and the other person who I assume is a professional in that line of work is saying that they're correct, then the next step is for them to fight it out in court.

Commissioner Odell said, but we're the next step, and they have a right to come to us and ask for oversight on a governing body that has – they feel has made a – a incorrect decision, and we have a staff attorney who has sat down, researched, and taken the time to tell us that in his opinion that he agrees with the petition. I mean why would we force

a matter into litigation that can be dealt with –

Commissioner Farrell said, here and now.

Commissioner Odell said, – here and now?

Commissioner Farrell said, there's a motion on the floor –

Commissioner Kicklighter said, because –

Commissioner Farrell said, – it just needs a second and then we can vote it up or down.

Commissioner Kicklighter said, because –

Commissioner Odell said, oh, I second.

Commissioner Farrell said, okay.

Commissioner Kicklighter said, because they may very well be correct.

Commissioner Odell said, but they might be wrong.

Commissioner Kicklighter said, the – no, I'm saying the petitioner may very well be correct. Completely. They could be right. It could be valued exactly what they're saying. But the Board of Assessors could be correct.

Commissioner Odell said, but we're the step before Court. Why can't we make a decision?

Commissioner Kicklighter said, because every Tom, Dick, and Harry that thinks their tiny piece of property was over valued when they missed the deadline has the right –

Commissioner Odell said, it's not about the deadline.

Commissioner Kicklighter said, – from that point on –

Commissioner Odell said, it's not about the deadline, it's about the methodology.

Commissioner Kicklighter said, well, the – the – had they made the deadline, this would not be in front of us because they would have had their appeal, and they would have determined in their appeal whether or not it's valued as they're stating.

Commissioner Odell said, but if they had –

Commissioner Kicklighter said, because of that mistake –

Commissioner Odell said, – the appeal – then they had the appeal, and the Board of Assessors is saying, no, I'm right. They still gonna wind up here because they're going to still be at odds about it, if they made the deadline.

Commissioner Kicklighter said, once – once it was denied as an appeal. That's what I'm saying, precedence. This – this Board is not – in my opinion, once the process has gone through to over ride and refund money that the appeals board may say is not warranted.

County Attorney Hart said, they have appeared before the Board of Assessors this week taking the position that they're taking, and the Board of Assessors has, you know, not – has elected for whatever reason not to make the change. So their relief there – their only relief at this point is this Board and if this Board chooses not to provide relief or they choose not to act then Superior –

Commissioner Kicklighter said, can – can they not appeal it next year? Can they not appeal the value next year?

County Attorney Hart said, sure – sure you can appeal it next year, but you lost the 200 and some odd thousand this year.

Commissioner Kicklighter said, but at that point – here's what I'm saying to the SCAD officials –

County Attorney Hart said, this is not SCAD.

Commissioner Kicklighter said, okay. This – this is who?

County Attorney Hart said, this is the owner of the building that leased to SCAD that's – that's responsible for the taxes.

Commissioner Kicklighter said, okay. Okay.

Commissioner Odell said, Dean [Kicklighter], if you ever go over there and look at those units.

Commissioner Kicklighter said, oh, I know which ones. I know which ones they are. I – all right, financially, if the people could make it through the appeals process next year, we've done that on this Board. Once they've won the appeal, even a year later, we can legally reimburse back for two or three years, right?

Commissioner Odell said, that's a huge burden to put on a tax payer, this amount, for a year. That's an unfair amount.

Chairman Liakakis said, and anyway, if you go over there and see, those apartments are not worth \$1,750 a month.

Commissioner Kicklighter said, I – I agree.

Commissioner Odell said, they're not worth the amount.

Chairman Liakakis said, go inside there.

Commissioner Kicklighter said, I agree.

Chairman Liakakis said, I mean even if you change that –

Commissioner Kicklighter said, can we hear from the Board of Assessors though?

Chairman Liakakis said, go ahead.

Commissioner Kicklighter said, can we hear from the Board of Assessors. I may vote to reimburse the money but I think we're doing a huge injustice by not listening to the people that's structurally in place to determine values for this County. Why can we not hear from them?

Chairman Liakakis said, all right Jon [Hart], what do you – I – I need to ask Pat [Farrell] about allowing them to speak now? What's the status on that?

County Attorney Hart said, you can do what you want to. I mean if you want to talk to them you can talk to them.

Chairman Liakakis said, okay. Go ahead.

Commissioner Farrell said, well, it sounds abundantly clear that they have spoken and spoken loudly already this week, and that they –

Commissioner Kicklighter said, wow.

Commissioner Farrell said, – do not want us to do this. They do – they don't agree with – Jon [Hart] has mentioned that they were \$2 million, they went up to 20 million, we settled at 5 million, and we think that SCAD put a couple million dollars into the project. So, 2 million plus 2 million, and we're at 5 million. That sounds like a pretty fair place, and this whole thing can start over again next year. I'm going to call the question. We just vote on this up or down and then.

Commissioner Kicklighter said, wow.

Commissioner Stone said, I – I would like –

Chairman Liakakis said, all right. He's calling for the question.

Commissioner Stone said, wait.

Chairman Liakakis said, and that's the end of all of the conversation.

Commissioner Kicklighter said, to the –

Commissioner Farrell said, we can either act on it or not act on it.

Commissioner Kicklighter said, to the owner of this property, had I had the opportunity to hear from this staff, I may have supported this, but just not even getting to hear from them, there's no way I can – no way.

Commissioner Stone said, I – I would have appreciated hearing from them.

Chairman Liakakis said, he called for the question. We have to abide by this.

Commissioner Farrell said, I can – I can –

Chairman Liakakis said, he's called for the question and –

Commissioner Farrell said, I'll pull it back. I'll pull it back.

Commissioner Stone said, I just want to hear from them.

Commissioner Farrell said, I'll pull it back.

County Attorney Hart said, you withdraw calling for the question?

Commissioner Farrell said, I'll withdraw calling for the question. We can continue to talk.

Commissioner Stone said, I just want to hear from the –

Commissioner Kicklighter said, I just want to hear from them.

Chairman Liakakis said, all right, let's – from the Board of Assessors, come forth.

Commissioner Kicklighter said, please make it brief since people really don't seem to want to hear from you.

Mr. Harold Copeland, Interim Chief Appraiser, said, I will do my best, sir.

Commissioner Kicklighter said, thank you.

Mr. Copeland said, and I appreciate you fighting to get us the chance to talk today.

Commissioner Kicklighter said, thank you.

Mr. Copeland said, good morning everyone. I'm the new chief – the interim chief appraiser for the Board of Assessors. I took that position approximately a month ago. This has been on the plate for a long time. The – you've heard about the death of an accountant and that's why they missed the appeal, that's not true. The accountant died just a few months ago. The appeal process – they had missed it prior to that. There's issues about whether we mailed it to the correct address or not. Did they –

Commissioner Odell said, I'm sorry.

Mr. Copeland said, yes, ma'am.

Commissioner Odell said, you're talking about the appeal timeline. We're talking about the methodology. So –

Mr. Copeland said, okay, if all you want to hear is the methodology –

Commissioner Odell said, so – I want to talk about methodology 'cause that's what they're – that's what they're position is right now is the methodology. Okay.

Mr. Copeland said, the methodology for valuing this property is the income approach. We've done it on that methodology for as long as I've been in the assessors office and I've been there 25 years, almost. So we have always used the income approach. We have never used the market approach or the cost approach on this particular piece of property. If you look in your package, I believe you have a letter from their attorney that has a property record card in it. That property record card shows two numbers at the top. One says CAMA and there's three zeros beside it. That is a cost approach.

Commissioner Odell said, okay, now cost approach on this particular property when this particular property was not a dormitory –

Mr. Copeland said, was never done. We've always done it on the income approach.

Commissioner Odell said, okay. And – and – and there's other –

Commissioner Farrell said, how many years?

Mr. Copeland said, as long as it's been – as long as I've been in the assessors office we've been using the income approach on apartment complexes.

Commissioner Odell said, okay, but it's not an apartment complex now is it?

Mr. Copeland said, no longer is.

Commissioner Odell said, it's a dormitory.

Mr. Copeland said, yes, ma'am.

Commissioner Odell said, so, how do you appraise other dormitories?

Mr. Copeland said, the exact method that we used on this one with the same rental rate that we used on this one.

Commissioner Odell said, you appraise all dormitories exactly like this one?

Mr. Copeland said, the only other dormitories that I'm aware of are SCAD dormitories also. When we went to the property this year, or for tax year 2011, due to the renovations to the property. Now keep in mind, the properties are rented on a wholesale basis to them because they're going to rent every single one of them at one fell swoop, so they're guaranteed that they're going to get the money every single month, not like a normal apartment complex owner that has to wonder are they going to have tenants or not from time to time. So the 525 and the 575 that they want us to utilize is a discounted rate because they're renting 100% of the complex. Then SCAD went in –

Commissioner Odell said, but they're taking less aren't they because of that? I mean I've – when those – I've – I've been in those units. I had an employee that lived in those units. There's no way that that unit to me looks like a \$1750 a month unit.

Mr. Copeland said, and –

Commissioner Odell said, so, I'm just a little confused because that's a lot of money –

Mr. Copeland said, it certainly is.

Commissioner Odell said, – for that particular unit.

Mr. Copeland said, it certainly is.

Commissioner Farrell said, so, so what is the amount of dollars that SCAD – that one check that they're writing divided by the number of units?

Commissioner Odell said, yes, what's SCAD paying per unit?

Commissioner Farrell said, what –

Mr. Copeland said, they pay 525 for the one bedrooms and 575 for the two bedrooms.

Commissioner Odell said, and you're valuing it at 1750?

Mr. Copeland said, what does SCAD collect?

Commissioner Farrell said, but SCAD's paying –

Commissioner Odell said, that – that's – I don't care what SCAD collects. I want to know what the owner's collecting.

Commissioner Farrell said, the owners are collecting 525.

Mr. Copeland said, yes, sir. And – and now you're talking a difference between a lease fee estate, which is what the owners have in this property and a fee simple estate. The Board of Assessors is charged with valuing fee simple. That is what is the property worth, not what does the landlord collect in rent –

Commissioner Odell said, but the property's only worth what the owner receives.

Mr. Copeland said, no, ma'am, it's not. The property is worth what it would rent on the open market on market rents.

Commissioner Odell said, on the open market they couldn't get 1750 for that unit.

Mr. Copeland said, SCAD's getting over 2,000 a month for it.

Commissioner Odell said, I – I don't care about SCAD.

Mr. Copeland said, I understand you don't.

Commissioner Odell said, SCAD's not the owner.

Mr. Copeland said, we're charging – okay, we're –

Commissioner Odell said, and the owner's paying the taxes. Is SCAD paying part of the taxes?

Mr. Copeland said, no, ma'am, and that's where this whole problem lies is the owners when they – when they signed a lease did not put an escalation clause in the lease for if the property owners or the – the tenants improve the property at that point they would pay any further taxes. There was no escalation clause put in there. If that had been put in there, we wouldn't be here today because SCAD would be paying the extra taxes.

County Attorney Hart said, SCAD's tax exempt.

Mr. Copeland said, they would still pay the extra taxes if that's in the clause.

Chairman Liakakis said, let me make a statement.

Mr. Copeland said, yes, sir.

Chairman Liakakis said, what SCAD does, what they charge them, they charge them for transportation because they send a bus over there to take them to the different SCAD dormitories –

Mr. Copeland said, yes, sir.

Chairman Liakakis said, – education buildings and all. And also they charge them for security, 'cause you can see those security people circling that place –

Mr. Copeland said, yes, sir.

Chairman Liakakis said, – you know, multiple times during the day. Now, 1750 for that apartment, listen, we have to be fair to people in this community that are paying taxes.

Commissioner Odell said, right.

Chairman Liakakis said, and it's important that the County gets, you know, we need the revenue for property taxes to help pay for the services that we give to the community, but when we're talking about \$1,750 for that apartment, and you can get probably 50 people in the real estate business – business and you go inside that place and there's no way that you can possibly get \$1,750, you know, to charge somebody that – the formula that you're using. Suppose they were getting \$4,000 a – a month, SCAD was, you know, for that, that's saying SCAD, that has nothing to do what the –

Commissioner Odell said, the owners.

Chairman Liakakis said, – owners are getting and what is being paid out. We have to be fair to the citizens of our community and do this right. That – that – that's what the whole matter is. We know that you're, you know, you have a responsibility as the Board of Assessors to take formulas and to go out, but to come up with a formula that's way out of wack on – on the way that those apartments are, that's – that makes a big difference.

Commissioner Odell said, there's – there's multiple things that go into play when a – when a – when a school sets a rate for a student to pay for dormitories. They have all kinds of things they add into that – which has nothing to do with the owner. There could be a meal card in that fee that those students pay.

Mr. Copeland said, there's not.

Commissioner Odell said, I mean but it could.

Mr. Copeland said, I understand.

Commissioner Odell said, it could be a bunny rabbit jumping around handing out candy. The – the school gets to charge whatever they charge for what they give those students. That doesn't have anything to do with what the owner's receiving.

Mr. Copeland said, if – if the – if this building were to be vacant this month, and the County Commission wanted to hold on to it, as the owners of this property want to hold on to their property, and they want to hold on to it until such time as the condo market changes, they want to level this, and they want to build a condo project still, so they've got this – this lease in place now with SCAD so that they can kind of get some funds in in the meantime until they can do this. But if this building went vacant and the County Commission says we've got to lease this out for a while, but we're only going to, you know, we only want to lease it for a few years until such time as we need it again, and say you leased it to Dean [Kicklighter] for \$10 a month. That's not the market rent on this building. Now if I've –

Commissioner Odell said, it could be if there's 50 others around here vacant.

Mr. Copeland said, the 525 that is paid to the owners is not the market rent on those apartments at this time.

Commissioner Odell said, hold on now because before those – before those – before those owners took those buildings and changed them into whatever they had planned to change them into, I had an employee that lived over there.

Mr. Copeland said, I understand that.

Commissioner Odell said, that woman paid 300 and some change for the unit. Three and some change is a far cry from 525, so I don't think the owners should be penalized for trying to hold onto their property and making the best out of a situation by renting to SCAD instead of letting the property just go in the way wind.

Mr. Copeland said, so – so SCAD rents it for 525.

Commissioner Odell said, okay.

Mr. Copeland said, and they go in and they put millions of dollars in to improve it.

Commissioner Odell said, that's SCAD's business. They paid for it.

Mr. Copeland said, but they wouldn't have rented them for 525 if they – if the owners had had to do that work. Those owners wouldn't have – if they had to put those millions –

Commissioner Odell said, then good for the owner for finding a way to improve the building without having to pay for it. We gonna to penalize them because they made a good decision?

Mr. Copeland said, no, you should now value the buildings at what they are worth today not what they were before they were improved.

Commissioner Odell said, but they're not worth 1750 today.

Mr. Copeland said, okay, now you're getting in to being an appraiser.

Commissioner Odell said, because – because – no, I'm not. What I'm – you're – you're telling me that SCAD is charging this, but SCAD is also charging for the student to come to the school; SCAD is charging for their reputation as a school; SCAD is charging for security; SCAD is charging for traveling back and forth. SCAD is charging – do you even know everything SCAD charges for to set their rate?

Mr. Copeland said, that's what we've been asking from these owners and from SCAD.

Commissioner Odell said, but they don't know because they don't need to know. All they need to know is whether or not they get their check every month. They don't have a right to ask SCAD. How do they have a right to ask SCAD what SCAD charges for their tuition? How can you get that from them?

Mr. Copeland said, I've asked for it. I don't get it.

Commissioner Odell said, because what, SCAD told you it wasn't none of your business? I mean how – how – is that – is that what SCAD said? I mean I'm not trying to be difficult, but what you're asking for is something that comes from SCAD that SCAD don't have to give because SCAD is not answerable to you. The owners are the ones that own the property. They're the ones that have to deal with you.

Mr. Copeland said, yes, ma'am.

Commissioner Odell said, they're the ones that's paying what they're paying. Why should they be penalized because they're renting to a school or leasing to a school that's making whatever the school is making. We –

Mr. Copeland said, see again, we're getting into now is the appraisal right?

Commissioner Odell said, no is your methodology right?

Mr. Copeland said, okay, we used a methodology the revenue department says they want us to use. We sent someone to the property, we tried to get the information. We tried to find out what the rental rates were. At that time, we got no information –

Commissioner Odell said, did – what did the owners tell you when you asked for it?

Mr. Copeland said, nothing.

Commissioner Odell said, they told –

Mr. Copeland said, nothing at that time.

Commissioner Odell said, then how did you – then how did you know what they were charging?

Mr. Copeland said, we found that out after the fact. Well after the fact. They didn't come to us and say we're getting 525 and 575 before we did the appraisal. They gave – nobody gave us any information. So we did what we do. We went to the property, we tried to get the information there. We left cards with the – the people there and asked to be notified by the appropriate persons of the rental information. We got no information again.

Commissioner Odell said, which people? The tenants?

Mr. Copeland said, the tenants, yes, ma'am.

Commissioner Odell said, but the tenants don't – the tenants are children. They are students they don't –

Mr. Copeland said, no, no, no. The onsite people. The property managers. Whoever was on site. That's who our people left the information with to get to the SCAD and to get us the information necessary.

Commissioner Odell said, okay, so let me ask you, when you finally got to the owners and to the owners' attorneys and they gave you the information, and you realized they were paying 525 a month, you still felt like that that was insufficient for you to make an – an assessment.

Mr. Copeland said, first of all, I couldn't change the 2011. Even if I agree 100% with you that the 1750 is wrong and the 525 and the 575 is right, I'm passed the time frame I can legally do it.

Commissioner Odell said, not based on –

County Attorney Hart said, that – that – that is a correct statement from the BOA's standpoint. That's why you have the statute.

Commissioner Odell said, but –

Mr. Copeland said, okay. That – that's number one. Had they gone through the appeal process, we could make changes in the valuation based on new information that they give us.

Commissioner Stone said, that makes sense.

Mr. Copeland said, but because the appeal process has been expired, I can't change 2011's right now to do that, okay?

Commissioner Odell said, yeah, but if the statute allows for the process that we're going through right now, we can't veto the process simply because we don't like that we didn't get a chance to say no during the appeal.

Mr. Copeland said, but did I follow – the whole argument here is did I follow the correct methodology. Now if I followed the correct methodology and they failed to file appeals, like Mr. Kicklighter said, now you're getting into are you taking over where the Board of Equalization or the Superior Court level came and that's the process to discuss whether we had \$1750 a month on rent or whether we had 550. That's where those arguments should be.

Commissioner Odell said, no, it can be here because the statute allows it to be here, and I get to have a – make a decision – we get to make a decision because the statute allows it to be here. The statute – if the statute wanted it to go straight to Superior Court, the statute would say you go straight to Superior Court.

Mr. Copeland said, again, the methodology is what you're supposed to be talking about, and we utilized the income approach. We utilized the best information available to us at the time that we could make the assessment, and we applied the rates that we had from other SCAD things, other dormitories that we have used on those properties in the past because they were similar type situations. That's the best information that was available to us at the time that we had to make the assessment, and we did it based on the best information available. I think Jon [Hart] will tell you that that's what I'm supposed to do. We used the method that the – that is recommended by the revenue department. We used the income method. We've been using the income method. We used it the prior year when they had the lower value and it was lowered for them from previous years because of how many vacancies had been in place because they were not renewing leases because they were trying to get people to move out so that they could tear them down. So we used the income method back then too. So we've been using the methodology that they – they say we should use, that the revenue department says we should use, and that we feel we should use. The only difference now is was the number that we plugged into that methodology the correct number, and that's on the appraisal side. That's on the valuation side.

Commissioner Odell said, did you take into effect, into your thinking process at any time what the students pay to SCAD when you assessed this property?

Mr. Copeland said, the student – yes, ma'am. Now we don't know – we didn't know at that time exactly how much they charge for these units. I do today. They charge \$7,450 per student for a year and that's a nine month year.

Commissioner Odell said, for all dorms?

Mr. Copeland said, for the Savannah dorms.

Commissioner Odell said, for all dorms? No matter where the dorm is, that's what SCAD charges.

Mr. Copeland said, no, ma'am. Hong Kong they charge more.

Commissioner Odell said, no, in Savannah –

Mr. Copeland said, in Savannah –

Commissioner Odell said, – no matter what dorm SCAD has they charge \$7,000 as a flat fee to a student?

Mr. Copeland said, 7,450 is for a semi-private, where you don't have a private bedroom, and they charge each student that rate for an academic year, which is nine months. Yes, ma'am.

Commissioner Odell said, so, whether it's at Abercorn Terrace or down off over by the bridge or somewhere else in Savannah, that's what they charge.

Mr. Copeland said, based on their website.

Commissioner Odell said, it's not based on where the student – it's not based on individual property. It's based on the student in attendance.

Mr. Copeland said, based on the – the website that's their fee. That – that's the charge that they have. Okay? That works out to well over \$1,750 a month.

Commissioner Odell said, yes it does. But it may not apply –

Mr. Copeland said, and those are those other things that we're talking –

Commissioner Odell said, but it – it does work out to that, it really does, but this particular property is this and this particular property may be better than this particular property, but they all pay the same fee. So that doesn't mean that that owner is getting the benefit of that.

Chairman Liakakis said, let me ask you.

Mr. Copeland said, yes, sir.

Chairman Liakakis said, the \$7,000 you're talking about.

Mr. Copeland said, yes, sir.

Chairman Liakakis said, 7,000 whatever, is that a monthly basis or yearly basis?

Mr. Copeland said, that's a yearly basis.

Chairman Liakakis said, okay.

Mr. Copeland said, it works out to a little bit over 21 or \$2200 a year on average for these units.

County Attorney Hart said, the – the – the tech –

Mr. Copeland said, per month.

County Attorney Hart said, the technical issue as I understand it by the petitioner, and I'll let the petitioner express whatever they wish to say, is that looking at the revenue rules for using the income method, they contest subsection (c) on the income method, one little i, while complete information is not required on an individual property, the appraisal staff shall secure sufficient information to develop typical unit rents, typical vacancies, cost collections, typical expenses, and other for various types of property before using the income approach. The appraisal staff may use actual income and expenses information when they reflect the typical management and current market conditions otherwise for the typical figures for that unit. And – and what they're saying is that this is a totally atypical property by nature. By nature of the lease and – and – and the other factors, and that the income approach figures used were not in conformance with that. The Board of Assessors say they are. And – and so you're going to get in a situation of – of one's right and one's wrong.

Chairman Liakakis said, now let me ask you this.

Mr. Copeland said, yes, sir.

Chairman Liakakis said, he just stated over there all those expenses that he just – in that which is state law. Did you take in considerations about all of those things that what he just mentioned from the state law?

Mr. Copeland said, we've considered everything that was read there, yes, sir.

Chairman Liakakis said, you did that to come up with \$1,750?

Mr. Copeland said, no, sir, we don't –

Chairman Liakakis said, oh, no –

Mr. Copeland said, I'm trying to answer.

Chairman Liakakis said, here's what I'd like for you to do because people have a tough time paying there, you know, for residents, for commercial and all of that. Some of them do, some's got plenty of money and can do that, but what I'm saying is, I want to know if y'all are doing the right thing, and I want you to break it down right now each one of those things he said that was in state law that you had to do. Show me how you deducted that and you – when you worked out the methodology [sic] for that, that's what I would like to hear right now.

Mr. Copeland said, the methodology that we used was there would be 10% vacancies, roughly.

Chairman Liakakis said, I'm – I'm talking about –

Mr. Copeland said, I'm trying to answer your question.

Chairman Liakakis said, – not 10%. He just read the state law. You've got an obligation to be fair to the citizens that have property in this community and to see that. He just read more than what you just say any 10%. There's a lot of things that has to be taken into consideration. That's very important for us.

Mr. Copeland said, I understand that, sir.

Chairman Liakakis said, you know, in that.

Mr. Copeland said, and I'm trying to get to that.

Chairman Liakakis said, let me ask you, for the Board of Equalization, do you always take their – their decisions?

Mr. Copeland said, the Board of Equalization's?

Chairman Liakakis said, yes.

Mr. Copeland said, no, sir. We occasionally appeal them on to Superior Court.

Chairman Liakakis said, you appeal them?

Mr. Copeland said, yes, sir.

Chairman Liakakis said, okay.

Mr. Copeland said, we have that right just as a tax payer does.

Chairman Liakakis said, yeah. Yeah. I understand that. But what I'm saying is you've got a responsibility to everything that the County Attorney just mentioned that you have to look at that and deduct that from your over all methodology [sic].

Mr. Copeland said, we – we feel we tried to do that. We tried to come up with that, and our methodology says that there was 10% vacancies, 30 something – 35% expenses, I believe in a certain cap rate. Those are the things that he's talking about. We're supposed to try and estimate the best we can based on the best information available to us

what the management fees would be; what these fees would be; what this fees would be; now how much that the bus costs, those kind of things – and we've – we would love to know what all of that is so that we could back all of that out of – of their actual incomes and things and see where we should be, whether we should be closer to the 550 or whether we should be somewhere higher than that.

Commissioner Odell said, well how much did you take into consideration the actual lease and actual income on the property?

Mr. Copeland said, we didn't take that into consideration because the property has been im –

Commissioner Odell said, you didn't take the actual income on the property into consideration?

Mr. Copeland said, if I can finish.

Commissioner Odell said, okay.

Mr. Copeland said, the – the property has been im – improved since the time that those leases were signed. They would not have rented those for 525 had they had to put the millions of dollars worth of improvements in. If you had a vacant piece of land that you rented to me and then I build a building on it, should I use the vacant land lease or should I use what it would then rent for after the building was put on there in my formula? I should use after it's improved.

Commissioner Odell said, but the lease that they have with SCAD, SCAD made the improvements so that they could pay the rent that they needed to pay on the unit and have their students move into the unit. They're not increasing the rates once the improvements have been done. They're paying based on the lease. The lease is the lease is the lease.

Mr. Copeland said, yes, ma'am.

Commissioner Odell said, if the lease is not changing whatever the person in the unit does to the owner is basically irrelevant until the owner – until the lessee's out of the unit.

Mr. Copeland said, to the owner. You're absolutely 100% correct.

Commissioner Odell said, and the owner pays the – and the owner pays the tax and you're saying that well they didn't do their lease right because they didn't put an escalation clause in there.

Mr. Copeland said, yes, ma'am.

Commissioner Odell said, that's not our position to tell them.

Mr. Copeland said, if I could – if I could say something to y'all?

Commissioner Kicklighter said, Mr. Chairman?

Mr. Copeland said, this –

Commissioner Kicklighter said, if – if I may. This is my – my whole point. I knew – I knew that he would be able to make a really good argument – and I'm sure and – and the other gentlemen from the – from the other attorney should be able to make his point too. He'll make a great argument. Jon Hart who I respect greatly made a great argument. You make a great argument.

Commissioner Odell said, I don't – I don't want to agree – disagree, but I don't think that's a great argument when he's taking into consideration information he got off the SCAD's internet saying what the student pays to SCAD.

Commissioner Kicklighter said, and I – I respect your opinion. I – I just – that's my whole point is I would love for y'all to utilize the appeal process and whatever the experts agree to and come up with come back. I promise you I have every time for 11 years voted to reimburse people monies for the maximum amount of time, and I would so gladly do that, but with the gentlemen that's the head of our organization standing that firm, as well as – as I know the passion's going to be there for the other. Utilize the process and let the experts –

Commissioner Odell said, but we're part of the process.

Commissioner Kicklighter said, well we're – we're not part of the expert process.

Commissioner Odell said, (inaudible).

Commissioner Kicklighter said, we're – we're part of the politically elected but we're not experts in this field –

Commissioner Odell said, no but he is.

Commissioner Kicklighter said, – and we have experts in the field that can – can actually establish the value, come up with the conclusion, and then at that point we – we can reimburse the money that's due. And – and the fair thing will happen. We're not undermining and – anyone – I mean it – it – yes it's – it's a delay, but why not have a delay to do what's right for everyone? And God knows I don't have a problem with just voting for what's going to bring justice at some point, and it may not be justice today, but if we vote either way today it may not be justice today. Let the process – let the experts take place, and then let's give the money, and God, who knows, the – the – the experts may determine

that the value's even less and the – the people requesting it may get more money back, and I'll have no problem supporting it, but let's just rely on the experts and do what's right at that point, and – and I would gladly even make the motion to reimburse it because we've all done that several times here. But it's usually based on the experts advice and that's it.

Chairman Liakakis said, Helen [Stone]?

Commissioner Stone said, i just have one quick question for the gentleman here. If I understood you correctly, you said that if you could go back and change the value based on what you know now, you would have done that?

Mr. Copeland said, if we could get more information on what all that 1750 includes, we may agree that it needs to be something in between that. We don't feel we should use the 525 and the 575 like Ms. Odell does and this is the reason why we don't. If I can give these to you, this talks about different property rights.

Commissioner Stone said, I just thought I heard that you say that if you were going through this process right now with the information that you had you might have had a different value placed on it.

Mr. Copeland said, yes, ma'am.

Commissioner Stone said, okay. That was number one. Number two, can this legally go back, Mr. County Attorney, for an appeal?

County Attorney Hart said, no, ma'am.

Commissioner Stone said, okay. So – so –

Commissioner Kicklighter said, next year. Next year.

County Attorney Hart said, next year doesn't fix this year. It can't –

Commissioner Kicklighter said, I know but we can reimburse for this year next year 'cause we can go back two years legally, correct?

County Attorney Hart said, well, I don't know about that now.

Commissioner Kicklighter said, why have we been able to do that the past 11 years I've been on this Commission?

County Attorney Hart said, because you haven't had a decision made that fixes the rent and it was the first time it was brought up. This – this procedure stands by itself. You don't get two –

Commissioner Kicklighter said, we're talking –

County Attorney Hart said, – you don't get two bites at the apple in other words. You can't go up on appeal this year and then go back next year and appeal it again for the year you just lost or the year before.

Commissioner Kicklighter said, but we have the right to reimburse at a retroactive rate which we have done since I have been here.

Chairman Liakakis said, Dean [Kicklighter], Dean [Kicklighter], let her finish first. Don't be – interrupt her. Go ahead Helen [Stone].

Commissioner Stone said, I think we're saying the same thing, but what concerns me is that you're saying that based on the knowledge that you have now, you might not have made the same – placed the same value on this property, but yet these people cannot go back at this juncture and appeal –

County Attorney Hart said, value.

Commissioner Stone said, – through the process.

Mr. Copeland said, correct. They've missed the time frame.

Commissioner Stone said, so – so we are faced with making this decision today because this is where we are. I – I – I agree with Dean [Kicklighter], I wish that it could go back through the appeal process. But if it can't legally, then it cannot. And that is my concern.

Chairman Liakakis said, and one of the things on this that we've got, if somebody like them that did that, and say in a year or two you went up on them, then that person is out of business. If one of us buy a piece of property or anybody in this community buys a piece of property and goes by what you're saying on that then that means that they don't have enough money coming in and they lose everything they've got because you're talking about going up this kind – a huge amount of money and that's not fair to us or anybody else.

County Attorney Hart said, and –

Commissioner Farrell said, Pete [Liakakis]?

Chairman Liakakis said, yes? Go ahead.

Commissioner Farrell said, now can I call for question?

Chairman Liakakis said, yes.

Commissioner Farrell said, I have called the question on the motion that's on the table which is to go with the County Attorney's recommendation.

Chairman Liakakis said, okay.

Commissioner Odell said, I second. Can we vote?

Commissioner Farrell said, yes we can.

Commissioner Odell said, vote.

Chairman Liakakis said, yeah. Let's go on the board.

County Attorney Hart said, the only caveat to that in that the petitioner agrees with that –

Commissioner Kicklighter said, I –

County Attorney Hart said, there is some amount due for late payments 'cause they owed us something, and we're going to have to figure that out.

Chairman Liakakis said, yeah, yeah, we understand that.

Commissioner Farrell said, and if they don't agree with it, then they can go to Superior Court and carry on this conversation in more detail.

Commissioner Kicklighter said, can I just not vote.

Commissioner Odell said, I think you've got to say –

Chairman Liakakis said, you have to vote one way or the other.

Commissioner Odell said, – one way or the other.

Commissioner Kicklighter said, but I've got to go to the bathroom. No, I'm just kidding.

Chairman Liakakis said, one way – just vote one way or the other. Either way you –

Commissioner Kicklighter said, I always support reimbursing tax payers, but that's when the experts say that it should be.

Commissioner Odell said, Jon's [Hart] an expert.

Commissioner Kicklighter said, Jon [Hart] is not an expert in this field.

County Attorney Hart said, I don't claim to be an appraiser.

Commissioner Kicklighter said, Jon's [Hart] an expert attorney.

Chairman Liakakis said, okay, let's go on for the next business. It's taken care of.

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

Commissioner Farrell moved to approve the partial reimbursement to Abercorn Terrace. Commissioner Odell seconded the motion and it carried in a 7-1 vote. Chairman Liakakis, Commissioners Stone, Holmes, Farrell, Odell and Gellatly voted yes; Commissioner Kicklighter voted no. [NOTE: Commissioner Thomas was not present; Commissioner Shay was not present for the vote.]

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Chairman Liakakis said, okay. Action Calendar, under, okay, the Action –

Commissioner Kicklighter said, Mr. Attorney, can I change my vote? I want to support it if I can. I'm in support –

County Attorney Hart said, it is noted that you requested.

Commissioner Kicklighter said, I'm in support. I'm in support as noted.

[NOTE: Commissioner Kicklighter requested a change in his vote to a yes in support of the reimbursement.]

**AGENDA ITEM: IX-7**  
**AGENDA DATE: June 22, 2012**

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

**ISSUE:**

Board consideration of Abercorn Terrace Investment, LLC's tax refund claim in the amount of \$168,388.33 (taxes), \$13,389.60 (interest) and \$22,316.03 (penalty) on property identified as PIN 2-0106-04-002 and known as the Abercorn Terrace Apartments.

**BACKGROUND:**

Abercorn Terrace Investment, LLC ("Abercorn Terrace") is the record owner of Abercorn Terrace Apartments in Savannah, Georgia (PIN 2-0106-04-002) and hereinafter referred to as "Property." Abercorn Terrace purchased the Property on March 30, 2007. At the time of the purchase, the BOA valued the Property at \$2,351,500.00 using a cost adjustment market approach. For tax year 2008, following an appeal, the BOA reassessed the value of \$3,501,000 again based upon the cost adjusted market approach. Pursuant to a "statutory freeze" on the value, the 2008 value on the Property was maintained through tax year 2010. In 2011, the BOA revalued the Property at \$20,779,200.00 based on an income approach.

The Property consists of approximately 156 apartment units that Abercorn Terrace leases to the Savannah College of Art and Design (SCAD) under a lease agreement dated January 29, 2010 ("Lease"). The terms of the Lease remain in effect through June 2017, and provide for an established rent on each unit at a rate between \$525.00 and \$575.00 per month. The rental amount was negotiated and calculated based upon the condition of the Property at the time the Lease was executed and takes into consideration renovation, maintenance and repair obligations of the lessee.

In utilizing the income approach for assessing the value of the Property, the BOA did not utilize data contained in the Lease.

Petitioner contends BOA's method of assessing the 2011 value of the Property was erroneous and illegal in that the method employed violates O.C.G.A. §48-5-2(3) which defines fair market value as:

The amount a knowledge buyer would pay for the property and a willing seller would accept for the property at an arm's length, bona fide sale. The income approach, if data is available, shall be considered in determining the fair market value to the contrary, the transaction amount of the most recent arm's length, bona fide sale in any year shall be the maximum allowable fair market value for the next taxable year. With respect to the valuation of equipment, machinery, and fixtures when no ready market exists for the sale of the equipment, machinery, and fixtures, fair market value may be determined by resorting to any reasonable, relevant, and useful information available, including, but not limited to, the original cost of the property, any depreciation or obsolescence, and any increase in value by reason of inflation. Each tax assessor shall have access to any public records of the taxpayer for the purpose of discovering such information.

O.C.G.A. §48-5-2(3) (Emphasis added).

Based upon information the Petitioner obtained pursuant to an Open Records Act request to the BOA, if the BOA based its valuation on a rental value of \$1,750.00 per month for 148 units with adjustment for vacancies (10%); Expense (35%) and a Cap Rate (\$8.75) to arrive at a 2011 fair market value of \$20,779,200.00. The BOA did not review the Lease for the Property.

On May 16, 2012, Petitioner through its counsel, Tom Nash, made a request for a partial refund of the 2011 taxes paid by the Petitioner. Petitioner contends that the BOA's use of the income approach without data regarding the income being produced by the Property was erroneous and illegal. A copy of the Petitioner's counsel's May 16<sup>th</sup> correspondence is attached as **Exhibit 1**.

Petitioner contends that the \$17,278,200.00 increase in the Property's fair market value between 2010 and 2011 is erroneous and that the value should have been \$5,100,000.00.<sup>1</sup> Petitioner seeks a refund for the difference between the amount of taxes paid on the increased value of \$17,278,200.00 and the amount of taxes due on the value of \$5,100,000.00 which amounts to \$168,388.33.<sup>2</sup> Petitioner also seeks a refund of the interest and penalty paid for 2011 in the amounts of \$13,389.60 and \$22,316.03 respectively.<sup>3</sup>

<sup>1</sup> This value is based upon an appraisal that the Petitioner had done on the property. The Tax Assessor's office contends that this appraisal does not value the property in fee simple but instead values the property based upon the rental income paid to the Petitioner as opposed to the rental income paid to the lessee of the property by the third parties.

<sup>2</sup> The amount of taxes paid by the Petitioner based upon the increased valuation for tax year 2011 is \$223,160.29 (taxes). The petitioner also paid \$35,705.63 in interest and penalty and \$172.00 in fees related to cost of preparing property for tax sale. The taxes the petitioner would have paid if the Property was valued at \$3,501,000.00 is \$54,771.96. The difference is \$168,388.33 (\$223,160.29 - \$54,771.96).

<sup>3</sup> The Tax Commissioner has indicated that it would not be appropriate to waive the entire penalty and interest paid on the 2011 tax liability due in light of Petitioner's of paying the taxes six months after the due date. However, should the Board of Commissioners grant a partial refund of the taxes paid, the Tax Commissioner would partially refund the

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 its 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 (514 S.E. 2d 422) (1999).

Pursuant to O.C.G.A. §48-5-242(a), the tax commissioner, may waive in whole or in part interest or penalties on taxes due, with the written approval by the Board of Commissioners, either on a case-by-case basis or by a resolution delegating the authority to the tax commissioner to make the final determinations. The waiver of such penalties or interest is authorized "when such amount represents a penalty or an amount of interest assessed for failure to comply with the laws governing the assessment and collection of ad valorem taxes, when the tax collector or tax Commissioner reasonably determines that the default give rise to the penalty or interest was due to reasonable cause and not due to gross or willful neglect or disregard of the law or of regulations or instructions issued pursuant to the law, and when the interest to be waived accrues on or after July 1, 2002." O.C.G.A. §48-5-242.

The Georgia Department of Revenue's ("DOR") rules and regulations governing the appraisal of real property provides in relevant part as follows:

**Real Property Appraisal.**

- (1) Real property - Introduction. The appraisal staff shall follow the provisions of this Rule when performing their appraisals of real property. Irrespective of the valuation approach used, the result of any appraisal of real property by the appraisal staff shall conform to the definition of fair market value.
- (a) General valuation procedures. The appraisal staff shall consider the sales comparison, cost, and income approaches in the appraisal of real property. The degree of dependence on any one approach will change with the availability of reliable data and type of property being appraised.

**DOR Rule 560-11-10.09**

The DOR rules and regulations further require appraisal staff, when utilizing the income approach, to analyze the income and expenses and to capitalize the income into an estimate of value utilizing the methods set forth in DOR Rule 560-11-10.09(4)(c). A copy of the DOR Rule 560-11-10.09 is attached as **Exhibit 2**. The applicable Rules provides that "[w]hile complete information is not required on each individual property, the appraisal staff should secure sufficient information to develop typical unit rents, typical vacancy and collection loss ratios, and typical expense ratios for various type properties before applying the income approach." DOR Rule 560-11-10.09(4)(c)(1)(I).

**FACTS & FINDINGS:**

1. Abercorn Terrace Investment, LLC ("Abercorn Terrace") is the record owner of Abercorn Terrace Apartments in Savannah, Georgia (PIN 2-0106-04-002) and hereinafter referred to as "Property."
2. At the time of Abercorn Terrace's 2007 purchase of the Property, the BOA valued the Property at \$2,351,500.00 using a cost adjustment market approach. For tax year 2008, following an appeal, the BOA reassessed the value of \$3,501,000.00 against based upon the cost adjusted market approach. Pursuant to a "statutory freeze" on the value, the 2008 value on the Property was maintained through tax year 2010.
3. In 2011, the BOA revalued the Property at \$20,779,200.00 based on an income approach utilizing limited data.
4. The Georgia Department of Revenue has promulgated rules and regulations governing the appraisal of real property utilizing the income approach. Those rules are set forth at Ga. DOR Rule 560-11-10.09(4)(c).
5. The Petitioner seeks a partial refund based upon a valuation of the Property for 2011 of \$5,100,000.00

**FUNDING:**

Delinquent collections of the Tax Commissioner's Office.

**ALTERNATIVES:**

1. Grant Abercorn Terrace Investment, LLC a partial refund of 2011 taxes paid in the amount of \$168,388,33 (based upon a valuation of \$5,100,000.00) and provide to the Tax Commissioner with written authorization to waive the pro rata amount of penalty and interest in the based upon the new tax value.
2. Do not grant any refund to Abercorn Terrace Investment, LLC for the 2011 taxes paid.

**POLICY ANALYSIS:**

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penalty of interests on pro rata basis based upon the amount of tax liability.

The Commission should grant a refund of taxes when it is authorized by law.

**RECOMMENDATION:**

That the Board adopt Alternative 1 and grant the partial refund to Abercorn Terrace Investment, LLC a partial refund of 2011 taxes paid in the amount of \$168,388.33 and authorize the Tax Commissioner to waive the pro rata amount of penalty and interest previously unpaid by the Petitioner.

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**X. ACTION CALENDAR**

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

Chairman Liakakis said, okay, items – under the Action Calendar we have items 1 through 11 and under items 11 we have items A through S. Any particular item you would like to withdraw?

Commissioner Farrell said, motion as read.

Chairman Liakakis said, okay, if not we need a motion.

Commissioner Farrell said, motion as read.

Commissioner Odell said, second.

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

**ACTION OF THE BOARD:**

Commissioner Farrell moved to approve the Action Calendar, Items 1 through 11 and under Item 11, Items A through S. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioner Thomas was not present; Commissioner Shay was not present for the vote.]

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

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**1. APPROVAL OF THE MINUTES FOR THE REGULAR MEETING OF JUNE 8, 2012, AS MAILED.**

**ACTION OF THE BOARD:**

Commissioner Farrell moved to approve the minutes of the regular meeting of June 8, 2012, as mailed. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioner Thomas was not present; Commissioner Shay was not present for the vote.]

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**2. CLAIMS VS. CHATHAM COUNTY FOR THE PERIOD MAY 31, 2012 THROUGH JUNE 13, 2012.**

**ACTION OF THE BOARD:**

Commissioner Farrell moved to authorize the Finance Director to pay the claims against the County for the period May 31, 2012 through June 13, 2012, in the amount of \$3,656,467. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioner Thomas was not present; Commissioner Shay was not present for the vote.]

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**3. REQUEST BOARD CONFIRM AN AMENDMENT TO THE GRANT THROUGH GEORGIA ENVIRONMENTAL FINANCING AUTHORITY FOR THE ENERGY EFFICIENCY COMMUNITY BLOCK GRANT PROGRAM.**

**ACTION OF THE BOARD:**

Commissioner Farrell moved for the Board to confirm an amendment to the Grant through Georgia Environmental Financing Authority for the energy efficiency community block grant program. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioner Thomas was not present; Commissioner Shay was not present for the vote.]

**AGENDA ITEM: X-3**  
**AGENDA DATE: June 22, 2012**

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

**ISSUE:**

To confirm an amendment to the grant through Georgia Environmental Financing Authority (GEFA) for the Energy Efficiency Community Block Grant Program (EECBG).

**BACKGROUND:**

In June 2010, GEFA awarded Chatham County with a \$300,000 grant based on an application to implement building improvements to reduce energy loss and consumption. The Board approved changes in the original plan (i.e. partnered with City of Tybee Island for a geothermal system to serve the Tybee Branch Library) and opted to use county funds for some energy improvements. The changes will reduce the grant contract from \$300,000 to \$280,250.

**FACTS AND FINDINGS:**

1. GEFA awarded a \$300,000 EECBG grant, which became implemented through a contract. The contract needs to be amended to \$280,250.
2. At the February 26, 2011 meeting, the Board approved changes in the contract to partner with the City of Tybee Island on a pilot geothermal system, including the Tybee Branch Library (i.e. energy costs to date reduced 39%).
3. The project to reduce lighting costs by exchanging T-12 fluorescent lights with T-8 with electronic ballasts hit a snag when some lights did not meet the "Buy America" provisions. Staff opted to fund this program with county capital funds rather than risk a program audit finding.
4. Because GEFA requested the amendment as soon as possible, and the changes reflected Board approval, the Chairman and Clerk executed the agreement. This approval confirms the Board's approval.
5. The completion of the community greenhouse gas emission study remains the only task incomplete under the grant. The contractor, the Chatham Environmental Forum, nears completion of the study. All reimbursements are up to date.

**FUNDING:**

Not applicable. The grant revenue will be reduced to \$280,250 but grant expenditures will also be reduced to \$280,250.

**ALTERNATIVES:**

1. That the Board confirm the execution of the grant amendment to reflect a revised amount of \$280,250.
2. That the Board take other action, as appropriate.

**POLICY ANALYSIS:**

In accordance with the Enabling Act and the Purchasing Ordinance and Procedures Manual, amendments to contracts require Board approval. The program also remains consistent with the Board's goal of becoming "The Greenest County in Georgia." In Chatham County's two largest office buildings, savings of at least 20% have resulted.

**RECOMMENDATION:**

That the Board adopt Alternative 1.

DOE GRANT # EE000806  
 CFDA: #81.128

GEFA Contract #AARA\_EECBG\_LocGov2010\_107

AMENDMENT NUMBER ONE TO AGREEMENT  
 BY AND BETWEEN  
 THE GEORGIA ENVIRONMENTAL FINANCE AUTHORITY  
 AND  
CHATHAM COUNTY

This Amendment One to the Agreement by and between Georgia Environmental Finance Authority and Chatham County dated June 15, 2010 (the "Agreement"), is made and entered into as of this \_\_\_\_\_ day of \_\_\_\_\_, 2012 (the "Effective Date") by and between Georgia Environmental Finance Authority f/k/a Georgia Environmental Facilities Authority ("GEFA"), whose address is 233 Peachtree Street, Atlanta, Georgia 30303 and Chatham County ("Contractor") (GEFA and Chatham County Contractor collectively referred to as the

“Parties”).

WHEREAS, the Parties desire to Amend the Agreement to adjust the allocation of grant funds to Contractor.

NOW THEREFORE, intending to be legally bound, for good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

**Grant Funds**

Section 1.1 of the Agreement is hereby amended by deleting the words “THREE HUNDRED THOUSAND Dollars and No/Cents (\$300,000)” and inserting in lieu thereof “TWO HUNDRED AND EIGHTY THOUSAND TWO HUNDRED AND FIFTY Dollars (\$280,250).”

**Special Provisions**

Same Terms and Conditions. With the exception of items explicitly delineated in this Amendment One, all terms and conditions of the Agreement between GEFA and Chatham County including but not limited to sovereign immunity, shall remain unchanged and in full force and effect. If any of the terms of this Amendment One conflict with the Agreement, the terms of this Amendment One shall control.

**General Provisions**

Entirety of Contract. This Amendment One, consisting of two (2), and the Original Contract consisting of forty-nine (49) pages, represents the entire and integrated Contract between the parties and supersedes all prior negotiations, representations, and agreements, whether written or oral.

IN WITNESS WHEREOF, GEFA and Chatham County, through their duly authorized officers and representatives, have signed, sealed, and delivered this Amendment One as of the date first above written. This Amendment One is not binding on either party until approved by Chatham County and GEFA.

\_\_\_\_\_  
CHATHAM COUNTY

\_\_\_\_\_  
DIVISION OF ENERGY RESOURCES  
GEORGIA ENVIRONMENTAL FINANCE  
AUTHORITY

BY: \_\_\_\_\_

BY: \_\_\_\_\_

Position: \_\_\_\_\_

Position: \_\_\_\_\_

Attest: \_\_\_\_\_

Attest: \_\_\_\_\_

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- 4. **REQUEST BOARD APPROVE AN AGREEMENT WITH THE CITY OF SAVANNAH TO PROVIDE WATER AND SEWER SERVICE FOR THE NEW MARTHA FAY HEALTH CENTER. [DISTRICT 1.]**

**ACTION OF THE BOARD:**

Commissioner Farrell moved for the Board to approve an Agreement with the City of Savannah to provide water and sewer service for the new Martha Fay Health Center. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioner Thomas was not present; Commissioner Shay was not present for the vote.]

**AGENDA ITEM: X-4**  
**AGENDA DATE: June 22, 2012**

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

**ISSUE:**  
To approve an agreement with the City of Savannah to provide water and sewer service for the new Martha Fay Health Center.

**BACKGROUND:**  
The City of Savannah’s providing water and sewer service to the new Martha Fay Health Center on Eisenhower

Drive requires Chatham County as property owner to enter into an agreement.

**FACTS AND FINDINGS:**

1. Under the basic terms of the agreement, the County would develop the system, dedicate it to the City of Savannah and become a customer. This will require the County to pay connection fees the same as any water and sewer customer and then pay for usage based on actual consumption.
2. The agreement remains usual and customary for any customer of City and water and sewer services. The City placed two notable conditions on the agreement, but neither causes too much concern.
  - 2.1 Water service to the existing building will be cut and capped at the main upon completion of the new project.
  - 2.2 The County assumes ownership and maintenance of the on-site and upstream sewer lines (i.e. also serve Animal Control).
3. While the actual connection will not take place until 2013, the agreement remains necessary as part of the City's approval process for new connections.

**FUNDING:**

Project funding remains available to cover this expense. Because of the existing service, the City will not charge for connection fees based on ERUs.

**ALTERNATIVES:**

1. That the Board authorize the Chairman to execute the proposed water and sewer agreement with the City of Savannah for the Martha Fay Health Center.
2. That the Board delay approval until connection will be needed.

**POLICY ANALYSIS:**

Approval of the water and sewer agreement remains consistent with the project to construct the new health facility. The charges remain usual and customary for any customer of City water and sewer services.

**RECOMMENDATION:**

That the Board adopt Alternative 1.

SAVANNAH, CHATHAM COUNTY, GEORGIA

WHEREAS, **CHATHAM COUNTY**, hereinafter referred to as the Developer, the developer of **Region 9 Public Health Department** located within the **PRESIDENT STREET SERVICE AREA**, consisting of -0-equivalent residential units as shown on the attached drawing entitled Sewer Exhibit prepared by Hussey, Gay, Bell & DeYoung, inc. and dated May 21, 2012, scale 1" = 200', desires certain commitments from the City of Savannah, hereinafter referred to as the City, in regard to extending and making additions to existing water and sanitary sewer systems, or in regard to the construction of water distribution and sanitary sewer collection and disposal systems to serve said development, and

WHEREAS, the engineering design for said water and sanitary sewer systems has been, or will be, accomplished by competent professional engineers registered in the State of Georgia, and bids for the construction of said systems has been or will be requested.

IT IS AGREED between the parties hereto that the City shall approve the designation of the engineer who shall be responsible for the engineering design and inspection in connection with the installation of the said water and sanitary sewer systems. The Developer shall be responsible to provide resident inspection during construction and to ensure the engineer's conformance to area planning, adequacy of design, and conformance to City requirements regarding location, size, and depth of lines, capacity and arrangement of lift stations and quality of construction. The Developer shall provide to the City a statement from the project engineer certifying that the materials and workmanship including pipes, bedding, thrust blocks, valves, fire hydrants, manholes, lift station equipment and other related materials and work meet the City's specifications and standards. Upon request of the City, the certification shall be substantiated by material affidavits from suppliers and by applicable test results for inflow/infiltration, exfiltration, deflection, pressure, leaks, bacteria, compaction and other tests required by the City. All construction, engineering and inspection cost in connection with these systems shall be borne by the Developer. The City will provide only the sewage treatment facility and the water supply facility.

IT IS FURTHER AGREED that this agreement shall contain the following special conditions/requirements:

1. **Any development which requires sanitary sewer main extension and/or involve storm sewer conduits will require televising by the City of Savannah televising crew. In accordance with the City of Savannah Television Procedure Manual, the charge will be \$.85 per linear foot. This fee will be paid to the City of Savannah in addition to those fees as described in the most recent edition of the City of Savannah Revenue Ordinance.**
2. **This project is a replacement of the existing Health Department facility, and water service to the existing building will be capped at the main upon project completion. As a replacement facility, the ERU determination for the project is 0 and no additional water and sewer fees will be due.**
3. **As a condition of project approval, the Developer acknowledges that the sewer main on the project site, and upstream of the project site, will be owned and maintained by Chatham County. The referenced upstream sewer lines are shown on the attached Sewer Exhibit and also serve the**

**County Animal Control facility, the Humane Society, and Goodwill Industries. The small City of Savannah grinder pump force main from Guy Minick field will be re-routed by the City so as not to flow into the upstream sewer lines that will be owned and maintained by the County.**

IT IS FURTHER AGREED that the Developer shall render the City harmless for any claims and damages due to the work associated with the tie-on to existing sanitary sewers.

IT IS FURTHER AGREED that upon completion of the systems and all related facilities including water and sewage fees fully paid for by the Developer, except the sewer treatment facility and the water supply facilities, and the provisions of two copies of "as built" drawings on Chronoflex Mylar, the City will, subject to approval of the City Manager, accept title hereto and assume responsibility for maintenance and operation of those portions located within public easements or rights-of-way. This acceptance shall include all rights, title and interest that the Developer has in the water and sanitary sewer systems serving the said project and also easements and/or rights-of-way required for the purpose of maintenance thereof.

IT IS FURTHER AGREED that the Developer will provide to the City a recordable plat(s) showing all utilities within public easements and/or rights-of-way to be owned and maintained by the City. This document shall be provided prior to construction. Should installation deviate from the original recordable plat, the Developer will provide to the City a revised recordable plat showing all utilities in public easements and rights-of-way. Should the Developer fail to provide the revised plat, the City will not release the project nor will a Certificate of Occupancy or water meter be issued.

IT IS FURTHER AGREED that as development proceeds under the terms of this agreement, and prior to occupancy, there will be a sanitary sewer tap-in fee paid to the City for each residential or equivalent residential unit, and there shall be a separate water meter installed and a water tap-in fee and a water meter installation fee paid for each residential or equivalent residential unit based on those fees in effect at the time of the water and/or sewer connection, or as provided in the Revenue Ordinance.

IT IS FURTHER AGREED that the Developer shall pay to the City a proportionate share of the capital cost for expanding the wastewater treatment and/or transport facilities and of meeting discharge requirements as established by the Georgia Environmental Protection Division. The cost per residential or equivalent residential unit shall be based on the latest Revenue Ordinance in effect at the time of payment. All water and sewer connection fees shall be submitted to the Water and Sewer Planning and Engineering Office @ 702 Stiles Avenue. Water meters will not be installed until all fees, including the additional connection fees, are paid.

IT IS FURTHER AGREED that this agreement between the City and the Developer may not be transferred or assigned in whole or in part without prior approval of the City being endorsed thereon, and that any violation of this limitation shall terminate the City's obligation and forfeit the Developer's rights thereunder.

IT IS FURTHER AGREED that all provisions of law now or thereafter in effect relating to water and sewer service by the City of Savannah shall be applicable to this agreement.

IT IS FURTHER AGREED that this agreement shall finally terminate five (5) years after date of execution, after which the City shall not be liable for any further obligation thereunder. On this basis, this agreement shall expire \_\_\_\_\_, 2\_\_\_\_\_.

IN WITNESS WHEREOF, the Developer has executed these presents under seal, and the City has caused these presents to be executed by its proper officer it seal, affixed, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

THE MAYOR AND ALDERMEN  
OF THE CITY OF SAVANNAH

EXECUTED IN THE PRESENCE OF:

\_\_\_\_\_

BY: \_\_\_\_\_

NOTARY PUBLIC  
Chatham County, Georgia

ATTEST: \_\_\_\_\_  
CLERK OF COUNCIL

EXECUTED IN THE PRESENCE OF:

\_\_\_\_\_

BY: \_\_\_\_\_

WITNESS

NOTARY PUBLIC

ATTEST: \_\_\_\_\_  
(SEAL, if incorporated)

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5. **REQUEST BOARD APPROVE A QUITCLAIM DEED RELATED TO A PLATTED BUT UNDEVELOPED DRAINAGE EASEMENT NEAR THE CHATHAM COUNTY RECORDS CENTER IN GARDEN CITY, A QUITCLAIM DEED TO AMEND MUTUALLY-BENEFICIAL COVENANTS AND AN ACCESS EASEMENT TO CONFIRM RIGHTS OF INGRESS AND EGRESS.**  
**[DISTRICT 7.]**

**ACTION OF THE BOARD:**

Commissioner Farrell moved for the Board to approve a Quitclaim Deed related to a platted but undeveloped drainage easement near the Chatham County Records Center in Garden City, a Quitclaim Deed to amend mutually-beneficial covenants and an access easement to confirm rights of ingress and egress. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioner Thomas was not present; Commissioner Shay was not present for the vote.]

**AGENDA ITEM: X-5**  
**AGENDA DATE: June 22, 2012**

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

**ISSUE:**

To approve a quitclaim deed related to a platted but undeveloped drainage easement near the Chatham County Records Center in Garden City, a quitclaim deed to amend mutually-beneficial covenants and an access easement to confirm rights of ingress and egress.

**BACKGROUND:**

Drayton-Parker Companies, LLC plans to develop a commercial tract on Augusta Road in Garden City near Chatham County's Records Center. The commercial subdivision includes a Master Declaration of covenants and easements which not only hinder the proposed commercial development but also restrict Chatham County's further development of its 9-acre parcel. The proposed documents provide flexibility for the proposed commercial development but also clarifies Chatham County's use of its parcel.

**FACTS AND FINDINGS**

1. The documents are attached, which County Attorney Jon Hart has reviewed and approved in form. They include:
  - 1.1 Quitclaim deed for a 10 foot by 135 foot parcel, believed to be an undeveloped drainage easement. While Chatham County tax records indicate the parcel belongs to the County, the plat and title documents cannot verify ownership. A quitclaim removes the County's interest in the parcel.
  - 1.2 Quitclaim deed to release both parties from the Declaration (covenants and restrictions), including a 50-foot setback requirement for improvements. This would benefit both parties' development of their respective parcels.
  - 1.3 Access easement agreement for access and egress to Minis Avenue and Augusta Road along existing drives.
2. The documents do not include necessary exhibits, which will be completed before execution. Final execution by the Chairman and Clerk would be subject to the County Attorney's review of the completed documents.

**FUNDING:**

Not applicable.

**ALTERNATIVES**

1. That the Board authorize the execution of the documents as noted in "Facts & Findings."
2. That the Board not approve the execution of the documents.

**POLICY ANALYSIS**

By the Enabling Act, the Board must approve execution of contracts and agreements.

**RECOMMENDATION**

That the Board adopt Alternative 1.

Prepared by: Jennifer D. Sawyer, Esq.  
 Hunter, Maclean, Exley & Dunn, P.C.  
 Post Office Box 9848  
 Savannah, GA 31412-0048

Reference to: Plat Book DD, Page 27  
 Chatham County Records

STATE OF GEORGIA )
COUNTY OF CHATHAM )

QUITCLAIM DEED AND RELEASE

THIS INDENTURE, made this \_\_\_ day of \_\_\_, 2012, between CHATHAM COUNTY, a political subdivision of the State of Georgia, by and through the Board of Commissioners of Chatham County, as Party of the First Part (hereinafter, "Grantor"), and DRAYTON-PARKER COMPANIES, LLC, a Georgia limited liability company, as Party of the Second Part (hereinafter "Grantee").

WITNESSETH:

WHEREAS, Grantee is the owner of Parcel No. 1 and Parcel No. 2 as shown on that certain Plat recorded in the Office of the Superior Court Clerk, Chatham County, Georgia in Plat Book DD, Page 27, attached hereto as Exhibit A; and

WHEREAS, the official tax map of Grantor, a copy of which is attached hereto as Exhibit B, shows an area along Grantee's property which is being used by Grantor and subsequently shown in the official tax records and being owned by Grantor, said area being marked with diagonal lines on Exhibit B (the "Property"); and

WHEREAS, through a search of the official property records maintained by the Clerk of Superior Court, Chatham County, Georgia there has been no transfer of the Property to Grantor; and

WHEREAS, it is the intent of the Grantor to affirm Grantee's ownership of all of Parcel No. 1 and Parcel No. 2 as shown in Plat Book DD, Page 27 and all of the Property by quitclaiming and releasing any and all rights which Grantor may have acquired in and to any portion of Parcel No. 1 and/or Parcel No. 2 and/or the Property.

NOW, THEREFORE, for mutual consideration contained herein, Grantor does hereby remise, release and quitclaim unto Grantee any and all rights that it might have or acquired in and to any portion of Parcel No. 1 and/or Parcel No. 2 as shown in Plat Book DD, Page 27 and/or the Property.

IN WITNESS WHEREOF, Grantor has caused these presents to be executed as of the day and year first above written.

Signed, sealed and delivered in the presence of:

GRANTOR:

CHATHAM COUNTY, a political subdivision of the State of Georgia, by and through the Board of Commissioners of Chatham County

Unofficial Witness

By: \_\_\_\_\_

Notary Public

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

My commission expires: \_\_\_\_\_

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

(NOTARY SEAL)

Approved: \_\_\_\_\_, 2012.

Attest:

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

Title: Chatham County Clerk

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- 6. REQUEST BOARD APPROVAL FOR THE REMOVAL OF TWO (2) EXISTING 400 WATT HIGH PRESSURE SODIUM (HPS) LIGHTS AND REPLACE THEM WITH THREE (3) NEW 150 WATT HIGH EFFICIENCY METAL HALIDE (MH) LIGHT FIXTURES ALONG THE ENTRY DRIVE AT RUNAWAY POINT SUBDIVISION TO IMPROVE SAFETY.

ACTION OF THE BOARD:

Commissioner Farrell moved for Board to approve the removal of two existing 400 watt high pressure sodium lights and replace them with three new 150 watt high efficiency metal halide light fixtures along the entry drive at Runaway Point subdivision to improve safety. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioner Thomas was not present; Commissioner Shay was not present for the vote.]

**AGENDA ITEM: X-6**  
**AGENDA DATE: June 22, 2012**

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

**ISSUE:** To request Board approval for the removal of 2 existing 400 watt high pressure sodium (HPS) lights and replace them with 3 new 150 watt high efficiency metal halide (MH) light fixtures along the entry drive at Runaway Point Subdivision to improve safety.

**BACKGROUND:** The residents at Runaway Point subdivision requested streetlighting upgrades to their existing Streetlighting Assessment Rate District to improve safety. The residents asked the Department of Engineering to investigate their request to improve the lighting along the subdivision entry driveway. They feel the current lighting is inadequate for safe entry and egress.

**FACTS AND FINDINGS**

1. Staff conducted a site visit to meet with subdivision and Georgia Power representatives. At that time, the subdivision representatives presented their planned improvements and Georgia Power provided the associated cost involved.
2. Along the entry driveway of Runaway Point subdivision, Georgia Power will remove 2-400 watt HPS cobra heath light fixtures on wooden poles and replace them with 3-150 watt high efficiency MH light fixtures on decorative poles. This proposed project will improve illumination along the driveway and increase safety and accomplish this more efficiently. An increase in the monthly service fee for the requested upgrade will cost the Streetlighting Assessment Rate District of Runaway Point subdivision an additional \$11.41 per month. This additional cost includes a monthly fee for pole maintenance based on the Governmental Lighting Tariff. An adjustment of the current Streetlighting Assessment Rate District for the subdivision will not be required.

**ALTERNATIVES**

1. That the Board approve the lighting improvement request for the Runaway Point subdivision driveway entry to improve safety and aesthetics.
2. That the Board not approve the SSD streetlighting request.

**FUNDING:** Funds are available in the SSD Streetlighting Fund.

**POLICY ANALYSIS:** The Board must authorize the installation of and improvements of streetlights in the interest of public safety.

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

District 3

Prepared By: Michael B. Blakely, Civil Engineer

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**7. REQUEST BOARD APPROVAL OF AN EASEMENT AGREEMENT WITH THE SAVANNAH AIRPORT AUTHORITY FOR CONSTRUCTION AND MAINTENANCE OF IMPROVEMENTS TO THE PIPEMAKERS CANAL ON AIRPORT PROPERTY. [DISTRICT 7.]**

**ACTION OF THE BOARD:**

Commissioner Farrell moved for Board approval of an Easement Agreement with the Savannah Airport Authority for construction and maintenance of improvements to Pipemakers Canal on airport property. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioner Thomas was not present; Commissioner Shay was not present for the vote.]

**AGENDA ITEM: X-7**  
**AGENDA DATE: June 22, 2012**

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

**ISSUE:** Request Board approval of an Easement Agreement with the Savannah Airport Authority for construction and maintenance of improvements to the Pipemakers Canal on airport property.

**BACKGROUND:** The County’s Pipemakers Canal Widening Project Phase 2 passes through property owned by the Savannah Airport Commission (Authority). The Authority requested the County relocate a section of the canal as a part of the widening project. The purpose of relocating the canal is to facilitate future expansion of the airport’s runway and taxiway system. The Board approved the original Intergovernmental Agreement on June 25, 2004.

**FACTS AND FINDINGS:**

- 1. In 2004, the Authority informed the County that relocating a portion of the canal would benefit airfield operations by enabling expansion of runways and taxiways. The Intergovernmental Agreement includes provisions whereby the Authority provides the easements and rights of way necessary to construction and maintain the improvements.
- 2. The Easement Agreement provides the County with the necessary easements to construct and maintain the canal improvements. It was approved for legal sufficiency by the County Attorney. The Easement Agreement was executed by the Authority on June 6, 2012.

**FUNDING:** No funds are required.

**ALTERNATIVES:**

- 1. That the Board approve an Easement Agreement with the Savannah Airport Authority for construction and maintenance of improvements to the Pipemakers Canal on airport property.
- 2. That the Board not approve the Easement Agreement.

**POLICY ANALYSIS:** That the Board approve Easement Agreement containing obligations.

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

District: 7

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

STATE OF GEORGIA     )  
                                   )  
 COUNTY OF CHATHAM    )

EASEMENT AGREEMENT

THIS CONVEYANCE is made this 6<sup>th</sup> day of June, 2012, by and between THE SAVANNAH AIRPORT COMMISSION, a body corporate and politic under the laws of the State of Georgia (“Airport” or “Grantor”), and CHATHAM COUNTY, a political subdivision of the STATE OF GEORGIA (“County” or “Grantee”).

W I T N E S S E T H :

WHEREAS, Chatham County proposes to construct certain drainage improvements between Dean Forest Road (SR 307) and Interstate 95, said project being known as Pipemakers Canal Drainage Improvements, Phase II; and

WHEREAS, the County must acquire certain easement interests from the Airport in order to construct said projects; and

WHEREAS, the County’s plans incorporate certain features beneficial to the Airport including but not limited to construction of a new bridge over the canal, relocating certain portions of the existing canal and improvements to certain tributary drainage systems, all to support current or planned development of the airfield; and

WHEREAS, the County and Airport have previously entered into an agreement, dated June 25, 2004, and amended March 9, 2012, specifying the future conveyance of the required easements and the responsibilities of each with regards to the planning, engineering, construction and maintenance of said drainage improvement project; and

WHEREAS, the County agrees that its use of said easements shall be subject to and conditioned upon compliance with all Federal Aviation Administration requirements and all Airport security access control requirements, to include, but not be limited to, obtaining Airport permission prior to entering the Air Operations Area which is delineated by the airfield security fencing; and

WHEREAS, the Airport is desirous of having said project constructed;

NOW THEREFORE, in consideration of the benefit to the Grantor by the construction of said project and other good and valuable consideration, the Savannah Airport Commission does hereby grant to Chatham County the right, privilege, and easement to construct and maintain certain drainage improvements over and across the following described lands of the Grantor which are more particularly described and shown in Exhibits “A” and “B” attached hereto and made a part hereof by reference, subject to prior notification to and approval of the Airport as previously specified herein.

TO HAVE AND HOLD the above granted easement unto Grantee, its agents, successors and assigns.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed by their

respective duly authorized Officers, on the day and year first above written.

THE SAVANNAH AIRPORT COMMISSION

By: \_\_\_\_\_  
Title

Attest: \_\_\_\_\_  
Title

Signed, sealed, and delivered this  
6<sup>th</sup> day of June, 2012  
in the presence of:

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Notary Public

CHATHAM COUNTY, GEORGIA

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

Attest: \_\_\_\_\_  
Janice E. Bocook  
Clerk of Commission

Signed, sealed, and delivered this  
6<sup>th</sup> day of June, 2012  
in the presence of:

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Notary Public

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**8. REQUEST BOARD APPROVAL TO GRANT A 15-FOOT UTILITY EASEMENT ACROSS MEMORIAL STADIUM PROPERTY FOR THE INSTALLATION AND MAINTENANCE OF A WATER LINE TO SERVE THE NEW GEORGIA POWER SUBSTATION ON VARNEDOE DRIVE. [DISTRICT 3.]**

**ACTION OF THE BOARD:**

Commissioner Farrell moved for Board approval to grant a 15-foot Utility Easement across Memorial Stadium property for the installation and maintenance of a water line to serve the new Georgia Power substation on Varnedoe Drive. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioner Thomas was not present; Commissioner Shay was not present for the vote.]

**AGENDA ITEM: X-8**  
**AGENDA DATE: June 22, 2012**

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

**Issue:** Request Board approval to grant a 15 foot Utility Easement across Memorial Stadium property for the installation and maintenance of a water line to serve the new Georgia Power substation on Varnedoe Drive.

**Background:** Georgia Power has constructed a substation between Varnedoe Drive and the Truman Parkway on property formerly owned by the City of Savannah. They have installed landscaping along Varnedoe Drive and need to extend a water line for irrigation purposes. The new water line will be installed along the east side of Varnedoe on property owned by Chatham County.

**Facts and Findings:**

- 1. Hussey Gay Bell & DeYoung, Inc. has provided the attached Utility Easement Plat dated May 30, 2012. The area of the easement is 0.03 acres.

2. The Utility Easement will allow for the construction and maintenance of a proposed water line to serve the new substation. The proposed water line will not conflict with the development of the new Public Works Facility and will not be located under the paved parking lot.
3. Staff has reviewed the easement and the plans.

**Funding:** N/A

**Policy Statement:** Board approval is required for actions related to County owned real estate.

**Alternatives:**

1. Board approve to grant a 15 foot Utility Easement across the Memorial Stadium property for the installation of a water line to serve the new Georgia Power substation on Varnedoe Drive.
2. Board to provide staff with other direction.

**Recommendations:** Board approve Alternative #1.

District 3

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**9. REQUEST FROM THE TAX COMMISSIONER’S OFFICE TO WRITE OFF UNCOLLECTIBLE PROPERTY TAXES FOR THE PERIOD 2004 THROUGH 2011, WITH AN ADDITIONAL REQUEST FOR THE BOARD TO INSTRUCT THE BOARD OF ASSESSORS NOT TO CREATE A 2012 ASSESSMENT AND/OR ANY SUBSEQUENT ASSESSMENT OF THE SAME PROPERTIES.**

**ACTION OF THE BOARD:**

Commissioner Farrell moved for Board approval of the Tax Commissioner’s Office to write off uncollectible property taxes for the period 2004 through 2011, with an additional request for the Board to instruct the Board of Assessors not to create a 2012 assessment and/or any subsequent assessment of the same properties. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioner Thomas was not present; Commissioner Shay was not present for the vote.]

**AGENDA ITEM: X-9**  
**AGENDA DATE: June 22, 2012**

**TO:** Board of Commissioners  
**THROUGH:** R.E. Abolt, County Manager  
**THROUGH:** Daniel T. Powers, Tax Commissioner  
**FROM:** Theresa C. Harrelson, Special Projects Accountant

**ISSUE:**

To present a request to the Board for the Tax Commissioner’s Office to write off uncollectible Property Taxes for the period 2004 through 2011. With an additional request for them to instruct the Board of Assessor’s not to create a 2012 assessment and/or any subsequent assessment of the same properties.

**BACKGROUND:**

During the period 2004 through 2011 numerous personal property and mobile home tax accounts on the County’s Tax Digest remain uncollected. These accounts are uncollectible for many reasons such as the owner(s) cannot be located; the owner(s) have moved; the owner(s) are deceased; the business is no longer in operation or has no assets or a bankruptcy judgment has paid less than 100 cents on the dollar. Therefore, the balance outstanding in these accounts cannot be collected.

The amount of uncollectible personal property and mobile home taxes determined thus far for the period of 2004 through 2011 total \$49,334.44 that consists of 127 receipts years as summarized:

<u>Tax Year</u>	<u>No. Receipts</u>	<u>Total Tax Due</u>	<u>County Portion</u>
2004	10	\$ 4,083.20	\$ 1,433.59
2005	8	\$ 689.10	\$ 221.85
2006	11	\$ 1,048.27	\$ 341.38
2007	13	\$ 6,330.75	\$ 3,424.23
2008	17	\$ 6,021.35	\$ 2,261.97
2009	28	\$15,913.29	\$ 6,640.87
2010	33	\$14,408.28	\$ 5,335.53
<u>2011</u>	<u>7</u>	<u>\$ 840.20</u>	<u>\$ 344.09</u>

TOTAL	127	\$49,344.44	\$20,003.51
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**FACTS AND FINDINGS:**

- (1) When yearly audits are performed by both External and State Auditors, as well as periodical audits by Internal Auditors, it has been their recommendation to write off these uncollectible accounts.
- (2) A copy of the schedule listing all the accounts is attached.

**ALTERNATIVES:**

- (1) Approve the Tax Commissioner's request to write off these uncollectible accounts.
- (2) Do not approve the Tax Commissioner's request.

**POLICY ANALYSIS:**

By writing off these uncollectible personal property accounts the County will be working with an accurate Tax Digest and valid delinquent accounts receivable records.

**RECOMMENDATION:**

That the Board approve Alternative 1.

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**10. REQUEST BOARD CONFIRMATION OF THE CHAIRMAN'S SIGNATURE ON THE FISCAL YEAR 2013 CONTRACT BETWEEN THE SAVANNAH-CHATHAM COUNTY DRUG COURT AND THE GEORGIA DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENT DISABILITIES.**

**ACTION OF THE BOARD:**

Commissioner Farrell moved for Board confirmation of the Chairman's signature on the Fiscal Year 2013 contract between the Savannah-Chatham County Drug Court and the Georgia Department of Behavioral Health and Development Disabilities. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioner Thomas was not present; Commissioner Shay was not present for the vote.]

**AGENDA ITEM: X-10**  
**AGENDA DATE: June 22, 2012**

**TO:** Board of Commissioners  
**THRU:** R.E. Abolt, County Manager  
**FROM:** Brook Rogers Brooks, Deputy Court Administrator/Drug Court Coordinator

**ISSUE:**

To request Board confirmation of the Chairman's signature on the Fiscal Year 2013 contract between the Savannah-Chatham County Drug Court and the Georgia Department of Behavioral Health and Developmental Disabilities ("DBHDD").

**BACKGROUND:**

The Savannah-Chatham County Drug Court contracts yearly with the DBHDD to receive grant funding. The FY 2013 contract (contract number 441-93-1335AAH, signed by the Chairman on behalf of the Board on June 13, 2012), provides funding in the amount of \$194,750 to defray the costs associated with substance abuse treatment for Drug Court clients.

**FACTS AND FINDINGS:**

1. Chatham County will serve as the fiscal agent for the \$194,750 being made available by the DBHDD.
2. We are seeking confirmation of the Chairman's signature on the contract as the signed contract was received by the Drug Court Coordinator on June 12, 2012, and was due to be signed and delivered to the Region 5 DBHDD Office by not later than June 18, 2012, prior to the date of the next scheduled Commission meeting. Any delay in returning the signed contract would have resulted in delay in the county being reimbursed pursuant to the contract, as we can neither file reports nor requests for payments until the DBHDD receives and processes the signed contract.

**FUNDING:**

No Chatham County funds are needed.

**ALTERNATIVES:**

1. Board approves Chairman’s signature of contract amendment.
2. Provide staff other direction.

**POLICY ANALYSIS:**

It has been consistent with Board policy to sign contracts for the Savannah-Chatham County Drug Court to receive grant funding to defray the cost of operating expenses and necessary services, and to ensure uninterrupted receipt of grant funds.

**RECOMMENDATION:**

Accept Alternative 1.

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**11. 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 Farrell moved for 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.) Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioner Thomas was not present; Commissioner Shay was not present for the vote.]

<u>ITEM</u>	<u>DEPT.</u>	<u>SOURCE</u>	<u>AMOUNT</u>	<u>FUNDING</u>
A. Construction contract to install an access control fence	Engineering	Central Fence Company	\$32,461	SPLOST (2003-2008) - Drainage, Pipemakers Canal
B. Annual pricing agreement for mosquito control pesticides	Mosquito Control	•Adapco, Inc. •Clarke Mosquito Control Products •Univar USA	Varies by item	General Fund/M & O - Mosquito Control
C. One (1) used vehicle and authorize the trade-in of three (3) confiscated vehicles	CNT	Fairway Lincoln Mercury	Value of trade-ins will equal the purchase price of the vehicle	N/A
D. Annual maintenance agreement for telephone communications switches and equipment	I.C.S.	Integrated Network Solutions	\$88,116	General Fund/M&O - Communications
E. Construction contract for HVAC modifications at the Savannah-Chatham Metro Police Annex	Facilities Maintenance	Hughes Service Company	\$52,750	General Fund/M&O - Facilities Maintenance
F. Construction contract to clear the right-of-way of the Wilmington Canal from North Cromwell Road to Clarendon Road	CIP	Triplett Clearing	\$11,000	CIP - Drainage Wilmington Park
G. Change Order No. 1 to the construction contract for Cresthill Drainage Improvements to raise the roadway elevation, extend the limits of construction and extend the construction time frame an additional 60 days	Engineering	E & D Contracting Services (WBE)	\$29,212	SPLOST (2003-2008) - Drainage, Laberta/Cresthill

<b>ITEM</b>	<b>DEPT.</b>	<b>SOURCE</b>	<b>AMOUNT</b>	<b>FUNDING</b>
H. Purchase and installation of a closed circuit television camera and computer software upgrades for the Pipemakers Canal Sluice Gate operation	Engineering	Remote Technology (Sole Source)	\$12,793	CIP - Drainage Reserve
I. Change Order No. 1 to the construction contract for the Ogeechee Farms Phase III Drainage Improvement project to extend the limits of construction, replace an undersized cross drain, and to extend the construction time frame an additional 60 days	Engineering	Sandhill ALS Construction, Inc. (MBE)	\$21,090	SPLOST (1998-2003) - Drainage, Ogeechee Farms Project
J. Confirmation of emergency purchase for the renovation of Concord Soccer Fields at Abolt-O'Brien Park on Wilmington Island	Engineering	Turf Services Unlimited	\$64,435	SPLOST (2003-2008) - Soccer Complex Construction
K. One (1) portable trailer-mounted, compressor assisted, horizontal sewage pump	Water and Sewer	Thompson Pump and Manufacturing Company, Inc.	\$31,923	Water and Sewer - Enterprise Fund
L. 2008 Ford Escape replacement vehicle for Parks and Recreation	Public Works and Park Services	Fairway Lincoln Mercury	\$14,300	General Fund/M&O - Parks and Recreation
M. Maintenance agreement for GIS mapping software	I.C.S.	ESRI, Inc. (Sole Source)	\$14,500	<ul style="list-style-type: none"> <li>•General Fund/M&amp;O - Assessor</li> <li>•SSD - Occupational Tax/Licensing</li> <li>•SSD - Public Works and Park Services</li> <li>•General Fund/M&amp;O - CEMA</li> </ul>
N. Confirmation of the emergency approval of a design agreement for the new Datacenter Room in the Oglethorpe Commerce Building which was needed to correct an administrative error	I.C.S.	Elliott-Lewis Corporation	\$100,000	2005 DSA Bonds - South Annex (pending Board approval of budget amendment)
O. Annual professional services contract with option to renew for one (1) additional year to provide drug treatment services for Drug Court	Drug Court	Recovery Place, Inc.	\$450 per client per month	Proposed FY2013 Budgeted Funds 2502100 - 52.39001 - 25020332 2502100 - 53.39001 - 25020362 2179936 - 53.17009 FY2013 DATE funds (as needed)
P. Ford F-250 Truck for the Chatham County Health Department	Fleet Operations	J.C. Lewis Ford	\$27,327	N/A

ITEM	DEPT.	SOURCE	AMOUNT	FUNDING
Q. Annual revenue generating lease agreement with the option to renew for four (4) additional one (1) year terms for concessions at Ambuc Park	Parks and Recreation	Savannah AMBUCS	N/A	Revenue producing
R. Change Order No. 2 to the construction contract for Mother Mathilda Beasley Pavilion	Special Projects	R.L. Construction (WBE)	\$14,200	SPLOST (2003-2008) - Mother Mathilda Beasley Park
S. Change Order No. 6 to the professional services contract with George Bowen for continued work on the judicial courthouse project	Specials Projects	George Bowen	NTE \$75,000	SPLOST (2008-2014) - Courthouse (pending adoption of the FY2013 department budget)

**AGENDA ITEM: X-11 A thru S**  
**AGENDA DATE: June 22, 2012**

**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 of a construction contract, in the amount of \$32,461, with Central Fence Co., Inc. for the Pipemakers Canal, Phase 2, Section 1 Access Control Fence Drainage Improvements project.

**BACKGROUND:** The Pipemakers Canal project is part of the 1993-1998 SPLOST Drainage Program. Problems being addressed include the limited drainage capacity and the lack of access to perform maintenance.

**FACTS AND FINDINGS:**

- Since late 1996, staff has been executing an improvement plan to Pipemakers Canal for the drainage deficiencies in the Pooler, Garden City and Bloomingdale communities. The overall improvement plan consists of channel widening, bridge improvements and construction of a tidegate structure.
- The Phase 1 project was completed in 2005 and included canal widening from the cold storage warehouse at the Georgia Ports Authority (GPA) Garden City Terminal to west of SR 25, access roads and a new tidegate structure located inside the GPA facility. The Phase 2, Section 1 project extends improvements to Dean Forest Road. Fencing to secure the project was not included in previous drainage projects due to the unknown quantity involved.
- The bid was properly advertised and four (4) responses were received. Bid responses are as follows:

Central Fence Co., Inc. Savannah, GA	\$32,461
R. W. Moore Fencing Savannah, GA	\$44,940
First City Utilities, LLC Savannah, GA	\$46,795
Savannah Fence & Entry Systems, Inc. Pooler, GA	\$55,888

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

**ALTERNATIVES:**

1. Board approval of a construction contract, in the amount of \$32,461, with Central Fence Co., Inc. for the Pipemakers Canal, Phase 2, Section 1 Access Control Fence Drainage Improvements project.
2. Provide staff other direction.

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

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

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

**ITEM B**

**ISSUE:** Request Board approval of annual price agreements for the purchase of various chemicals, in the forms of liquid, pellets and granules from Adapco, Inc., Clarke Mosquito Control Products, and Univar USA for Chatham County Mosquito Control.

**BACKGROUND:** These chemicals are time release growth regulators used in the mosquito control program.

**FACTS AND FINDINGS:**

1. Pricing quotations required the vendors to commit to holding firm the price for the purchase of the chemicals for a period of one (1) year.
2. The following vendors submitted quotes (see matrix for pricing on pages 22-26):
  - Adapco, Inc.  
Sanford, FL
  - AllPro  
Bloomington, MN
  - Gil Manufacturing, Inc.  
Montgomery, AL
  - Clarke Mosquito Control Products  
Roselle, IL
  - Univar USA, Inc.  
Orlando, FL
3. Staff has recommended three (3) vendors for the purchase of the various types of Altosid. Awarding to the three (3) vendors will enable staff to purchase from the vendor that has the quickest delivery and gives staff several backup vendors for purchase.

**FUNDING:** General Fund/M & O - Mosquito Control  
(1005144 - 53.17009)

**ALTERNATIVES:**

1. Request Board approval of annual price agreements for the purchase of various chemicals, in the forms of liquid, pellets and granules from Adapco, Inc., Clarke Mosquito Control Products, and Univar USA for Chatham County Mosquito Control.
2. Provide staff other direction.

**POLICY ANALYSIS:** It is consistent with Board policy to approve price agreements for essential and safe chemical products which control the mosquito population in Chatham County.

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

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

**ITEM C**

**ISSUE:** Request Board approval to purchase one (1) used vehicle for CNT from Fairway Lincoln Mercury of Savannah, GA and authorize the disposal of three (3) confiscated vehicles to be used as trade-ins.

**BACKGROUND:** CNT, by court order has been awarded three (3) confiscated vehicles. These vehicles were placed in service but are no longer suitable for the departments' operations and now need to be disposed of. The trade-in will simplify the disposal and offer opportunity for another service vehicle.

**FACTS AND FINDINGS:**

1. A standing request for "good" used vehicles is in place with local dealers and they are encouraged to let us know when they have something they feel we should consider. The staff checked with local car dealers that normally respond to bids and came back with this proposal. This provides CNT with maximum flexibility.
2. The Fleet Manager and a representative from CNT selected the following vehicles based on utility and value.
3. The vehicle selected was from:
 

Fairway Lincoln Mercury	1 vehicle	\$20,000
Less trade	3 vehicles	(\$20,000)
Total Purchase		\$ 0

**FUNDING:** CNT - Confiscated Funds  
(2103222 - 54.22001)

**ALTERNATIVES:**

1. Request Board approval to purchase one (1) used vehicle for CNT from Fairway Lincoln Mercury of Savannah, GA and authorize the disposal of three (3) confiscated vehicles to be used as trade-ins.
2. Provide staff other direction.

**POLICY ANALYSIS:** It is consistent with Board policy to approve the purchase of replacement vehicles for law enforcement activities.

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

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

**ITEM D**

**ISSUE:** Request Board approval of an \$88,116 annual maintenance agreement for the telephone communications switches and equipment throughout the County with Integrated Network Solutions for I.C.S.

**BACKGROUND:** The Board has previously approved the annual agreement with Integrated Network Solutions, for maintenance of the Telephone communications. This maintenance agreement is required to maintain the telephone switches and telephones installed throughout various County facilities.

**FACTS AND FINDINGS:**

1. Integrated Network Solutions has a fully trained staff for the maintenance of our system. They guarantee 24/7 service to make any necessary repairs or troubleshooting to the County system.
2. The equipment to be covered includes the County's nine (9) PBX's which provides telephone service to all County staff. The PBXs are located at the Judicial Courthouse, Administrative Courthouse, Sheriff's Complex, County Administrative Annex, Public Works, Citizens Service Center on Eisenhower Drive, Mosquito Control, Records Center and the Active Voice Mail Systems.
3. This pricing offered by Integrated Network Solutions reflects a decrease over last years cost with the addition of updates to current equipment for the Public Works Facility and Oglethorpe Commerce building switches.
4. Staff believes the total cost of \$88,116 to be fair and reasonable.

**FUNDING:** General Fund/M & O - Communications Dept.  
(1001536 - 52.22001)

**ALTERNATIVES:**

1. Board approval of an \$88,116 annual maintenance agreement for the telephone communications switches and equipment throughout the County with Integrated Network Solutions for I.C.S.
2. Provide staff other direction.

**POLICY ANALYSIS:** It is consistent with Board policy to provide the necessary maintenance agreements for County equipment.

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

I.C.S. APPROVAL \_\_\_\_\_  
LEWIS LEONARD

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

**ITEM E**

**ISSUE:** Request Board approval to award a \$52,750 construction contract to Hughes Service Company for HVAC modifications at the Savannah-Chatham Metro Police Annex.

**BACKGROUND:** In February 2010, an air quality test was performed in both the 911 and technical call centers due to employee health concerns. The test indicated that the CO<sub>2</sub> levels were high in these areas. The test also indicated that these areas had twice the number of employees and equipment than could be supported with the current system.

**FACTS AND FINDINGS:**

1. The existing HVAC system can no longer maintain accurate CO<sub>2</sub> levels. Both the 911 and technical call centers have increased the number of employees and computer equipment due to growth.
2. The County contracted with a consultant, Rosser International to develop plans and specifications for this project. This project consists of providing two (2) new specialized HVAC units which are designed to provide fresh air to the 911 call center, and one (1) larger ton HVAC unit to the technical call center. In addition to providing better air quality, the units will maintain more consistent temperature levels in those areas.
3. The bid was properly advertised and two (2) bids were received and opened on 13 May 2012. Bid responses are as follows:
 

Hughes Service Company Savannah, GA	\$52,750
Waters Mechanical Inc. Glennville, GA	\$133,875
4. Staff, along with the consultant, reviewed the bid and references submitted by Hughes Service Company and believes their bid to be fair and reasonable.

**FUNDING:** General Fund/M&O - Facilities Maintenance  
(1001565 - 52.22001)

**ALTERNATIVES:**

1. Board approval to award a \$52,750 construction contract to Hughes Service Company for HVAC modifications at the Savannah-Chatham Metro Police Annex.
2. Provide staff other direction.

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

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

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

**ITEM F**

**ISSUE:** Request Board approval to award an \$11,000 construction contract to Triplett Clearing to clear the right-of-way of the Wilmington Canal from North Cromwell Road to Clarendon Road.

**BACKGROUND:** The project involves furnishing all labor and equipment to remove vegetation from the drainage right-of-way along the banks and shoulders of the Wilmington Canal from North Cromwell Road to Clarendon Road. Only clearing and removal of material is associated with these improvements. No excavation is expected.

**FACTS AND FINDINGS:**

1. Three (3) quotes from local clearing companies were requested. The responses are as follows:
 

Triplett Clearing Rincon, GA	\$11,000
B and D Clearing, Inc. Black Creek, GA	\$60,000
Pro-Grade South LLC Springfield, GA	\$76,624

- 2. Staff believes the cost to be fair and reasonable.

**FUNDING:** CIP - Drainage Wilmington Park  
(3501575 - 52.12003 - 35080107)

**ALTERNATIVES:**

- 1. Board approval to award an \$11,000 construction contract to Triplett Clearing to clear the right-of-way of the Wilmington Canal from North Cromwell Road to Clarendon Road.
- 2. Provide staff other direction.

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

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

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

**ITEM G**

**ISSUE:** Request Board approval of Change Order No. 1, in the amount of \$29,212, to the construction contract with E&D Contracting Services, Inc. (WBE firm) on the Cresthill Drainage Improvements – Phase I project for raising the roadway elevation, extending the limits of construction and extending the construction time frame an additional 60 days.

**BACKGROUND:** The Cresthill Drainage Improvements – Phase I project, located on Laberta Boulevard and Whitefield Avenue is part of the 2003-2008 SPLOST Drainage Program. On 29 April 2011, the Board awarded a construction contract to E&D Contracting Services, Inc. to address the limited drainage capacity causing property and street flooding in the Cresthill Subdivision.

**FACTS AND FINDINGS:**

- 1. The recent spring tide cycles revealed a need to raise the roadway at the culvert crossing and outside of the limits of construction on Whitefield Avenue to ensure safe vehicular and pedestrian passage. An additional 60 days is needed for this construction.
- 2. The contract for construction was awarded as a unit price contract to E&D Contracting Services, Inc. This change order uses these unit prices for items listed in the contract. Staff negotiated prices for items not listed in the contract. Staff believes these prices to be fair and reasonable for the material and labor.
- 3. Contract history:

Original Contract (4-29-11)	\$ 345,010
Change Order No. 1(pending)	\$ 29,212
Revised Contract Amount	\$ 374,222

**FUNDING:** SPLOST (2003-2008) - Drainage, Laberta/Cresthill  
(3234250 - 54.14021 - 32380347)

**ALTERNATIVES:**

- 1. Board approval of Change Order No. 1, in the amount of \$29,212 , to the construction contract with E&D Contracting Services, Inc. (WBE firm) on the Cresthill Drainage Improvements – Phase I project for raising the roadway elevation, extending the limits of construction, and extending the construction time frame an additional 60 days.
- 2. Provide staff other direction.

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

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

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

**ITEM H**

**ISSUE:** Request Board approval of a sole source contract, in the amount of \$12,793, with Remote Technology for installation of a second closed circuit television camera and computer software upgrades to improve remote video surveillance for the Pipemakers Canal Sluice Gate operation.

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

A major component of the system is a fully automatic sluice gate structure located at the mouth of the canal into the Savannah River.

**FACTS AND FINDINGS:**

1. Construction of drainage improvements of Phase I [the downstream reach] was completed in 2011. The Phase I improvements included construction of the sluice gate structure and controls.
2. In 2008 staff identified the need for closed circuit television surveillance as an operational improvement for monitoring sluice gate operation and the water level condition of the receiving stream. Equipment was obtained and installed by Remote Technology, Inc.
3. It is the opinion of staff that soliciting proposals from alternate suppliers will not result in lower cost or better system operation. Staff also believes use of an alternate supplier will add another point of equipment interface that may, in the future, cause difficulties determining which supplier is responsible for interface connections. Keeping the system as simple as possible has substantial benefit to the County.

**FUNDING:** CIP - Drainage Reserve  
(3504100 - 52.12003 - 35038987)

**ALTERNATIVES:**

1. Board approval of a sole source contract, in the amount of \$12,793, with Remote Technology for installation of a second closed circuit television camera and computer software upgrades to improve remote video surveillance of the Pipemakers Canal Sluice Gate operation.
2. Provide staff other direction.

**POLICY ANALYSIS:** It is consistent with Board policy to approve sole source contracts when it is in the best interest of the County.

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

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

**ITEM I**

**ISSUE:** Request Board approval of Change Order No. 1 in the amount of \$21,090 to the construction contract with Sandhill ALS Construction, Inc. (MBE firm) for the Ogeechee Farms Phase III Drainage Improvements at Ridgeland Road and Yemassee Road project for extending the limits of construction, replacing an undersized cross drain under Chevis Road, and extending the construction time frame an additional 60 days.

**BACKGROUND:** The Ogeechee Farms Phase III Drainage Improvements at Ridgeland Road and Yemassee Road project is part of the 1998-2003 SPLOST Drainage Program. On 16 December 2011, the Board awarded a construction contract to Sandhill ALS Construction, Inc. to address the limited drainage capacity of the existing culverts within the system.

**FACTS AND FINDINGS:**

1. An undersized culvert under Chevis Road causes nuisance flooding of properties along Statesboro Road. An additional 60 days is needed for this construction.
2. The contract for construction was awarded as a unit price contract. This Change Order uses these unit prices for items listed in the contract. Staff negotiated prices for items not listed in the contract. Staff believes these prices to be fair and reasonable for the material and labor.
3. Contract history:

Original Contract (12-16-11)		\$ 358,495
Change Order No. 1	(pending)	\$ 21,090
Revised Contract Amount		\$ 379,585

**FUNDING:** SPLOST (1998-2003) - Drainage, Ogeechee Farms project  
(3224250 - 54.14021 - 32280097)

**ALTERNATIVES:**

1. Board approval of Change Order No. 1, in the amount of \$21,090, to the construction contract with Sandhill ALS Construction, Inc. (an MBE firm) for the Ogeechee Farms Phase III Drainage Improvements at Ridgeland Road and Yemassee Road project for extending the limits of construction, replacing an undersized cross drain under Chevis Road, and extending the construction time frame an additional 60 days.
2. Provide staff other direction.

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

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

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

#### ITEM J

**ISSUE:** Request Board confirmation of the \$64,435 emergency purchase for the Concord Soccer Fields renovations at Abolt-O'Brien Park on Wilmington Island from Turf Services Unlimited.

**BACKGROUND:** The soccer field is in an almost unusable condition for soccer. The field holds water for several days after a rain event, and a consistent stand of turf will not grow due to the lack of consistent water supply for irrigation.

#### **FACTS AND FINDINGS:**

1. The current problems at the soccer fields are poor/broken irrigation, improper field grading and a lack of consistent water supply.
2. With the severe lack of rain this spring, and the shallow well discharging less water, the field has reverted to almost un-playable condition.
3. The spring soccer season ends 1 June and the fall season begins 1 September. With a very limited window for construction to occur, bidding the proposed work would cause a disruption. Staff obtained a quote from Turf Services, a qualified contractor who has previously worked on the fields.
4. Staff requested emergency approval from the Chairman so the soccer fields drainage/irrigations problems could be completed in a timely manner. He concurred (see attached page 27) and directed staff to seek Board confirmation at their next scheduled meeting.

**FUNDING:** SPLOST (2003-2008) - Soccer Complex Construction  
(3234981 - 54.12009 - 32370027)

#### **ALTERNATIVES:**

1. Request Board confirmation of the \$64,435 emergency purchase with sole source approval for the Concord Soccer Fields renovations at Abolt-O'Brien Park on Wilmington Island from Turf Services Unlimited.
2. Provide staff other direction.

**POLICY ANALYSIS:** It is consistent with Board policy to approve emergency purchases to ensure no interruption to services offered to the citizens of this community.

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

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

#### ITEM K

**ISSUE:** Request Board approval of the \$31,923 purchase of a portable, trailer-mounted, compressor assisted, horizontal sewage pump from Thompson Pump and Manufacturing Company, Inc. for Public Works and Park Services.

**BACKGROUND:** The Water and Sewer Section is in need of secondary pump capacity for all lift stations throughout Chatham County. This pump capacity is needed in case of failure of the primary pump or power outages to allow the system(s) to continue to function. Initially, the purchase of secondary stationary pumps was considered. However, the need for a secondary pump at any of the locations makes purchasing of trailer-mounted pumps more cost effective.

#### **FACTS AND FINDINGS:**

1. The Water and Sewer Section of Public Works and Park Services is in need of multiple secondary pumps in order to ensure the continued functioning of its lift stations.
2. Trailer mounted pumps are preferable to stationary pumps in that they may be used at any location and are powered by a self-contained engine rather than electricity, which is key in situations of power failures.
3. The Water and Sewer Section owns one (1) trailer mounted pump; however, staff has experienced multiple system failures at one (1) time, and was thus faced with the costly alternative of renting pumps.

4. Purchasing an additional trailer-mounted pump will allow the County the flexibility to provide back-up pump capacity at multiple locations, reducing the need to resort to renting pumping equipment.
5. A Request for Quotation was issued and quotes were received on 1 June 2012. Responses are as follows:

Thompson Pump & Manufacturing Company Inc. Pooler, GA	\$31,923
Godwin Pumps of America N. Charleston, SC	\$33,476

**FUNDING:** Water and Sewer - Enterprise Fund  
(5054400 - 54.25001)

**ALTERNATIVES:**

1. Board approval of the purchase of a portable, trailer-mounted, compressor assisted, horizontal sewage pump in the amount of \$31,923 from Thompson Pump and Manufacturing Company, Inc. for Public Works and Park Services.
2. Provide staff other direction.

**POLICY ANALYSIS:** It is consistent with Board policy to approve the purchase of equipment which ensures the functioning of vital services such as water and sewer and to do so in a way that provides the greatest flexibility and economy.

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

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

**ITEM L**

**ISSUE:** Request Board approval of \$14,300 purchase of a 2008 Ford Escape replacement vehicle from Fairway Lincoln Mercury for Parks and Recreation.

**BACKGROUND:** This is a replacement vehicle for one (1) that was damaged in an accident in June 2012.

**FACTS AND FINDINGS:**

1. The 2002 Mercury Sable was involved in an accident and needs to be replaced, due to damage, age and its value.
2. A standing request for "good" used vehicles is in place with local dealers and they are encouraged to let us know when they have something they feel we should consider. Staff checks with local car dealers that normally respond to bids and came back with this proposal.
3. The Fleet Manager and a representative from Parks and Recreation selected a 2008 Ford Escape based on utility and value.
4. Staff believes the cost of \$14,300 of a 2008 Ford Escape replacement vehicle is fair and reasonable.

**FUNDING:** General Fund/M&O - Parks and Recreation  
(1006100 - 54.22001)

**ALTERNATIVES:**

1. Request Board approval of \$14,300 purchase of a 2008 Ford Escape replacement vehicle from Fairway Lincoln Mercury for Parks and Recreation.
2. Provide staff other direction.

**POLICY ANALYSIS:** It is consistent with Board policy to approve the purchase of replacement vehicle that is essential for the daily operation of the department.

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

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

**ITEM M**

**ISSUE:** Request Board approval to award a \$14,500 sole source annual software maintenance agreement from ESRI Inc., for various County departments.

**BACKGROUND:** There are two (2) types of software covered under this maintenance agreement. One (1) includes the capability to add, change and delete all electronic mapping information produced by the ArcView users. The other is used to produce maps used in the appraisal process and used by our Engineers, our GIS Analyst and Board of Assessors.

**FACTS AND FINDINGS:**

1. The sole source provider, ESRI Inc., is the only company authorized to maintain and make proprietary changes to the software.
2. ESRI Inc., quoted a price of \$14,500 for the annual software maintenance renewal. The cost for the software maintenance reflects a decrease in price from last year. The decrease is due to the cancellation of several licenses.
3. Staff believes this total cost of \$14,500 to be fair and reasonable.

**FUNDING:** General Fund/M & O - Assessor - \$7,800  
 (1001550 - 52.13011)  
 SSD - Occupational Tax/Licensing - \$600  
 (2707210 - 53.11010)  
 SSD - Public Works and Park Services - \$4,000  
 (2704100 - 52.22001)  
 General Fund/M & O - Chatham Emergency Management Agency - \$2,100  
 (1009957 - 57.10111)

**ALTERNATIVE:**

1. Board approval to award a \$14,500 sole source annual software maintenance agreement from ESRI Inc., for various County departments.
2. Provide staff other direction.

**POLICY ANALYSIS:** It is consistent with Board policy to approve recommendations of termination when requested by departments.

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

I.C.S. APPROVAL \_\_\_\_\_  
 LEWIS LEONARD

BUDGET APPROVAL \_\_\_\_\_  
 READ DEHAVEN

**ITEM N**

**ISSUE:** Request Board confirmation of the emergency approval of a design agreement to Elliott-Lewis Corporation in the amount of \$100,000 for the new Datacenter Room in the Oglethorpe Commerce Building which was needed to correct an administrative error.

**BACKGROUND:** The Chatham County Datacenter Room houses most of the hardware required for the operation of the Chatham County data network and telecommunications infrastructure. Protection and proper environmental conditioning of this hardware is crucial for the reliability and availability of these services.

**FACTS AND FINDINGS:**

1. The Chatham County data and telecommunications services are utilized by all County departments and directly affect the ability for these departments to service public needs.
2. A Request for Proposal was properly advertised and received the following:
 

Elliott-Lewis Corporation Philadelphia, PA	\$553,925
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3. The current datacenter is unfit to protect against Category one (1) hurricane force winds and cannot protect against water intrusion. The proposed datacenter room will protect against Category three (3) hurricane force winds and rain.
4. The current datacenter room within the Montgomery Street Courthouse must be re-allocated for Court Services during the courthouse renovation.
5. Phase I of this project includes designing, planning, and long lead time materials at a cost of \$100,000.
6. Phase II of the project will be the Datacenter Room build out which will begin in July, 2012, at a cost of \$453,925.

7. On 30 May 2012, staff requested emergency approval from the Chairman in order to correct an administrative error on the 25 May 2012 agenda which named the subcontractor, Red Dog Solutions as the awardee instead of the primary contractor, Elliott-Lewis Corporation. Due to the time constraints of the current renovations of the Oglethorpe Commerce building, Elliot-Lewis Corporation has been asked to began Phase I of the project which includes design, planning and long lead time materials. He concurred (see attached page 28) and directed staff to seek Board confirmation at their next scheduled meeting.

**FUNDING:** 2005 DSA Bonds - South Annex (pending Board approval of budget amendment)  
(3703355 - 54.13011 - 37032117)

**ALTERNATIVES:**

1. Board confirmation of the emergency approval of a design agreement to Elliott-Lewis Corporation in the amount of \$100,000 for the new Datacenter Room in the Oglethorpe Commerce Building which was needed to correct an administrative error.
2. Provide staff other direction.

**POLICY ANALYSIS:** It is consistent with Board policy to provide the necessary infrastructure needed for daily operations with provisions for continuity of operations in the event of a disaster.

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

I.C.S. APPROVAL \_\_\_\_\_  
LEWIS LEONARD

BUDGET APPROVAL \_\_\_\_\_  
LYNN STENNETT

**ITEM O**

**ISSUE:** Request Board approval to award an annual professional service contract, with an automatic renewal option for one (1) additional one (1) year term, with Recovery Place, Inc. of Savannah, to provide drug treatment services in the amount of \$450 per client per month for the Savannah-Chatham County Superior Court Drug Court.

**BACKGROUND:** A substance abuse treatment service provider is required to provide drug treatment in an intensive outpatient program setting to all clients who meet the minimum criteria established by and referred by the Savannah-Chatham County Superior Court Drug Court Judge.

**FACTS AND FINDINGS:**

1. This contract will be a continuation of current services, and Recovery Place, Inc. has provided services for the treatment component for the Savannah-Chatham County Drug Court since 2001. Grant Funds have been acquired each year to fund a portion of the costs associated with the continuation of these services.
2. The Superior Court Administrator negotiated with Recovery Place Inc., of Savannah, to establish a cost per client to receive treatment services, in four (4) phases, consistent with an ASAM level II.I intensive outpatient program. Services will include medical screening and urine drug screening appropriate to the phase of treatment.
3. Recovery Place of Savannah quoted the Superior Court Administrator a cost of \$450 per client per month, based on a total number of 45 clients per month.
4. Staff believes the quote of \$450 per client per month to be fair and reasonable. This cost did not increase from the prior contract.
5. The Savannah-Chatham County Drug Court will receive \$194,750 in grant funding for FY 2013 from the DBHDD and approximately \$34,425 in grant funding for FY2013 from the Administrative Office of the Courts of Georgia. Written notification and contracts for these two (2) yearly grants is expected by the end of June 2012, or early in July 2012.

**FUNDING:** Drug Court Grant Funds  
(2502100 - 52.39001 - 25020332) - (FY2012)  
(Reimbursed by Georgia DBHDD yearly grant)  
(2502100 - 52.39001 - 25020362) - (FY2012)  
(Reimbursed by Administrative Office of Georgia Courts yearly grant)  
(2179936 - 52.17009)  
DATE funds (as needed when available)

**ALTERNATIVES:**

1. Board approval to award an annual professional service contract, with an automatic renewal option for one (1) additional one (1) year term, with Recovery Place, Inc. of Savannah, to provide drug treatment

services in the amount of \$450 per client per month for the Savannah-Chatham County Superior Court Drug Court.

2. Provide staff other direction.

**POLICY ANALYSIS:** It is consistent with Board policy to provide essential services required to maintain Drug Court grant funding.

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

BUDGET APPROVAL \_\_\_\_\_  
LYNN STENNETT

**ITEM P**

**ISSUE:** Request Board approval for the \$27,327 purchase of a 2012 Ford F-250 truck from J. C. Lewis Ford for the Health Department to add one (1) additional vehicle to the fleet.

**BACKGROUND:** The Chatham County Health Department is an agency of Chatham County Government and is in need of one (1) multipurpose / heavy duty truck.

**FACTS AND FINDINGS:**

1. The Health Department has requested that Fleet Management develop specifications for one (1) 2012 Ford F-250 truck with a utility body.
2. In an effort to expedite the solicitation process a request for quote was advertised and received on 13 June 2012.
3. Staff received quotes from four (4) vendors. Quotes are as follows:

Wade Ford, Inc. Smyrna, GA	\$27,327
Speedway Ford Griffin, GA	\$27,407
J.C. Lewis Ford Savannah, GA.	\$28,090
Roberts Truck Center Garden City, GA	\$28,750

4. On 27 March 1998, the Board approved a "local preference" policy which, when a firm from outside Chatham County submits the "absolute low bid, allows the lowest bidding Chatham County firm to match the "absolute low" bid. If the local firm does match the "absolute low"bid, the local firm is awarded the purchase. As indicated above, a non-Chatham County firm offered the "absolute low" bid. The Chatham County firm was asked if they would match the outside firm's bid. J.C. Lewis Ford has agreed to match the "absolute low" bid.

**FUNDING:** CIP - Vehicle Replacement  
(3501567 - 54.22001 - 3503004A)

**ALTERNATIVES:**

1. Request Board approval for the \$27,327 purchase of a 2012 Ford F-250 truck from J. C. Lewis Ford for the Health Department to add one (1) additional vehicle to the fleet.
2. Provide staff other direction.

**POLICY ANALYSIS:** It is consistent with Board policy to award the purchase a vehicle based on the "local preference" policy.

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

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

**ITEM Q**

**ISSUE:** Request Board approval to enter into a one (1) year revenue generating lease agreement with the option to renew for four (4) additional one (1) year terms with the Savannah Chapter of the American Business Clubs, (AMBUCS), for the softball complex at AMBUCS Park. The lease agreement will generate \$1,800 annual revenue for the County.

**BACKGROUND:** Chatham County entered into an agreement with the AMBUCS club during the early 1970s to develop a recreation area on Meridian road to include the construction of a concession building. A portion of the proceeds generated from the concession sales were to be used to assist the County in maintaining the facility.

**FACTS AND FINDINGS:**

1. Over recent years the club was unable to provide assistance due to the decline of its membership.
2. The AMBUCS club will be responsible for all costs pertaining to the concession equipment.
3. Ambuc Park is vital to Chatham County’s sports program.

**FUNDING:** N/A- Revenue producing

**ALTERNATIVES:**

1. Board approval to enter into a one (1) year revenue generating lease agreement with the option to renew for four (4) additional one (1) year terms with the Savannah Chapter of the American Business Clubs, (AMBUCS), for the softball complex at AMBUCS Park. The lease agreement will generate \$1,800 annual revenue for the County.
2. Provide staff other direction.

**POLICY ANALYSIS:** It is consistent with Board policy to approve revenue generating agreements for concessions.

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

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

**ITEM R**

**ISSUE:** Request Board approval of Change Order 2, in the amount of \$14,200, to the construction contract with R.L Construction (WBE firm) for the Mother Mathilda Beasley Pavilion.

**BACKGROUND:** The Board awarded a contract to R.L. Construction for construction of the pavilion at Mother Mathilda Beasley Park. As construction nears completion, staff is requesting a few changes to the construction contract to improve appearance and safety.

**FACTS AND FINDINGS:**

1. The changes are as follows (these are additions to contract documents to improve the appearance, safety and security of the new building—except one code-required change):
 

1.1	\$7,080	Substitute tongue and groove pine on ceilings between trusses rather than rough plywood
1.2	\$4,800	Fence enclosure at timber walkway to protect sewer line
1.3	\$1,400	Add water fountain (code requirement) and extend plumbing
1.4	\$1,250	Add 1x4 to handrail at top, bottom, one side to strengthen
1.5	(\$330)	Credit for pricing on 25-year architectural shingles
	\$14,200	
2. Staff and the consulting engineer, Thomas & Hutton, have reviewed the pricing and considerate it reasonable for the cost of materials and labor.
3. Contract history:
 

Original Contract (11-4-11)	\$334,267
Changer Order No. 1 (2-24-12)	
Structural for change to brick and relocation of irrigation system	\$ 16,525
Change Order No. 2 (pending)	
Owner requested improvements (pine ceiling, walkway fence enclosure, water fountain, handrail strengthening)	\$ 14,200
Revised contract amount	\$364,992

**FUNDING:** SPLOST (2003 - 2008) - Mother Mathilda Beasley Park (3234150 - 53.17009 - 32370082)

**ALTERNATIVES:**

- 1. Board approve Change Order 2, in the amount of \$14,200 to, R.L. Construction (WBE firm) for the Mother Mathilda Beasley Park pavilion.
- 2. Provide staff other direction.

**POLICY ANALYSIS:** As a purchase in excess of \$10,000, the County’s Purchasing Ordinance and Procedures Manual requires Board approval.

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

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

**ITEM S**

**ISSUE:** Request Board approval of Change Order No. 6, in the not to exceed amount of \$75,000, to amend the professional services contract with George Bowen for continued work on the Courthouse project.

**BACKGROUND:** At the 19 October 2007 meeting, the Board approved a personal services agreement with George Bowen as part of a plan of action for managing more than 180 capital projects with a value in excess of \$325 million. The Board agreed to expedite projects by contracting with retired government and specialist employees to assist with project management responsibility.

**FACTS AND FINDINGS:**

- 1. The Board approved a contract in 2007 George Bowen, and in particular to work on the Courthouse project.
- 2. Mr. Bowen previously served as the Deputy Superintendent for the Board of Education. He came highly recommended based on his previous background, especially in managing the school construction program and in serving as an U.S. Air Force officer handling large and complex projects.
- 3. Mr. Bowen’s specific scope of work focuses on the day-to-day responsibility for the Courthouse project.
- 4. Change Order history:
 

Original contract (10-19-07)	\$65,000
Change Order No. 1 (05-09-08)	Change rate
Change Order No. 2 (10-3-08)	Contract extension
Change Order No. 3 (5-22-09)	Contract extension
Change Order No. 4 (05-14-10)	Contract extension
Change Order No. 5 (2-25-11)	Contract extension
Change Order No. 6 (pending)	Contract extension

**FUNDING:** SPLOST (2008 - 2014) - Courthouse Construction - pending adoption of the FY 13 Departmental Budget.  
(3244980 - 54.13011 - 32460427)

**ALTERNATIVES:**

- 1. Board amend the professional services contract with George Bowen to extend the term for another period not to exceed \$75,000 for continued work on the Courthouse project.
- 2. Board not amend the contract.

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

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

BUDGET APPROVAL \_\_\_\_\_  
LYNN STENNETT

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

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**XI. FIRST READINGS**

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

Chairman Liakakis said, no First Readings.

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**XII. SECOND READINGS**

**SEE "TABLED/RECONSIDERED ITEMS" FOR ITEM THAT WAS TABLED AT BOARD MEETING OF JUNE 8, 2012.**

Chairman Liakakis said, and – and there’s no Second Readings because that one withdrawn. Yeah.

County Manager Abolt said, we’ve already dealt with it, sir.

Chairman Liakakis said, yeah.

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**XIII. INFORMATION ITEMS**

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

**ACTION OF THE BOARD:**

A status report was attached as information.

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2. **LIST OF PURCHASING ITEMS BETWEEN \$2,500 AND \$9,999 (See Attached.)**

**AGENDA ITEM: XIII-2**

**AGENDA DATE: June 22, 2012**

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>
Renewal agreement for fire alarm test and inspection	Juvenile Court	Simplex Grinnell LP	\$5,312	General Fund/M & O - Juvenile Court
Two (2) Cisco port switches	I.C.S.	Entre Solutions (MBE)	\$3,177	SPLOST (2003-2008) - Public Works Facility
Maintenance agreement for reporting software for SharePoint	I.C.S.	DLT Solutions, Inc.	\$3,892	General Fund/M & O - I.C.S.
45 global positioning systems	C.N.T.	Staples Business Advantage	\$5,399	C.N.T. - Confiscated Funds
Security patrol services for the parking garage	Facilities Maintenance and Operations	Saber Security & Investigations LLC	\$2,970	Parking Garage
Upgrade of volume license agreement for sequel server for Tax Commissioner	I.C.S.	Dell Marketing, L.P.	\$9,501	CIP - Tax Commissioner

<b>ITEM</b>	<b>DEPT.</b>	<b>SOURCE</b>	<b>AMOUNT</b>	<b>FUNDING</b>
Remove and replace two (2) foam filled tires on unit 8	Fleet Operations	SOS Radial Tire Service	\$5,665	General Fund/M & O - Fleet Operations
Maintenance agreement and software support for storage area network	I.C.S.	Xiotech	\$3,108	General Fund/M & O - I.C.S.
Painting exterior of Weightlifting Center	Facilities Maintenance and Operations	Ron Snelling Painting	\$7,487	General Fund/M & O - Weightlifting Center
Janitorial supplies	Detention Center	Paper Chemical (WBE)	\$7,320	General Fund/M & O - Detention Center
Janitorial supplies	Detention Center	Paper Chemical Supply Company (WBE)	\$9,052	General Fund/M & O - Detention Center
Push buttons, touch pads and microphone for timing system	Aquatic Center	Colorado Time Systems, Inc.	\$4,590	General Fund/M & O - Aquatic Center
Janitorial supplies	Detention Center	Paper Chemical Supply Company (WBE)	\$7,560	General Fund/M & O - Detention Center
Painting exterior of press box at Memorial Stadium	Facilities Maintenance and Operations	Raymond Jennings Painting Company	\$9,750	General Fund/M & O - Parks and Recreation
Institutional support for historical marker	Special Projects	Georgia Historical Society	\$5,000	SPLOST (2008-2014) - Hutchinson Island Riverwalk
Swim school supplies	Aquatic Center	Starfish Aquatics Institute	\$4,446	General Fund/M & O - Aquatic Center
State Bar of Georgia dues	District Attorney	State Bar of Georgia	\$9,500	General Fund/M & O - District Attorney
Trash bins and lavatory supply dispensers for Public Works facility	Public Works and Park Services	Paper Chemical Supply Company (WBE)	\$3,400	SPLOST (2003-2008) - Public Works Facility
One (1) Smart board with projector	Sheriff's	Xerox Audio Visual Solutions, Inc.	\$6,878	General Fund/M & O - Sheriff
Software maintenance contract on access control card readers	Detention Center	RISG USA, Inc.	\$5,585	General Fund/M & O - Detention Center
Public service announcement for CEMA hurricane preparedness	County Manager	WHRQ	\$7,000	General Fund/M & O - Public Information
Public service announcement for hurricane evacuation awareness	County Manager	Clear Channel Broadcasting	\$4,320	General Fund/M & O - Public Information
Moving services to new Public Works facility	Public Works and Park Services	American Moving and Storage, LLC	\$8,825	SSD - Public Works
Two (2) access control card readers	Detention Center	RISG USA, Inc.	\$5,570	General Fund/M & O - Detention Center
Six (6) training pistols	Detention Center	Ed's Public Safety	\$2,724	General Fund/M & O - Detention Center

ITEM	DEPT.	SOURCE	AMOUNT	FUNDING
One (1) cabinet saw and one (1) miter saw	Public Works and Park Services	Grainger	\$3,669	SSD - Public Works
One(1) uninterrupted power supply chassis kit with web card and modem for the 911 call center	I.C.S.	Nationwide Power Solutions	\$4,696	General Fund/M & O - Communications

=====

**3. ROADS AND DRAINAGE REPORTS.**

**ACTION OF THE BOARD:**

A status report was attached as information.

**AGENDA ITEM: XIII-3 ROADS**  
**AGENDA DATE: June 22, 2012**

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

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

BACKGROUND: 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 by GDOT contract. Estimated completion December 2013.
2. Diamond Causeway. The GDOT is managing a contract to construct a high level bridge over Skidaway Narrows to replace the bascule bridge. Estimated completion September 2013.
3. Whitefield Avenue. Construction is being managed by the GDOT. Estimated completion September 2013.
4. Bay Street Widening. After ROW plans were approved by GDOT in 2010, acquisitions were put on hold pending another Assessment of Effects (AOE) to historic properties. A Public Information Open House was held on April 28, 2011. ROW acquisitions expected to resume fall 2012.
5. Jimmy Deloach Parkway Phase 2 and Interchange of Jimmy Deloach Parkway at U.S. 80. Design ongoing. ROW acquisitions expected to begin summer 2013.
6. SR 307 Widening from US 17 to I-16. Board approved a construction contract on March 9. Estimated completion in October 2013.
7. Islands Expressway Bridge Replacement. Design is underway on a high level bridge to replace the bascule bridge over the Intercoastal Waterway on Islands Expressway. ROW plans expected by summer 2013.
8. Local Roads.
  - a. Hunt Road and Faye Road bridge replacement projects. Design and ROW acquisitions complete. Awaiting final permits. Construction summer 2012.
  - b. Ridgewood Avenue, Beechwood Avenue and Elmhurst Avenue. Construction contract awarded by the Board May 11, 2012. Construction expected to begin by August 2012.

RECOMMENDATION: For information.

Districts All

**AGENDA ITEM: XIII-3 DRAINAGE**  
**AGENDA DATE: June 22, 2012**

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 project includes canal widening, bank stabilization, sluice gates and culverts. Construction of the sluice gate structure and channel improvements from SR 21 to the Savannah River (Phase 1) was completed in 2005. Construction of Phase 2A, which includes improvements from Phase 1 to Dean Forest Road is near completion. The County is currently soliciting bids for construction of the Phase 2B project which includes improvements west of Dean Forest Road. Work to identify and obtain canal rights of way in the reach west of I-95 is underway.
2. Pipemakers Pump Station. The project was identified in the 2003-2008 SPLOST as a part of capital improvements to the Pipemakers Canal Drainage Basin. The project is underway. Development of the hydraulic model is near complete. The model will be used to identify and assess improvement alternatives. Work will also begin on determination of permitting issues.
3. Hardin Canal. The project includes canal widening, bank stabilization, bridges and culverts. Projects that replaced culverts at SR 307 (Dean Forest Road) and within the Southbridge golf course area are complete. Staff is pursuing drainage improvements in the area of the recently completed culvert project at Dean Forest Road. A project to extend a maintenance access road and improve an outfall into the canal is underway.
4. Queensbury Drainage Improvements. The project area is south of Montgomery Cross Road and west of Ferguson Avenue (includes Tara Manor, Ennis Mobile Home Park-Elmhurst Court, and the Forest City Gun Club.) Design is underway on a project to improve drainage at Tara Manor. A project to improve drainage and provide maintenance access in the area of Remington Drive is substantially complete.
5. Wilmington Park Canal. The Wilmington Park Canal extends from North Cromwell Road to the Wilmington River (about 1.4 miles). The project includes canal widening, bank stabilization and culverts. Final design work and permitting are underway on five undersized culverts along the canal. A project to improve drainage from the southern portion of Ashley Road is underway. The existing outfall from this area is not accessible due to a lack of drainage easement.
6. Golden Isles. The project will relieve neighborhood drainage issues, including structural flooding of homes, with the construction of an upgraded storm sewer system. Construction work is substantially complete. Staff is working with the contractor to complete punch list items.
7. Louis Mills/Redgate Canal. The Louis Mills and Redgate Canals are tributaries to the South Springfield Canal. Improvements are complete between Garrard Avenue and the CSX Railroad. A project to extend the improvements to a point north of Marshall Avenue is under way.
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 II was completed in June 2010 (replaced five undersized culverts south of and under Vidalia Road). Construction commenced in February 2012 and is expected to be complete by July 2012.
9. Whippoorwill Road Drainage. The project will relocate and improve a canal tidegate structure to a location that can be accessed for maintenance. The existing structure is undersized and was damaged by previous storm events. It cannot be accessed for repair or maintenance because it is located on private property. Design and permitting is underway for a replacement structure in a new location that is accessible for maintenance.
10. Laberta-Cresthill Area. The project will relieve flooding within the Cresthill Subdivision. Construction on Laberta Avenue and Whitefield Avenue commenced in August 2011. The project required a temporary road closure of Whitefield Avenue south of Montgomery Cross Road. The roadway is closed until approximately July 2012.
11. Norwood Drainage Outfalls. The project will improve drainage capacity and access for maintenance for two drainage outfalls from Norwood Avenue. Construction of improvements is complete at Norwood Place. Design work and permitting is also underway for the outfall near Skidaway Road.
12. Henderson/Gateway. Drainage is provided by the Little Neck Canal and the Henderson Branch Canal (combined length 2 miles). Projects to replace the golf cart culvert and culvert at Henderson Oaks Drive and Little Neck Road are complete. Staff is investigating further improvements to facilitate improved drainage from the Gateway area.
13. Shipyard-Beaulieu Area. The project will be accomplished in phases. The first phase to replace the storm drain pipe at Beaulieu Avenue was completed in January 2010. The second phase will replace three undersized storm drain

pipes and reshape the existing ditch. Acquisitions of required easements are complete. Final design plans and permitting are underway.

14. Lehigh-Shipyard Lane Area. The project will relieve roadside drainage issues causing nuisance flooding in the Lehigh Avenue and Shipyard Lane area. Final design plans and required permitting are complete.

15. Grange Road Canal. The project to relieve flooding extends from Pipemakers Canal to north of Grange Road (about 1.8 miles). The Grange Road Canal outfall to the Pipemakers Canal was improved in 2004 under work being performed to improve the Pipemakers Canal. An all weather access road for the Grange Road Canal between Bourne Avenue and the Pipemakers Canal was also constructed at that time. In 2010 the Georgia Ports Authority (GPA) presented a plan to the County involving expansion of GPA facilities in Garden City and the construction of certain drainage systems effecting the Grange Road Canal.

16. Skidaway Road. The project improved roadside drainage and addressed vehicle safety issues along a portion of Skidaway Road near Wormsloe. Construction is complete. An amendment to the Intergovernmental Agreement between Chatham County and the Georgia Department of Natural Resources was approved by the Board on February 10, 2012. The modification expanded the use of vegetative materials and deleted fencing. Work to install the landscaping is complete.

17. 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. Final design work and permitting are complete. Bids opened in April 2012 exceeded project budget and were rejected. The design is being modified to lower construction costs.

18. 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.

19. Wymberley Area. The project will address inadequate neighborhood drainage including road side ditches, culverts and rear yard areas not accessible for maintenance of public systems. Design work is expected to start by July 2012.

20. Cottonvale Road Drainage. The project will relieve drainage and maintenance access issues causing nuisance flooding in the Cottonvale Road area. Acquisition of a required easement is complete. Final design plans are underway.

RECOMMENDATION: For information.  
Districts: All

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## **EXECUTIVE SESSION**

Chairman Liakakis said, okay. We got now – we're going into executive session.

County Manager Abolt said, personnel, litigation, land acquisition.

Commissioner Odell said, okay.

Commissioner Stone said, so moved, Mr. Chairman.

Chairman Liakakis said, all right.

Commissioner Stone said, I think we have to vote.

Commissioner Odell said, we got to vote?

Clerk said, yes.

Commissioner Stone said, yes.

Commissioner Odell said, oh, vote.

County Manager Abolt said, you're recessing into executive session for those purposes.

Commissioner Stone said, I don't think there was a second. Somebody make a second.

Commissioner Odell said, second. I second.

Clerk said, thank you.

Chairman Liakakis said, all right. Motion passes.

**ACTION OF THE BOARD:**

Commissioner Stone moved to recess to executive session to discuss personnel, litigation and land acquisition. Commissioner Odell seconded the motion and it unanimously. [NOTE: Commissioner Thomas was not present; Commissioners Shay, Farrell, and Kicklighter were not present for the vote.]

The Board recessed at approximately 12:09 p.m.

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**ITEMS FROM EXECUTIVE SESSION**

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

**ACTION OF THE BOARD:**

Motion was made to authorize the Chairman to execute an Affidavit that the Executive Session was held in compliance with the Open Meetings Act. The motion carried unanimously. [NOTE: Commissioner Thomas was not present; Commissioners Shay and Farrell were not present for the vote.]

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**2. REMOTE TECHNOLOGY**

**ACTION OF THE BOARD:**

Commissioner Odell moved to approve the Remote Technology upgrade of 21 cameras. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Commissioner Thomas was not present; Commissioners Shay and Farrell were not present for the vote.]

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**3. APPOINTMENTS**

**CHATHAM AREA TRANSIT**

**ACTION OF THE BOARD:**

- a. Commissioner Farrell moved to appoint Pete Liakakis to the member-at-large position on the Chatham Area Transit Board. The motion carried unanimously. [NOTE: Commissioner Thomas was not present; Commissioner Shay was not present for the vote.]
- b. Commissioner Farrell moved to appoint Commissioners Helen Stone, James Holmes and Priscilla Thomas to the Chatham Area Transit Board. The motion carried unanimously. [NOTE: Commissioner Thomas was not present; Commissioner Shay was not present for the vote.]

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**LIVE OAK PUBLIC LIBRARY BOARD**

**ACTION OF THE BOARD:**

Commissioner Kicklighter moved to appoint Alan Lowe to the Live Oak Public Library Board with his term to expire on June 30, 2014. Commissioner Gellatly seconded the motion and it carried unanimously. [NOTE: Commissioner Thomas was not present; Commissioners Shay and Farrell were not present for the vote.]

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**ADJOURNMENT**

There being no further business to be brought before the Commissioners, the Chairman declared the meeting adjourned at 12:25 p.m.

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APPROVED: THIS \_\_\_\_\_ DAY OF JULY, 2012.

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

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JANICE E. BOCOOK, CLERK OF COMMISSION