

**MINUTES OF THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF CHATHAM COUNTY, GEORGIA, HELD ON FRIDAY, SEPTEMBER 27, 2013, 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 Albert J. Scott called the meeting to order at 9:39 a.m. on Friday, September 27, 2013.

=====

**II. INVOCATION**

Chairman Scott said, you may be seated, and once -- once Reverend Stell indicate it's time for prayer, he will so indicate, and please stand at that time and remain standing as so instructed for the Pledge of Allegiance. We'll be led in the Pledge of Allegiance by Commissioner Holmes of the Second District. At this time I'd like to introduce the Reverend Larry J. Stell, who will provide us with an inspiration message this morning and a prayer, and it's really indeed a pleasure to introduce him. For those who may not know, his father served on this Commission for a number of years, and if you ever go to the L. Scott Stell Park, it's named for his father. And I might also add that Reverend Stell also served this county for a number of years as an employee, and it's a great pleasure to have him here with us this morning leading our devotional. Reverend Stell.

Reverend Larry J. Stell said, thank you brother Chairman. To the Commissioners, it is a honor, privilege for me stand here eight years later after retiring in '05 after 30 years of service and to my Commissioner Sister Stone, I said at that time eight years ago that now that I'm retired I'm going to run for your seat, but as you see, I do not desire that burden. For our inspiration this morning, we want to look at Proverbs 24 -- Proverbs 24<sup>th</sup> Chapter, 13<sup>th</sup> and 14<sup>th</sup> verses. It says my son eat thy honey because it is good and the honey comb which is sweet to thy taste so shall the knowledge of wisdom be unto thy soul, and when thou has found it then there shall be a reward, and thy expectations shall not be cut off. In these words I just want to encourage the Commission and those in the sound of my voice that we can expect a blessing if we do it God's way. If we attain his knowledge and wisdom, there is a reward. If we lean not to our own understanding, but in all our ways acknowledge him, then he will direct our path. In spite of the situations of life; in spite of the circumstances, difficulties that you have to face as leaders in this community, be assured if you do it God's way you can expect a blessing. Amen. Let us stand. Boy if my members could get me to be that short on Sundays. Let us pray.

Reverend Stell gave the invocation as follows:

Heavenly Father as we come now at this hour for this occasion we say first of all thank you for all of your blessings. God you've been so good to us. You've been good to the City of Savannah. You have allowed many catastrophes, dangers, storms and hurricanes to pass us by, so we say thank you. We thank you for our democracy. We thank you Oh God for these servants that you set aside to continue to look over your people. Now Lord we ask thy blessings upon everyone in the sound of my voice this morning. Thy blessings upon this Commission 'cause they need your wisdom and your guidance. We all need you Lord. We can't do anything without you. We ask thy blessings even upon the employees, the lowest service worker, right on up to the County Commissioners, 'cause we realize oh God that you've placed them in this position. Now lead and guide and then Master bless every department head, every staff member, and forgive us all of our sins. In Jesus name we do pray. Amen.

=====

**III. PLEDGE OF ALLEGIANCE**

Commissioner Holmes said, join me in this Pledge of Allegiance, please.

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

=====

#### **IV. ROLL CALL** (Introduction of Youth Commission members present)

Chairman Scott said, the Clerk will call the roll.

The Clerk called the roll.

Present:           Albert J. Scott, Chairman  
                       Dr. Priscilla D. Thomas, Vice Chairman, District Eight  
                       Helen L. Stone, Chairman Pro Tem, District One  
                       James J. Holmes, District Two  
                       Tony Center, District Three  
                       Patrick K. Farrell, District Four  
                       Yusef K. Shabazz, District Five  
                       Lori L. Brady, District Six  
                       Dean Kicklighter, District Seven

Also present:       R. E. Abolt, County Manager  
                       Jennifer Burns, Assistant County Attorney  
                       Janice Bocook, County Clerk

=====

#### **CHATHAM COUNTY YOUTH COMMISSION**

Chairman Scott said, the vice Chairman will introduce our Youth Commission members who are with us today.

Commissioner Thomas said, thank you, Mr. Chairman, members of the Commission, ladies and gentlemen. It is my pleasure to introduce to you Mr. Kentrel Johnson, he's a senior attending Jenkins High School and Ms. Kristen Conley, a junior from Bible Baptist. We want to welcome them as they represent the Chatham County Youth Commission today.

Chairman Scott said, thank you all for being here.

Youth Commissioner Kentrel Johnson said, thank you.

=====

#### **V. PROCLAMATIONS AND SPECIAL PRESENTATIONS**

##### **1. PRESENTATION OF \$10,000 DONATION FOR RESTORATION OF THE MCQUEEN'S ISLAND TRAIL FROM MS. MICHELLE WALKER-DANIELS AND MR. DAN HERNANDEZ.**

Chairman Scott said, now we have a presentation that I'd like to ask that Ms. Walker-Daniels and Mr. Hernandez to come up, please, and say a few words, and then the County Manager and I will come down and -- and receive that great big check of yours.

Mr. Dan Hernandez said, thank you. On behalf of the low country running community, our -- Ledesma -- Ledesma Sports Medicine which was our -- I'm sorry, I'm a little nervous now, but it was the -- they were the title sponsor for the Rails to Trails Ultra that we held earlier this year. Fleet Feet Savannah, Low Country Ultras, and several other sponsors, we want to present \$10,000 to the County for the McQueen's Island restoration project to help along with those costs. So thank you. [Applause.]

Chairman Scott said, thank you. Commissioner Farrell is going to join us and if anybody else would like to, please feel free.

Commissioner Farrell said, thank you.

Chairman Scott said, and, of course, Robert Drewry, who's going to actually be responsible for spending this money.

Mr. Robert Drewry said, I can do that.

Chairman Scott said, he -- he certainly wants to be a part of accepting this check. Thank you so much, and we appreciate your continued interest and follow through and making this possible.

Mr. Hernandez said, thank you, sir.

Chairman Scott said, thank you.

Commissioner Brady said, thank you so much.

Commissioner Center said, Mr. Chairman -- Mr. Chairman? May I be recog -- may I say a word?

Chairman Scott said, yes.

Commissioner Center said, yes, Mr. Hernandez?

Chairman Scott said, Commissioner Center from the Third District.

Commissioner Center said, yeah, before y'all leave, Commissioner Holmes mentioned to me, and I want to thank you, it's good to see citizens doing what y'all did and giving back. Great job. Thank you. And I was going to ask, Mr. Chairman, I don't -- I don't know if -- if these two individuals were at our pre-meeting, but if you could have the County Manager give them the same update or -- or Mr. Drewry give them the same update they gave us on money the County has already set aside for McQueen's Trail and the progress going through the -- through the environmental permitting progress of when we're going to get more work done out there, I would appreciate it.

Mr. Drewry said, good morning. Robert Drewry, Director of Public Works and Park Services. Yeah, quick update on the project itself. The consulting engineer has finalized the -- the plans, and concurrently with the bidding process, we're going to submit those plans to the Georgia DNR and the Corps of Engineers for the environmental permits. We're hoping that we can open bids sometime in mid-November, but right now we don't know how long it will take to get the environmental permits, but as long as we submit them, then we can keep pushing them along to review them and ultimately issue us some sort of a maintenance repair permit. So, that's where we're at. Hopefully begin open bids in -- in mid-November, but of course I'm leery about awarding a contract until we know we got the permit in hand. So that's where we are with the project, and I can certainly use this \$10,000 toward the project. We have a budget, a construction budget and funding for 295,000. This \$10,000 will certainly big boost -- be a big boost for that, and -- and -- and bring it up up to 305,000. So on behalf of the -- of the County and Public Works and Park Services, I am grateful for this money, and I certainly will spend it. Thank you.

Commissioner Thomas said, all right.

Chairman Scott said, Commissioner Farrell would like to make some comments, from the Fourth District.

Commissioner Farrell said, thank you, Mr. Chairman. Michelle [Walker-Daniels], Dan [Hernandez], been working with you on this for a number of months if not years, and I just want to publicly say thank you for you specifically and all the volunteers that have worked so hard to bring attention to what's happening out there because no sooner than we had the whole thing fixed up, it started washing away. You know, it's no one's fault, it's an act of God, but the -- the seas rise and the, you know, the -- the fill goes where the -- where the ocean water takes it. So it's -- it's a rare moment when citizens come forward and actually bring some sort of funding to help the County. I mean typically someone comes and asks for the other way around, for the County to -- to bring funding to something, and this is really a breath of fresh air that y'all took it upon yourselves, and you were so motivated to go out and actually, you know, have some events and raise some money for this project, and that speaks

volumes about yourselves and your character and -- and those of all those people that use the trail and participated. And for that, my hat's off to you, and I want to thank you.

Chairman Scott said, anyone else? If not, thank you so much for being here and thank you so much for the contribution, but also just thank you for your efforts because this is an indication of the importance of that trail to the entire community, and -- and so that -- that check regardless of the amount really represents citizens' concern and input as far as preserving that trail is concerned, and we are -- we're on board with it, and we will continue to try to protect it. Again, thank you. [Applause.]

Mr. Hernandez said, thank you.

Ms. Michelle Walker-Daniels said, thank you.

Chairman Scott said, I might -- I might also add that -- Mr. Hernandez, I might also add that I'm -- I'm concerned long-term that we may end up having to do a redesign on that trail. It may take quite a while to get the permits to do something to really shore it up for any extend period of time, and especially if Highway 80 is ever raised, I think it will put it even more in jeopardy, and so, we are going to -- and -- and we have include funds, long term funds in our SPLOST VI to -- to look at perhaps a different arrangement out there. But we -- we have in the current budget money to make the repairs now, but I'm talking long-term what can we do to make sure that that -- that trail is protected.

Mr. Hernandez said, we would also, sir, like to continue to contribute, you know, once a year through another race, contribute to helping with the -- the cost.

Chairman Scott said, all right. Thank you, so much.

Commissioner Thomas said, very good.

=====

## **2. INTRODUCTION OF COUNTY'S NEW FINANCE DIRECTOR, AMY DAVIS.**

Chairman Scott said, next I will recognize the County Manager for the purpose of an introduction.

County Manager Russ Abolt said, thank you, Mr. Chairman. Ladies and gentlemen, as I mentioned briefly in the pre-meeting it's a pleasure to introduce officially to you our new Finance Director, Amy Davis. She has a great background in financial leadership in the State of Georgia, but she also comes in to what I want to recognize officially for this Board and for previous Boards, what I refer to as our trophy room, and were you to go to a SEC school and particularly those that are prominent in -- as a sports dynasty, I would imagine they have their trophy room. You're sitting in the middle of our trophy room, and what you see on that wall is a representation of 25 years in a legacy of accountability, transparency in our stewardship of tax dollars. It's -- it's -- this is -- this is -- this is a terribly significant event to be able to capture the attention, the professional dedication of a person of the yolk of Amy Davis. It is very special. I am confident that she will continue the wonderful things that have been done by her most immediate predecessor, Linda Cramer, and more importantly as the Chairman said, to be embarking upon something that has not been done for over 20 years, it's called zero-based budgeting, which will have a far-reaching effects in the way in which you deal with -- with the budget for 2015. She can handle it. She's a past head of the Georgia Financial Officers Association. She comes highly recommended, and again I'm proud to introduce to you Amy Davis, but at the same time I want you to go back in your memory to just a few moments ago, Amy showed you what she was really made of when she picked up the real check in the \$10,000 donation. So I'm confident that will be spent right quick. Amy Davis. Amy, please.

Ms. Amy Davis said, hello. It's a pleasure to be here with you today. I'm looking forward to working with each of you and look forward to the zero-based budget challenge, and just a little bit about myself. I have about 20 years in -- in government finance ranging from the City of Marietta to Cherokee County and City of Sandy Springs, Powder Springs, and I'm very -- look -- looking very much forward to working with all of you here at Chatham County and hope this will be my last government to be at. So, thank you for giving me this opportunity.

Chairman Scott said, well on behalf of the Commission -- on behalf of the Commission we welcome you and look forward to working with you, and I hate that -- that Russ just put all that pressure on you just right off the

bat to -- to tell you that you got to continue to garner awards, in -- in order to remain that's pretty much what he said.

Ms. Davis said, well, with every government I have been with, we've always received the same awards, so I feel confident that we can continue.

Commissioner Kicklighter said, good. Good.

Chairman Scott said, but -- but the Commission won't put that kind of pressure on you. All we want to do is -- is to go to zero-based budgeting.

Ms. Davis said, thank you.

Chairman Scott said, again, thank you so much and we look forward to working with you and thank you for joining the staff.

Ms. Davis said, thank you.

Chairman Scott said, anybody have any comments? Thank you.

=====

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

### **1. SPLOST PROJECTS.**

Chairman Scott said, the next item is listed under Chairman Items, and we've got the heading of SPLOST projects, and we need to do two things today, and one is to authorize and set in motion the advertising of the SPLOST list for four consecutive weeks prior to the -- the election. At this time I would entertain a motion and a second to do so.

Commissioner Center said, so moved.

Commissioner Thomas said, second, Mr. Chairman.

Chairman Scott said, it's been properly moved and second. Any discussion? Hearing none, all in favor indicate by voting yes, opposed no. The motion carries.

Chairman Scott said, the second thing I wanted to do on the SPLOST, and this is to ratify the County's -- the County's list of projects. This is not the entire list. It does not include the list of the eight municipalities, strictly the County's that everybody has seen, and this is just simply to have everybody on record in support of the list. At this time I'll entertain a motion.

Commissioner Center said, I move that we approve this list.

Commissioner Thomas said, second, Mr. Chairman.

Chairman Scott said, properly moved and second. All in favor indicate by voting --

Commissioner Kicklighter said, Mr. Chairman?

Chairman Scott said, yes?

Commissioner Kicklighter said, may I ask just one question?

Chairman Scott said, yes.

Commissioner Kicklighter said, under the road section prior to this list, I think you had -- where it says, including Concord Road --

Chairman Scott said, yes.

Commissioner Kicklighter said, I think it once said including Benton Boulevard, what happened to that?

Chairman Scott said, I don't -- somebody will have to help me with that. Al [Bungard], did -- did we have that?

County Engineer Al Bungard said, it was on some of our talking papers. I don't remember that as being very specific. We had those concerns about tying us to specific projects and scope.

Commissioner Kicklighter said, that was the one specific --

County Engineer Bungard said, we talked about Benton Boulevard.

Commissioner Kicklighter said, -- that was listed.

County Engineer Bungard said, we talked about Quacco Road, and we talked about a few other projects.

Commissioner Kicklighter said, are we --

County Engineer Bungard said, it's certainly on the intent to do that, yes.

Chairman Scott said, yes, and -- and I mentioned Quacco Road --

County Engineer Bungard said, yes, sir, you did.

Chairman Scott said, -- in my meeting with staff.

Commissioner Kicklighter said, right.

Chairman Scott said, and Quacco Road is --

County Engineer Bungard said, yeah.

Chairman Scott said, -- is on the list.

Commissioner Kicklighter said, okay. I mean as far as --

Chairman Scott said, yeah.

Commissioner Kicklighter said, the little -- it was -- it said Quacco and Benton --

Chairman Scott said, yeah.

Commissioner Kicklighter said, -- on the --

Chairman Scott said, and the --

Commissioner Kicklighter said, -- other little brief here, and I didn't --

Chairman Scott said, and the Concord Road was added for -- for a specific reason. In a discussion with Commissioner Farrell, we planned on doing something that's not -- the drainage is already there. We plan on doing something totally different with it. It's not drainage, really, but we had to have a place in which to put it, and that's the reason that it's elevated, and for -- but --

Commissioner Kicklighter said, and I have no problem with that being there. I just --

Chairman Scott said, yeah.

Commissioner Kicklighter said, I -- just wondering what with the --

Chairman Scott said, Benton Boulevard --

Commissioner Kicklighter said, -- with Benton and Quacco not now being listed there does that diminish the --

Chairman Scott said, no, no, no, no, no, no, no, no. This -- this -- this is something different -- totally different on Concord.

Commissioner Kicklighter said, okay.

Chairman Scott said, in other words, we have a -- we have a drainage -- we don't have a flooding problem on Concord, we've got a drainage ditch, and everything else -- and if you'll recall we've seen some pictures with the trash and all that, so we really want -- really want to see if we can do something different out there --

Commissioner Kicklighter said, right.

Chairman Scott said, -- on Concord.

Commissioner Kicklighter said, yes, sir. And I -- and I understand the drainage, I'm just saying behind the -- where it says roads to include paving prior to that it -- it said much like it says there about the drainage, including Quacco and Benton and --

Chairman Scott said, yep. We can -- we can add Benton and Quacco on there. I don't have a -- I don't have an issue with it.

Commissioner Kicklighter said, okay. I would -- can I make a motion to amend -- well, somebody would have to make a motion to amend their motion.

Chairman Scott said, you can make a substitute motion.

Commissioner Kicklighter said, okay. I'd like to make a substitute motion that we approve this, but include in that first paragraph Benton Boulevard and Benton -- Quacco Road behind the section referring to the roads.

Chairman Scott said, yeah, well, can we just put it in -- we'll put it in that paragraph there --

Commissioner Kicklighter said, in that paragraph.

Chairman Scott said, -- for emphasis where we have including Concord Road, we'll put Benton.

Commissioner Kicklighter said, as stated by the Chairman.

Chairman Scott said, yes.

Commissioner Farrell said, for drainage or for road work?

Commissioner Kicklighter said, road work.

Commissioner Farrell said, well this is -- Concord Road is under drainage.

Commissioner Kicklighter said, yeah, I understand.

Commissioner Thomas said, second, Mr. Chairman.

Chairman Scott said, it's been -- we have a substitute motion. It's been second.

Commissioner Thomas said, yes.

Chairman Scott said, any discussion? I recognize Ms. Conley.

Youth Commissioner Kristen Conley said, I have a question.

Chairman Scott said, yes.

Youth Commissioner Conley said, what are the SPLOST projects?

Commissioner Center said, I think she wants a general explanation, Mr. Chairman.

Assistant County Manager Cramer said, I have some copies.

Chairman Scott said, yeah.

Commissioner Brady said, do we have a copy of it?

Commissioner Thomas said, she's going to give you a copy.

Chairman Scott said, we have a -- here -- here's a list of them. Okay? Very good. I -- I didn't know you didn't have them.

Commissioner Center said, Mr. Chairman? Point of order. Just to get it correct. There was a motion on the floor, so I think Mr. Kicklighter was correct, you amend that motion, vote on his amendment and then vote on the motion or I have to remove the motion. Is that correct?

Assistant County Attorney Jennifer Burns said, I believe that is.

Chairman Scott said, well we have a substitute motion on the floor. It's not an amendment.

Assistant County Attorney Burns said, I believe the original motion would have to be withdrawn.

Chairman Scott said, okay.

Commissioner Center said, I'll withdraw it.

Chairman Scott said, the original motion is withdrawn.

Commissioner Kicklighter said, okay and --

Chairman Scott said, and the substitute motion has been made and properly second. We're in the discussion phase. Commissioner Shabazz.

Commissioner Shabazz said, how do we go about including other roads on there besides the ones that's on here?

Chairman Scott said, I -- I really didn't want to list any roads, and Concord is not a road, it's not a road project.

Commissioner Shabazz said, oh --

Chairman Scott said, it's a special consideration for trying to undo a drainage situation. There's not a drainage anything. We have all the roads listed in our CIP.

Commissioner Shabazz said, mm-hmm.

Chairman Scott said, and the roads can be addressed. The problem when you start listing individual streets, if you don't do one --

Commissioner Shabazz said, mm-hmm.

Chairman Scott said, -- then you -- you really have money tied up for projects that you don't do.

Commissioner Shabazz said, mm-hmm.

Chairman Scott said, and we didn't want to get in to listing every street, but we had at one point -- had Quacco and Benton Boulevard on the list.

Commissioner Shabazz said, mm-hmm.

Chairman Scott said, and I -- it was not my intent to ever delete it, and I just wanted to reassure the Commissioner from the Seventh District that that's not what we were trying to do, but we didn't want to get on listing York Street, State Street --

Commissioner Shabazz said, mm-hmm.

Chairman Scott said, -- every street that will be paved. Okay? All right? Any further discussion. Hearing none, all in favor of the substitute indicate by voting yes, opposed no. The motion carries.

Chairman Scott said, and -- and along those lines, let me just say like, if you look at the list where you -- we've got police precinct and related equipment, we didn't specify the precinct for instance. And so, we're not trying to get where we are actually locating stuff on this list because that's the engineering staff, and then at some point you'll have an opportunity to approve what streets or -- or roads or drainage ditches are resurfaced. It has to be approved by this Commission. And -- and so if we were to say that this is the Isle of Hope precinct, and we decided to locate it in Sandfly, I mean, we didn't want to get that specific with it, actually naming --

Commissioner Stone said, well, may I just ask this for clarification? The point in putting that precinct on there was to reinstate a precinct that was --

Chairman Scott said, that -- that's -- that's correct.

Commissioner Stone said, -- lost for that area.

Chairman Scott said, my point was is that we didn't want to get so specific in locating stuff.

Commissioner Stone said, I -- I understand that. I just want to make sure that -- that the citizens understand that that precinct was to replace a precinct that was removed under Chief Berkow. So.

Chairman Scott said, I -- I -- I -- yeah, and what I really think it's -- further than that we had a satellite precinct out there that is now closed.

Commissioner Stone said, correct.

Chairman Scott said, and so it's really to -- to add some sort of physical presence in that area where there --

Commissioner Stone said, absolutely.

Chairman Scott said, -- where there is none.

Commissioner Stone said, absolutely. Thank you.

Chairman Scott said, Commissioner Center.

Commissioner Center said, thank you, Mr .Chairman, and -- and I wanted to ask to make sure I understand properly and also so the public listening. When we as a Commission just voted to approve these projects, and we're asking the public -- well we're -- however they vote, but we're asking that the public -- to vote yay or nay whether they want to approve working on these areas. In the past we were required as I understand it by law to specify each specific project with a vote, and now we can be more general, and I think a good example if I'm correct, and correct me if I'm wrong, is that the last SPLOST approved spending \$17 million to build pump stations for Pipemakers Canal. We found out through the passage of time and the --

Chairman Scott said, engineering.

Commissioner Center said, and -- and through engineering, ecological changes, and development of -- of better machines and technology that we don't really need to spend all that money on pump stations. We're still spending that money on improving Pipemakers Canal, but because it was voted on spending on pump stations, we have money that we can do nothing else with but build pump stations, and I think a second purpose -- a second vote on the SPLOST was -- was to ask the public to let us repurpose those funds so we can use them in different ways to protect Pipemakers Canal, setting aside the \$3 million for a particular pump, and that this list is a little more general than lists have been in the past to allow us to work on roads, as it says, and if the public approve this and we have the money, then this Commission or a later Commission will vote project by project on how to spend that money.

Assistant County Attorney Burns said, that's correct.

County Engineer Bungard said, that's correct.

Commissioner Center said, and that -- that would give us more flexibility for example if you vote to, as the Chairman said, to I'm going to use the City of Savannah area, to alleviate flooding between -- on Habersham between Victory Drive and Columbus Drive and it turns out you need it more between Columbus and Derenne, you can do that. And -- and I just want to get the explanation out and make sure the public understands that.

Assistant County Attorney Burns said, that's correct.

Commissioner Center said, thank you.

Chairman Scott said, well, I guess I opened up this can of words. Go ahead, Commissioner Kicklighter.

Commissioner Kicklighter said, thank you, Mr. Chairman. I just want to elaborate a little bit on that about the flood pumps. Back when we campaigned and asked you out there to approve it, we had a design to improve the canal, the gates and everything there, at a 50-year flood level. So at that point, I felt, as well as the public and staff and everything that we needed the flood pumps to go in there to be able to further improve it. But then through engineering, great engineering on -- by our staff right here, we realized that we could spend a little more money on the gate system and widening improvements of the canal itself and increase the capacity from a 50-year flood to a 100-year flood. So no one got shorted. I mean, that was a win/win, but now through this, we'll repurpose the rest of the money. We need like one smaller pump to help one little specific area, and, you know, everybody won with it. So no one's trying to take the money away from anyone that we approved back then, but that was a great example of how if you get really specific you can tie the money up where it could be used in other areas and save property owners, tax payers, money. So.

Chairman Scott said, yeah, and one of the things that -- that I commend staff on is that we instructed staff to go through the list of projects and to look at funds that was no longer feasible to be built, we didn't have any intentions of building, and that's how the funds from the pump station was identified through staff's effort. And -- but we did also discover a need for additional funding to continue to improve the Pipemakers Canal, and so we elected to use a portion of those funds to continue the work on the Pipemakers Canal which really will address flooding in all the west Chatham municipalities. And then we asked the engineering staff to give us the best possible estimate on it, and they came up with \$12 million, and then we took the remainder of the money and decided that the best thing to do with it would be to rebate it to the voters -- to the tax payers. I can't say voters but to the tax payers. So if you don't pay property taxes you don't get a rebate, but if you pay property taxes next year, you'll get a one time, and that's like .37 percent or something like that. It's -- it's almost 40 percent on the dollar that you'll get back. I think it's 37 cent. So we will have a one time rebate to tax payers in the tune of \$4 million, and that will occur on your 2014 bill. So that's -- that's what we intend to do here. If we don't spend the money for the projects that it was intended for, it's our intent at this time and going forward to ask the voters if they would like to have some of that money back or would they be willing to allow us to use it for other projects. So we're trying to make certain that -- that we be as open and as candid as possible when it comes to the SPLOST projects. Anything else on SPLOST? Okay.

**ACTION OF THE BOARD:**

- a. Commissioner Center moved to authorize the County to advertize the SPLOST list for four consecutive weeks prior to the November election. Commissioner Thomas seconded the motion and it carried unanimously.
- b. Commissioner Kicklighter moved to approve the SPLOST list with the addition of Benton Boulevard and Quacco Road to the roads paragraph of the list. Commissioner Thomas seconded the motion and it carried unanimously.

\*\*\*\*\*

Chairman Scott said, on -- on page 4 -- now I will also acknowledge that we had someone who wanted to speak on Derenne Avenue, and I informed them that the Derenne Avenue project is not on the County's list, it's on the City's list, and that we were not approving Derenne Avenue today. And so I just wanted to -- to make that very clear, that Derenne Avenue is not on our list.

Chairman Scott said, on page 4 we have a --

Commissioner Brady said, don't we have a presentation on page 3?

Commissioner Farrell said, page 3.

\*\*\*\*\*

**VII. COMMISSIONER'S ITEMS****1. MARSH BLUFF (COMMISSIONER CENTER.)**

Removed from agenda.

=====

**2. PRESENTATION REGARDING LONG DELAY IN GETTING STATE PERMITS FOR TURNERS CREEK BOAT RAMP (COMMISSIONER FARRELL).**

Chairman Scott said, page three. Oh, yeah, I can't forget Commissioner Farrell, 'cause he's tuned up for this. Let's -- on -- on page three, Item two, I'll recognize Commissioner Farrell.

Commissioner Farrell said, thank you, Mr. Chairman. At this time I'd like to get our staff to give us an update on the Turner's Creek Boat Ramp improvements. A number of years ago we started this project to expand the boat ramp and to add amenities that would be useful to the boating public, and we haven't broken ground over there yet, and I would like to get an update, a chronological update of when we started this project and where we are, and when are we going to get started. So if someone from the engineering staff could come up and address where we are and please explain to me and the rest of the public why we don't have a shiny new boat landing out --

County Engineer Bungard said, thank you for trying, Mr. Chairman, to get it off the agenda.

Commissioner Farrell said, -- out on the island.

County Engineer Bungard said, how to make this -- I need to give a brief tutorial before I introduce Mr. Panther, who I don't think has ever been up here before. He wanted to stand beside me because he was nervous. That's okay. But this is our third boat ramp. It is under the -- Johnny Mercer Boulevard on the way to Wilmington Island. Design has been going on for some time. As I tell people all the time, as an engineer, designing projects is the easy part. The reason road projects and other projects take so long is because of right way acquisitions and environmental permitting. The laws have changed significantly over the years. We have two general permitting requirements. First, on the federal side we have to comply with the Clean Water Act. That comes -- so we have to get permits from the US Army Corps of Engineers. That involves coordination with National Marine Fisheries, Fish and Wildlife Service. In this case that is all going fine, we -- and he'll give you the timeline on that. On the other hand, there's the State requirements. You've seen the bumper sticker, Georgia -- Welcome to Georgia, owned and operated by the DNR. We have to get permits from both the Coastal Resource Division, you'll hear that acronym, and the EPD. CRD regulates through the Coastal Marsh Protection Act. The EPD regulates the erosion, sedimentation control and water quality impacts on waters of the state. Therein lies the problem. We can't get a permit. They're trying to impose conditions that are not in fact yet -- there's law, there's rules, there's regulations. They are rewriting the regulations and trying to impose some of that on us. We the county and I are the issuing -- I'm the issuing authority on permitting actions. I'm supposed to be the one that makes the call on where the marsh -- they -- they delineate marsh and there's buffer requirements. They don't often agree with us, and he -- Nathaniel will go through the scope of the project and the timeline, and then where we think we can go from there. Nathaniel.

Mr. Nathaniel Panther said, good morning Mr. Chairman, Commissioners.

Chairman Scott said, good morning.

Mr. Panther said, quickly, just to orient you to the site, Turner's Creek will be on the right side of the slide, perpendicular to that will be Johnny Mercer Boulevard, and if you continue to cross -- on Johnny Mercer across Turner's Creek, you come on to Wilmington Island. While we're looking at this slide, I also want to quickly highlight some of the proposed improvements. On the north side of Johnny Mercer, which would be towards the top of the page, we're installing a new public restroom that will include a covered picnic area and attached to that will be a -- a new office for marine patrol. In addition to that there will be 59 parking spaces, 52 of which will allow vehicles with boat trailers to -- to park on site. There will be a new floating dock and as -- as the goal

of the project is to add a new boat ramp, the new ramp will have two lanes, so at completion there will be the ability for three boats to be put in at any given time. One unique aspect of this project is some of the -- we're -- we're implementing a bioengineered oyster bag bank stabilization as part of this project, and that's going to serve two purposes. It's going to enhance the buffer, which right now is just concrete, rubble, trash, debris; and it's also going to improve the water quality before it enters the -- Turner's Creek and the marsh. So -- oh, and on the southside I do want to point out there have been a lot of issues with traffic coming in and out, especially during peak times, so we are going to do a new one-way ingress point on the southside of Johnny Mercer that will help alleviate some of the congestion problems and traffic issues we've experienced at the site.

Mr. Panther said, as a part of the project, and as I said, we are installing a new restroom. You can't do on site -- you can't put a septic tank on site, the ground's just not good, so as part of the project we're going to install a two-inch force main down Johnny Mercer, up Bryan Woods Road, and tie into an existing City of Savannah lift station. The City of Savannah's reviewed the project and we have their approval for that part of the project. This page again, this is just a summary of the high -- the scope of improvements that I already went over. Now to the permitting issues and where we are. There's four main permits that are required for us to build this project, and three of the permits are dependent on each other. We can't get one before we get the other. The fourth the State Waters Buffer it -- Variance is what we're having trouble obtaining, and I'll highlight the timeline on that, but the first permit we obtained is a 401 Water Quality Certification, and that was issued on September 26, 2012. After we obtained that we were able to apply for our Coastal Marshlands Protection Act Permit. We did that, and we were able to obtain that permit on December 20 -- 14<sup>th</sup>, 2012. That came from the Georgia DNR, the Coastal Resources Division down in Brunswick. The third permit is the Corps of Engineers, which the Corps would not issue their permit until we got our CMPA permit. We are expecting that permit within 30 days. Hopefully the next two weeks, but no longer than 30 days.

Mr. Panther said, and that leads to the State Waters Buffer Variance issue. We applied for our initial variance for that permit March 9<sup>th</sup> of 2 -- 2012, and we have yet to get -- or obtain that permit, and I'll -- that's what I want to highlight. This is -- this tells you the timeline as I stated, March 9<sup>th</sup>, 2012 was our initial application. As a local issuing authority, staff went out and made the determination of whether buffer bearings would be required or not. Based on the site visits, staff made a determination if a buffer variance would be required. We completed our application and submitted it, and Georgia EPD rules require that within 60 days they either do one of two things, they provide us written comments -- provide the County with written comments or they recommend approval of the application. On May 7<sup>th</sup> they contacted our consultant, Resource and Land Consultants, who are out -- is our environmental consultant for the project, and they stated verbally that the project -- that our application was incomplete, and Mr. Brown, who is our environmental consultant, requested that in writing, and they -- they denied that request. So on July 27<sup>th</sup>, the County Engineer sent a follow-up letter to the Commissioner of the DNR and requested a response, which was over 130 days after our initial submittal. We received written correspondence August 30<sup>th</sup>, 2012, and basically their determination is that as the local issuing authority, we didn't -- our application did not include all the areas that required a buffer. According to their interpretation, we're required to have a buffer on -- 25 feet from the marsh line, not just based -- based on the location of wretched vegetation which is how state law's written. So reluctantly while we were applying for all of our other permits, we decided to revise our application to include the -- applying for a buffer variance adjacent to the marsh line, not just the point of wretched vegetation, and we submitted that revised application on August 30<sup>th</sup> -- I'm sorry, on June 12<sup>th</sup> of this year. It's been over 60 days. We've had no written correspondence, and we have not had a recommendation to approve the variance. There's been no action taken.

Mr. Panther said, so where do -- where do we go from here? We can do two things. We can continue to wait for the buffer variance as we have for the last year and a half or as staff recommends, we can proceed with soliciting bids for a construction contract without the buffer variance, and we can recommend -- proceed with awarding the construction contract without the buffer variance and go to work. And that's what we recommend doing.

Commissioner Farrell said, good. I like that idea of let's go to work because waiting on a piece of paper, you know, there's -- there's -- the public good on this project is so enormous, there's so many people that want to use that area, it's -- it's so overused now, and -- and you're telling me there's a -- I just don't know where to begin, but I'm -- I'm ready to begin this project, and I would -- whatever we can do to get this thing going would be much appreciated by the boating public and -- and the citizens of the coastal county of Chatham.

County Engineer Bungard said, we have disagreed with them before. In the past it started with where does the marsh stop and start? The law says from the point of wretched vegetation. There is guidance and policy where the DNR wants to just measure 25 feet from the point of the marsh. That is not in law, that's in a policy letter. We have taken -- I have taken that issue up with them before. In this case, like for the sewer line, we're going to do a temporary impact. If you measure 25 feet from the edge of the marsh line, that's half way up into the

pavement. To run a Ditch Witch down the shoulder, the law says, undisturbed vegetation -- it's already disturbed with asphalt and grass, and it's a temporary impact. We maintain they're way off base. Now I don't know if Jennifer wants to weigh in, when -- when I read the law, and I'm not supposed to practice law as the engineer, that I'm not sure they can do a whole lot. I'm the issuing authority. They cannot, I don't think fine us for starting the project. They can issue a stop work order -- chime in any time Jennifer.

Assistant County Attorney Burns said, I -- I agree. I -- I think that there is -- there is a provision in the law that would allow the DNR to fine the county \$2500 a day if we did not comply with an order, however, we would not be in noncompliance of an order. We would be operating without a permit. If they were to site us, they could do that, and if they did, it would give us an opportunity to have the due process that we seek, and then have a hearing before an administrative law judge to actually force them to give us the permit. We are not in any way subjecting the county to the liability of the \$2500 a day by beginning this process without the permit.

County Engineer Bungard said, yeah.

Assistant County Attorney Burns said, we agree with the County Engineer that the DNR and specifically, this division of the DNR is trying to impose upon the County conditions that do not apply to us. Because we have this special designation as being the local issuing authority, they do not have the right to impose upon the County the regulations of the DNR, and instead they are supposed to apply our own county ordinance to us. We have complied with what is required, and we believe that -- again the Attorney has written a letter -- is in the process of writing to the DNR explaining our position clearly, and stating that we expect to receive our permit -- permit within 10 days, however, we're going to go forward, assuming that the Commission approves it today with or without the permit.

County Engineer Bungard said, we do have to wait for the federal Corps -- or the Army Corps of Engineer permit. Different situation, but I expect to get that within 30 days.

Commissioner Farrell said, well if you need a motion today from this Commission, I'd be glad to propose one because this project has been going on for years. The folks that use that particular facility are, you know, sometimes come to blows because there's so many people trying to use it at peak times, and it is high time that this improvement is installed and put out there for the public to use, and there's no time like the present. So by all means, I would like to get this thing fast-tracked and get going because it has been mired in the mud for much too long.

County Engineer Bungard said, I don't think we -- oh, Mr. Chairman, go ahead.

Chairman Scott said, Commissioner Stone and then Commissioner Center.

Commissioner Stone said, thank you, Mr. Chairman. I concur with Commissioner Farrell, this project has been going on for a long time, and I am aware of dealing with some of the absurdities with the DNR, and I underscore absurdities, but my question for you all, if I understood your timeline correctly, is there any particular reason why we waited until 2012 to file an application?

County Engineer Bungard said, well, as part of that process, one we were doing the due -- we had -- one we had to acquire some property there, that was by eminent domain.

Commissioner Stone said, uh-huh.

County Engineer Bungard said, we had to do design work. You have to have a design complete to submit. The application is not a form to check blocks, you have to submit your construction plans to them showing all the delineations and what you intend to do.

Commissioner Stone said, but I mean it took that many years?

County Engineer Bungard said, yeah.

Commissioner Stone said, I -- I guess this is what -- and I -- I don't mean to be critical, but this is what gives government a bad name. I mean when people know that there's a project forthcoming and it takes years upon years upon years, in the private sector it wouldn't be like this.

County Engineer Bungard said, well we also had to wait to collect the money, award design contracts, and we're working on two other boat ramps at the same time. It's -- there is a production.

Commissioner Stone said, but how many years has this been?

County Manager Abolt said, wait a minute.

Chairman Scott said, the Manager wants to weigh in on your question.

County Manager Abolt said, yeah, please. The history -- history before this Commission, we had to go through condemnation, and condemnation in and of itself was very high profile.

Commissioner Stone said, I understand.

County Manager said, and the issue was -- it required testimony taken from the previous owner, and the -- the action that -- that was not easy for the previous Commission for all the right reasons, but it isn't just an administrative thing. It's due process and the acquisition of property.

Commissioner Farrell said, now I'm -- I'm satisfied with what staff has done. It's been a lengthy process which I -- which I understand, but we're so close to the finish line, and there's a piece of paper holding us up from starting. I mean the funding's there, the design's there. All things are pretty much there, we're just waiting on -- on a piece of paper, and it's frustrating. I -- I believe the people that have been following the -- the Savannah Harbor deepening project can -- can concur. Fifteen years for a piece of paper and the project has doubled in cost since the original inception of the -- the idea, and here's just yet another example, but, you know, it sounds like it's narrowed down to -- to -- to one piece -- part of one agency that's holding this thing up, and I'd like to see that this thing get moving because the public has -- is in -- is in need of it in that area. There's tens of thousands of people within close proximity to that boat ramp, and they're piled on top of each other during peak times and there's very few options for them to -- to -- to use a public facility if they don't belong to a -- a private club or -- or -- or have the means to -- to -- to use private facilities, and this is a great access to -- to all the coastal treasures that we -- that we possess in this county and up and down the coast.

Chairman Scott said, Commissioner Center.

Commissioner Center said, yes, and I -- I had some questions. I know you sat down. I guess you got tired. But I wanted to ask some questions, and -- and the pictures are not in front of me anymore so I'm doing it from my notes, so I understand the government that we're waiting on word from is the federal government --

County Engineer Bungard said, no.

Commissioner Center said, -- not the state government.

Chairman Scott said, state government.

County Engineer Bungard said, state.

Commissioner Center said, so it's the state Department of Natural Resources and the State Environmental --

County Engineer Bungard said, there's the Department of Natural Resources, there's the Coastal Resources Division, and there's the Environmental Protection Division.

Commissioner Center said, all right.

County Engineer Bungard said, they regulate the -- the -- the water aspects.

Commissioner Center said, 'cause I -- I noticed even our new permit, the 60 days is gone -- or the new request the 60 days has gone by, and we've heard not -- not a word, not a yes or a no or we even know you're alive, and I was going to ask, do we go to our state legislators and ask for help, or is it strictly between the County and the State when we try to goose this procedure along a little faster. How do we do it to make them respond any faster? How do we -- that's one of my questions.

County Engineer Bungard said, go ahead

Assistant County Attorney Burns said, well the County Attorney and County Engineer have discussed this at length. It is our opinion that we're going to write them a letter telling them that we're going to begin work on the project upon your approval unless they give us the permit -- we're going to do it within ten days. If they disagree,

I suspect that we will hear from them, and when we do, they have the limited options of what they can do and all of those would give us due process and a right to actually voice our opinion about what the law is in this area and how they are applying regulations to us that do not actually govern the situation. So going forward with the work is a way of getting their attention.

Commissioner Center said, and -- and this is all about the buffer variance?

Assistant County Attorney Burns said, yes.

County Engineer Bungard said, yes.

Commissioner Center said, so if we build it without the buffer variance that means we build it according to some rules that are in place now that are not being varied. Is there significant difference in cost because of building it without the buffer variance?

County Engineer Bungard said, none.

Commissioner Center said, none?

County Engineer Bungard said, none.

Commissioner Center said, okay.

County Engineer Bungard said, the Corp -- the Corps of Engineers is going to make us mitigate for some minor impacts in that parking area, it's like .03 acres. For that we have the Salt Marsh Mitigation Bank, no onset mitigation. The construction cost will be the same.

Commissioner Center said, so -- so we don't need to vary from whatever regulations are in -- in effect now?

County Engineer Bungard said, not in my opinion.

Assistant County Attorney Burns said, that -- that's what we're arguing over.

Commissioner Center said, okay. And -- and then a -- and then a personal question I have because this came up with spending money on another project I think on the westside. Do we have to public bathrooms? Is that one of our regulations? When -- when -- when -- when people go out and spend the day out, do we have to supply them a bathroom? Is that required?

Assistant County Attorney Burns said, I'm not aware of any regulations that would require that, but there may be.

County Manager Abolt said, I would hope so. I hope so.

Commissioner Farrell said, I wouldn't want all those people coming off the river and not having a place to use the restroom 'cause there's not a whole lot of wooded areas in that --

Commissioner Center said, but -- but they all have homes nearby, don't they?

Chairman Scott said, anybody else want to speak on this before I recognize Commissioner Farrell again?

Commissioner Stone said, no, sometimes not near enough.

Commissioner Kicklighter said, I'll just say that I've -- some people on the westside have boats and they have to --

Commissioner Farrell said, they have to come -- they have to come to the coast to use them.

Commissioner Kicklighter said, -- go out there, you know, they -- they don't boat out of Pooler, so, you know, maybe not.

Commissioner Farrell said, well --

Chairman Scott said, Commissioner Farrell.

Commissioner Farrell said, you know, it just -- it -- it's just troubling to me that we have someone worried about an impact of -- of a well thought out, well engineered project that has enormous public benefit, but where -- where is the -- where is the concern from these state agencies about the trail washing away as fast as we can build it up, and -- and we're having the same problem there. We can't get started on repairing it because we're still waiting on -- on permission to go out there and spend hundreds of thousands of tax payer dollars to provide them with the amenities that this coast uniquely can provide them. Just very troubling to me. I make a motion that we proceed with this project --

Commissioner Stone said, second.

Commissioner Farrell said, -- as recommended by staff.

Commissioner Sone said, second.

Chairman Scott said, now what are we doing, instructing staff to proceed? The -- the Engineer just -- before I accept this motion just indicated that he still has to get the Corps of Engineers approval, and you can't get around that.

Commissioner Farrell said, oh, no. He clearly stated that there would be -- there would not -- they would not start without the Corps permitting, but after they got the Corps permitting that they would proceed with this project if we approved it.

Chairman Scott said, well if -- if you want to instruct staff to -- to proceed, would you please state -- instruct staff to proceed once they obtain the proper permitting from the Corps of Engineers.

Commissioner Farrell said, yes.

Commissioner Stone said, and I second.

Commissioner Farrell said, make that language included in my proposal.

Chairman Scott said, well the motion -- the motion on the floor is to instruct staff to proceed once they receive the proper permitting from the Corps of Engineers.

Commissioner Farrell said, that is correct.

Chairman Scott said, okay. That's the motion and that's the -- that's the motion you second, Commissioner Stone?

Commissioner Stone said, yes, sir.

Chairman Scott said, any discussion on the motion?

Commissioner Center said, I have a --

Commissioner Shabazz said, yes.

Commissioner Center said, we --

Chairman Scott said, Commissioner Shabazz.

Commissioner Shabazz said, I think we should wait until all the permits are in. That's my -- that's my -- my view on that.

Chairman Scott said, okay. Any further discussion.

Commissioner Kicklighter said, yes, sir.

Chairman Scott said, any further discussion?

Commissioner Kicklighter said, yes, sir.

Chairman Scott said, Commissioner Kicklighter.

Commissioner Kicklighter said, so we can get fined 2500 a day?

Commissioner Shabazz said, exactly.

Assistant County Attorney Burns said, no, sir. I don't believe that -- we could -- we could have a stop work order in theory issued against us. We do not believe there is legal authority for that. I think that is the fundamental basis of our objection to what the EPD is trying to force upon the County. The only way the \$2500 a day fine would come in to play would be if we violated an order. So if they came in and ordered us to stop working and we continued to stop -- to work, then we could be fined \$2500 a day. From our perspective if they actually did come in and cite us, that would give us an opportunity to have a voice and due process to require them to give us the permits that we're entitled to.

Commissioner Farrell said, my fellow Commissioners what we're up against is we're -- got a permit that's sitting on somebody desk somewhere and nobody's looking at it.

Commissioner Stone said, that's right.

Commissioner Farrell said, and if we don't take some action, the past will probably --

Commissioner Kicklighter said, I understand. That's just a legal question about money.

Commissioner Farrell said, yeah.

Commissioner Kicklighter said, I understand the concept.

Commissioner Farrell said, yeah. I'm just trying phrase it in a different way.

Commissioner Shabazz said, I think that's breaking the law if you just go ahead and do something without permitting -- without a permit.

Chairman Scott said, any further discussion? Everybody understands the motion?

Commissioner Kicklighter said, oh, man.

Chairman Scott said, it's just a motion to instruct staff --

Commissioner Thomas said, could you restate the motion again, Mr. Chairman?

Chairman Scott said, the motion is to instruct staff to proceed with the Turner Creek Boat Ramp once the necessary permits are required from the Corps of Engineers.

Commissioner Thomas said, thank you.

Chairman Scott said, okay? Commissioner Brady.

Commissioner Brady said, I'm going to try to put this in -- in my own nutshell. So essentially what -- if we move forward and we support what Commissioner Farrell has put on the table, it's your legal opinion and the County Attorney's legal opinion that basically we're going to put them on notice that we are going to start working within ten days, and this will force them to answer us we hope about this permit that we -- we -- we've been unable to obtain. Is that correct?

Assistant County Attorney Burns said, that is basically it. What we intend to tell them is that we expect our permit within ten days, that we have complied with the law. However, we will not begin the process until we have received all the federal permits that we -- we require from the Army Corps of Engineers. So the ten-day window is us telling them that we expect them to give us what we're entitled to under the law. But no, as the Chairman had said, we would not begin until we have all of our federal permits in place. We acknowledge that we need those federal permits. We agree that we need those.

Commissioner Brady said, but you're hope -- but once we send that ten days notice to them, that will basically put this in our ballpark if you will that we get a voice to say you need to be giving us this permit and that we would have some type of due process to argue with them about the permitting?

Assistant County Attorney Burns said, yes, ma'am.

Commissioner Farrell said, provided they didn't give us the permit.

Commissioner Stone said, right.

Commissioner Farrell said, they may just show up with a permit --

Commissioner Stone said, permit.

Commissioner Farrell said, -- this afternoon. Who knows. That would be my --

Commissioner Kicklighter said, Mr. Chairman?

Commissioner Farrell said, -- that would be my optimistic hope.

Chairman Scott said, what -- what -- what you'd simply be doing is filing a notice of intent with the state, and they can either respond or not respond, but you've given them your notice of intent.

Commissioner Farrell said, 'cause thus far they've proved that they've been very unresponsive, so --

Chairman Scott said, Commissioner Kicklighter.

Commissioner Farrell said, -- we're in limbo.

Commissioner Kicklighter said, Chairman my concern, I guess would be that as we I believe all have done, we always try to follow whatever law is in place. I've voted on certain situations something totally than -- different than what I personally felt would have been the right thing because the law stated that I had to vote the way I voted. In reality this -- I see this as not being any different than the common citizen in Chatham County who comes to us wanting a building permit or a development permit and for whatever reason the County may not act quick enough to approve, which I've received calls throughout my 12 years that things are not moving along at a fast pace. I see this no different than the common citizen sending us a ten -- telling -- telling us that they've submitted all of their stuff, and they're legally within the bounds of our ordinances, blah, blah, blah, and that they're starting work in ten days. That wouldn't be acceptable because we are the government over that specific type development, and this to me is not acceptable because they're the government over that, and if -- if we want to accomplish something, I think we have to do it within the realms of the law, and if that takes meeting -- setting up a meeting with the Governor or state representatives or whatever it may be, I think, we of all people have to follow the laws that are in place, and then if -- if not, we change -- we work on individually out there with being a democracy changing the leaders who will not change the things going wrong within the state government. And -- I see the attorney wants to speak. With your permission, I would love to hear what's she's going to --

Chairman Scott said, let -- let -- let me -- let me first just respond partially to what you've said. It's not the same as a citizen requiring a building permit. It's really a governmental entity to a governmental entity, and with certain rights that the County has that citizens wouldn't have in this particular incident, and the other thing, I would -- and counsel can speak to this, I'm not certain you'd be violating a law. I suspect there's not a law governing this activity that it's a rule that's been promulgated by the Department of Natural Resources and others having served in the legislature and knowing how that particular thing works. Jennifer.

Assistant County Attorney Burns said, that's correct, Mr. Chairman. We have not violated any laws. We would not recommend that the Commission do that ever.

Chairman Scott said, yeah, and what we're saying is that we've complied with all the laws, and we're giving you notice of intent that we've complied with the laws. If you disagree let us know within ten days or we're going to start.

Assistant County Attorney Burns said, and this is a regulation. We disagree that they have any authority over us to impose this regulation upon us. So we dispute their jurisdiction. We believe that our ordinance controls, that they are to enforce our ordinance.

Commissioner Kicklighter said, well why don't we go to court with the state and win that in court? That -- that they are overstepping their bounds.

Chairman Scott said, we may. This is the first process to that.

Commissioner Farrell said, this -- this is to get the -- this is to get the ball moving. It -- it's sitting stagnant for so long --

Chairman Scott said, Commissioner Center has a --

Commissioner Farrell said, -- that this is an -- this is an option to -- to do --

Commissioner Kicklighter said, I understand, and I -- I -- I respect if everybody here has the courage to vote that way, fine.

Commissioner Shabazz said, I agree with you.

Chairman Scott said, yeah. Commissioner Center.

Commissioner Center said, I'm going to go back. Maybe I didn't understand an answer to my earlier question. There are in existence now certain buffer rules and regulations, and we have asked the state to allow us to vary from those existing buffer rules and regulations, but I understood if we go ahead and vote today to proceed, that we're going to proceed without varying from those existing buffer rules and regulations. Is that correct?

County Engineer Bungard said, we are going to do some work in the buffer with temporary impacts where we disagree on their call.

Commissioner Center said, right.

County Engineer Bungard said, based on a policy or a rule or a reg, not law.

Commissioner Center said, so --

County Engineer Bungard said, the law says from the point of wretched vegetation. There is no wretched vegetation in that area.

Commissioner Center said, but -- but right now as it exists, it's our understanding that the State says if we do exactly what we want to do, we are varying from their interpretation of the buffer rule?

Assistant County Attorney Burns said, well they haven't responded to us.

Commissioner Center said, so we don't know what they're saying.

Assistant County Attorney Burns said, correct.

Commissioner Center said, all right. So we're just taking a chance that they may or may not agree with us.

Chairman Scott said, no, we're giving -- we're -- we're -- we're giving them an opportunity to expand. What we're saying to them is that we want you to respond to this. You have not in years and now you have ten days.

Commissioner Farrell said, this is a -- this is a --

Chairman Scott said, Commissioner Stone.

Commissioner Stone said, very quickly, Mr. Chairman. Thank you.

Chairman Scott said, and then our vice Chair.

Commissioner Stone said, years and years ago, I'm just going to give you a -- a quick synopsis, we had some property on Tybee Island, and we were faced with a possible hurricane. We had revetment on our beach that needed to be shored up, and we were told that if we put anything on those dunes we had to have a permit. This storm was coming. My father was very ill, and I called the DNR and I said I need an emergency permit. This was a Mr. Stewart Stevens. He told me he couldn't possibly do that. I had the quarry being held open in South Carolina to get this done so we wouldn't lose a home. So I told him, and this is -- this is what I'm talking about pushing the envelope just a little bit, I told him, I said, Mr. Stevens -- Dr. Stevens, if that house is in the water after this hurricane, you're the first person that I will call. I had that permit within two hours, and that's just an experience that I had, so I think sometimes by letting something sit on the desk, you have to call their hand on it, and I think that we're not doing anything illegal here.

Commissioner Kicklighter said, let's send them a note that says we're going to sue them.

Commissioner Stone said, I -- I understand that.

Commissioner Kicklighter said, if they don't respond.

Commissioner Stone said, but in this case, I simply, in my experience, you had to -- you had to move quickly. Thank you, Mr. Chairman.

Commissioner Kicklighter said, I -- I -- I think we should send a note saying we'll should sue in ten days. We'll file suit if they don't respond. Sorry. Sorry.

Commissioner Thomas said, Mr. Chairman?

Chairman Scott said, Dr. Thomas is recognized.

Commissioner Thomas said, thank you, Mr. Chairman. I have two questions. One in particular to our persons who have submitted their request. Have you done just the one submittal? Have you followed up since you have not heard anything? You have not been given permission. Did you try to make a phone call to the office to say that we have submitted, you know, our request and have not heard anything from the request? Have you done that?

Mr. Panther said, yes, ma'am. After our first submittal on March 9<sup>th</sup> of last year, our consultant had been in phone conversations with them, but their rules -- their rules require to give us the County, the applicant, written notification of what was wrong with out application, and they didn't do that. So -- and on July 27<sup>th</sup> of last year, the County Engineer sent a letter to the Commissioner of the DNR requesting a status. After that letter went, we finally did almost a month later receive written correspondence from the Georgia EPD explaining why our application was incomplete, and we -- we -- we don't agree with their assessment, but we revised our application and sent it back in accordance with what they've asked for, and we still haven't heard anything.

Commissioner Thomas said, okay.

Commissioner Center said, Mr. Chairman? I -- I -- I -- I still don't understand, and again I tell you make it easy enough for the slowest Commissioner to understand. If we maintain that we're not varying from anything, why do we ask for a variance in the first place?

Assistant County Attorney Burns said, I -- I believe we -- I don't have the picture up, but there is a small area that we agree needs a variance. We have always complied with that. We are arguing over a larger section which is the force main that's going to run along Johnny Mercer and go up Bryan Wood. It's whether or not that is a part of the marsh buffer.

Commissioner Center said, so we can go ahead with that portion without affecting the other portion that we did --

Assistant County Attorney Burns said, exactly.

Commissioner Center said, okay.

Assistant County Attorney Burns said, the application that we submitted in March of 2012 acknowledged the areas that we agree upon that are going to be impact -- impacted and that do need a buffer variance. We're going to go forward with that, and we understand that we have complied. That's the reason that we've gotten

the other permits from the other agencies involved. It is the force main along Johnny Mercer and up Bryan Wood that has become an issue with the EPD.

County Engineer Bungard said, but you can't build the restrooms without the force main.

Commissioner Center said, okay.

County Engineer Bungard said, so -- and up till now the variance - variance has almost been a rubber stamp. There are no mitigation requirements. I've heard that that's what they're wrestling over. They want to impose these new requirements based on policies and regs to say if we allow you to work in this buffer even for temporary impacts you'd have to mitigate somehow, so they're -- they just won't answer the mail.

Commissioner Kicklighter said, Mr. --

Commissioner Center said, thank you.

Chairman Scott said, Commissioner Grady -- Brady then Commissioner Kicklighter in that order.

Commissioner Brady said, thank you, Mr. Chairman. So it's been since -- the revised application was submitted June 12<sup>th</sup>. Have -- have we made contact with them to say what is going on with this permit? I mean 'cause I -- 'cause if I wasn't getting what I wanted, I promise you I'd probably get in my car and drive and sit in front of somebody and say I'm not leaving here until I get this permit.

Mr. Panther said, yes, ma'am. Our consultant, Alton Brown, has been in contact with them over the phone.

Commissioner Brady said, and what's their response, please?

Mr. Alton Brown said, good morning. I'm Alton Brown with RLC. The issue boils down to EPD establishing a buffer where the County would not normally establish a buffer. We've been in constant communication with EPD over the phone. Only one response to the County in writing, which was the incomplete application. The reason they considered the application incomplete is because of the discrepancy between the County's view of where the buffer is and EPD's view of where the buffer is. The County agreed to say, okay, we'll establish a buffer where you say. Once we did that, the next response back was a mitigation requirement that would be placed on the project. Keep in mind these -- in -- in environmental permitting, the -- there is a -- a policy change almost regularly, so what we're experiencing now for this project we haven't experienced in the past on any of our other projects, either county projects, public or private.

Commissioner Brady said, can -- can I follow up with one more question? And then I'll stop.

Chairman Scott said, yes.

Commissioner Brady said, in -- in your profession apparently you -- you do this a lot.

Mr. Brown said, yes. More than I would like to do it.

Commissioner Brady said, sorry. Is it your recommendation as -- as a professional in this -- this area that we do what -- what Commissioner Farrell -- Farrell wants us to do?

Mr. Brown said, I don't feel comfortable making a recommendation in that regard.

Commissioner Brady said, okay.

Mr. Brown said, I'd look to the -- to the County on what they think is appropriate.

Commissioner Brady said, have -- have -- in your experience have any other organizations done what we're getting ready to -- to vote on?

Mr. Brown said, no ma'am, and only because this has never been implemented before.

Commissioner Brady said, okay.

Mr. Brown said, so this would be -- this would be the first time that EPD has said you -- you are going to be required to mitigate for a marsh buffer, and I think it's important to know that these -- the -- not consequences if you will, but these new regulations, they're in the process of developing right now, and -- and quite frankly the reason why we haven't heard back from EPD is simply because they don't know what to tell us. They -- they are up in Atlanta right now working on some coastal matters and coastal issues, and that's the reason why they're not responding, because they just don't have any direction. So we're stuck in this policy change, policy development, program development, and there's really no way out, and so I think ultimately that's what -- what we're dealing with here. I think if you want my personal opinion, I think the County's interpretation --

Chairman Scott said, no, no -- professional opinions.

Mr. Brown said, if you want my professional opinion, I think the County's interpretation is right, but, of course, you've got counsel to suggest what the law does and does not require.

Commissioner Brady said, okay.

Mr. Brown said, so, that's been -- that's been our experience. That's what all the confusion is surrounded -- you know, is -- is surrounding. And I also want to -- I also want to point out too that EPD was very responsive with the 401 Certification. You saw they did that. The Corps of Engineers, and CRD, another division of the DNR have both been very good to work with. CRD has issued their permit, and the Corps is processing theirs in a timely manner. So, all of the other divisions within DNR and at the federal level, we've been -- they've been very supportive of the project and have worked hard to -- to get it permitted in a timely manner.

Commissioner Brady said, thank you.

Commissioner Farrell said, Mr. Chairman? Mr. Chairman?

Commissioner Kicklighter said, thank you, Mr. Chairman.

Chairman Scott said, Commissioner Kicklighter.

Commissioner Kicklighter said, I want to see if I'm clear on this. August 30, 2012, the County received something from the EPD stating that we had to go along with this revised application, so then 6/12/2013 -- June 12<sup>th</sup>, so ten months later the County actually -- ten months after receiving that we decided we would submit the revised application, so then another three months has now passed since we submitted that revised application, and we've had no contact whatsoever verbally or anything?

County Engineer Bungard said, mm-hmm.

Commissioner Kicklighter said, okay. We are getting jumpy and talking about hopping -- not hopping, but bending a rule because they've dragged now three months when we waited ten months to even respond to their last written order. I -- I -- I really think before we make -- take this action maybe somebody should just pick up a phone. I mean something other than -- I mean, a phone call would be nice. And someone said earlier, I don't remember, but jump in a car, go meet someone up there. I mean, you know, what -- let -- let's make a little effort before we, you know -- I mean, I just -- I just think more can be done before we take the drastic route, but I'm -- I'm always -- I always love a good fight, and, you know, if we have to go down that road later, let's do it, but let's at least try to work it out, you know, without trying to fight the big boys, which, you know, I -- we're -- we're just the little county, they're the state, so they have more resources, and I think we need to proceed with the less expensive version and try to talk it through before we go trying to punch -- punch the big -- big one in the mouth 'cause I don't -- I don't think we can win that one.

Chairman Scott said, anybody else before I recognize Commissioner Farrell again? Commissioner Farrell.

Commissioner Farrell said, it -- it sounds like we're caught up in a policy change from a department in the DNR.

Commissioner Kicklighter said, I know.

Commissioner Farrell said, where to me the right thing to do is whenever this process was started, whatever was in place that's what we should be operating under. I think it's highly unfair to this county and the citizens of this county to be caught up -- we're not going to make a decision until we develop -- and we're in the process of developing a new policy, and, therefore, we're going to hold you up indefinitely on your project, and I think that's wrong, and, you know, I'm just somewhat anxious to get this thing going because we have been in this

thing for literally -- for years, and this is just one more glitch in getting something done, and it's -- it's highly inefficient governance, and -- and I'm -- quite frankly I'm getting -- I'm -- I'm -- my patience is running out with this stuff. So, you know, I'd like to do something to get this thing going. And sitting in limbo trying to negotiate and try to get a permit from someone that won't respond in a timely manner to your request from a regulatory agency, it -- it's -- it's a little disheartening.

Commissioner Kicklighter said, I -- I agree. I think that send a letter to the Governor and make him sign for it and tell him that his agency's not responding. Something and -- without demanding that we're going to do something. I mean, you know, it would be nice to let -- let's someone know we have the problem before trying to be a bully.

Commissioner Farrell said, if --

Chairman Scott said, all right.

Commissioner Farrell said, if we just send a letter of intent that we're going to start, they can send us something back and tell you not to start and give you some reasons, right?

Chairman Scott said, we have -- we have a motion on the floor, and we're in the discussion phase, and --

Commissioner Stone said, I call the question.

Commissioner Thomas said, I forgot -- what was the motion?

Chairman Scott said, unless, you're recognized, please.

Commissioner Kicklighter said, sorry.

Chairman Scott said, Commissioner Farrell are you?

Commissioner Farrell said, I'm -- I'm -- I've said --

Chairman Scott said, any further discussion? Hearing none -- Commissioner Brady.

Commissioner Brady said, well, I -- I have some problems with this too. I -- I know what you're trying to do, and we've beat this horse to death today. May I suggest something to you Commissioner Farrell?

Commissioner Farrell said, by all means, Commissioner.

Commissioner Brady said, may I suggest that you withdraw your motion and give the staff one more opportunity, even if they have to get in the car, send it certified mail, something, and -- and give them till the next meeting, and if -- if we don't have a response by then and we've put them on notice, then I'll vote to support what you're doing, but my concern is is that, and I understand it's not a law, but two weeks is not going to make or break this whole thing I -- I don't think. I could be completely wrong, and I do want to support what you're doing, and I don't mind going to fight with the EPD, but I want to be able to tell the citizens of this community if we incur any legal fees, which are tax payer dollars, that we did everything possible under the sun to get this done, and they wouldn't comply, and we're going forward. That's just my suggestion. You can take it or leave it.

Chairman Scott said, well, we're not going into a fight with EPD now. Let's -- let's just clarify that. Okay. Any -- any further discussion?

Commissioner Farrell said, I -- I don't mind waiting two more weeks at the pleasure of my fellow Commissioners, but I don't want that to be thought of as let's just hang it up for two more years. So I -- we certainly --

Commissioner Kicklighter said, send someone to Atlanta.

Commissioner Farrell said, -- come back to this issue in two weeks. I will withdraw my motion currently for consideration with the -- with the intention that something is going to move between now and our next meeting or we will take the County Engineers recommendation, and I will put it up for consideration for this Board.

Chairman Scott said, is the second withdrawn?

Commissioner Stone said, I -- I will withdraw the second with the understanding that it will be on the next agenda.

Chairman Scott said, there's no guarantee, but the motion and the second has been withdrawn.

Commissioner Center said, well, Mr. Chairman, if we move -- if we move to table it to the next agenda, will that guarantee it gets on the agenda?

Chairman Scott said, we don't have a motion to table now. It's been withdrawn.

Commissioner Stone said, but a -- a new motion --

=====

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

<p>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 (*).</p>
---

- \* 1. **NOTE: ACTION ON SECOND READING WAS POSTPONED AT BOARD MEETING OF AUGUST 9, 2013. A REVISED ORDINANCE REGULATING THE DISCHARGE OF WEAPONS IN THE UNINCORPORATED AREA OF CHATHAM COUNTY (AMEND AND REPEAL SECTIONS OF CHAPTER 21, ENTITLED "HEALTH, SAFETY AND SANITATION," ARTICLE II, §§ 21-203, 21-204 AND 21-205).**

Chairman Scott said, we're on page five.

Commissioner Center said, what about page four?

Chairman Scott said, I'm sorry, page four. Page four is a -- we've already mentioned it's an action that was tabled. This is the last time it will appear on the calendar before it disappears.

=====

## **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 GENERAL FUND M&O INCREASE REVENUES AND EXPENDITURES TO RECOGNIZE THE ROLL-FORWARD OF 2013 ENCUMBRANCE BALANCES OF \$2,250,247, 2) IN THE SPECIAL SERVICE DISTRICT FUND INCREASE REVENUES AND EXPENDITURES TO RECOGNIZE THE ROLL-FORWARD OF 2013 ENCUMBRANCE BALANCES OF \$108,344, AND 3) IN THE MULTIPLE GRAND FUND: (a) INCREASE REVENUES AND EXPENDITURES \$6,000 TO RECOGNIZE A GRANT AWARD FROM THE ACCG-GHBP HEALTH PROMOTION AND WELLNESS PROGRAM, AND (b) INCREASE REVENUES AND EXPENDITURES \$78,600 TO RECOGNIZE A GRANT AWARD FROM THE GEORGIA DEPARTMENT OF HUMAN SERVICES, DIVISION OF FAMILY AND CHILDREN SERVICES, AND 2) IN THE FY2013 GENERAL FUND M&O INCREASE REVENUES AND EXPENDITURES \$1,025,000 BASED ON CURRENT REVENUE BUDGET VARIANCES TO RECOGNIZE A FUND BALANCE APPROPRIATION TO TRANSFER OUT TO THE CAPITAL**

**IMPROVEMENT PROGRAM FUND, and 3) INCREASE REVENUES AND EXPENDITURES \$1,025,000 IN THE FY2013 CAPITAL IMPROVEMENT FUND.**

Chairman Scott said, now we're on page five, Items for Individual Action. To request approval of the following budget amendments and transfers in the General Fund M&O increase revenues and expenditures to recognize the roll-forward of the 2013 encumbrance balance of \$2,250,247; in the Special Service District Fund increase revenues and expenditures to recognize the roll-forward of the 2013 encumbrance balance of \$108,344; in the Multiple Grand Fund increase revenues and expenditures by \$6,000 to recognize a Grant Award from the ACCG-GHBH [sic] Health Promotion and Wellness Program, and increase revenues and expenditures by \$78,600 to recognize a Grant Award from the Georgia Department of Human Services, Division of Family and Children Services, and 2) in FY2013 General Fund M&O increase revenues and expenditures by \$1,025,000 based on the current revenue budget variance to recognize a fund balance appropriations to Transfer Out of the Capital Improvement Program Fund, and 3) to increase revenues and expenditures \$1,025,000 in FY2013 Capital Improvement Fund. Any questions? If not, I will entertain a motion.

Commissioner Center said, I have a question. I can ask now or during discussion.

Commissioner Brady said, I move for approval.

Commissioner Stone said, second.

Chairman Scott said, it's been properly moved and second. Any discussion?

Commissioner Center said, yes, sir.

Chairman Scott said, Commissioner Center.

Commissioner Center said, thank you. I'm reading, and this may be a question of the County Manager on the page that is IX-1 that explains these votes, and on the first portion regarding the \$2,250,247, it says a portion of fund balance in the General M&O and Special Service District funds is reserved at year end for purchase orders and contracts that have been issued but not been paid. Funds are carried forward to the current fiscal year to cover these open commitments. What are those open commitments and how much are they?

County Manager Abolt said, well, I'll defer to Ms. Cramer on the specificity of what they are, but essentially you have a budget year that is ending, and you have obligations that go beyond the end of the budget year, and you want to recognize those in your audit. We -- we have never, with a corporation this size, ever expected, nor would we want to expect that we could expend all the dollars and get all the work done in a 12-month period. You -- you let a contract in August or you let a contract in April, and that project's going to last for many months, well beyond the 30<sup>th</sup> of June end. That's all. It's just good accounting, and what this is all doing, as the Chairman has said, this is -- this is history. This is making sure that in our audit that our books are current as of the 30<sup>th</sup> day of June, and we're making those adjustments. That's all we're doing.

Commissioner Center said, all right. Thank you.

County Manager Abolt said, that's why we get these awards.

Commissioner Center said, okay. Now I'll go down item 4, it talks about the \$1,025,000 available to transfer to the Capital Improvement Fund. Rather than transfer to Capital Improvement, could any of that have been used for cleaning these ditches on Wilmington Island or -- or -- or other stuff, McQueen's Trail? Why --

County Manager Abolt said, you -- you -- you have -- there is a policy in place that you're fund balance can be used as we have over several years savings -- and I'll use the term surplus for CIP. Our CIP is never fully funded, and you -- you have -- and previous Boards have said, well, when we have good news, which hopefully we will always have, we use that money for CIP, and the reason you do that is because you have an under funded CIP program. If you don't address it, then you've got further maintenance problems. To take your savings and do -- do it exclusively for maintenance is getting you nowhere because some of your capital improvements could eliminate or minimize future maintenance.

Commissioner Center said, okay, but that's a policy that we set in for the county?

County Manager Abolt said, it's a very good policy in my opinion.

Commissioner Center said, so, at what time do we have the opportunity to change of policy if say some of us want to use that for maintenance rather than capital improvements?

County Manager Abolt said, you -- you -- you have a fund balance policy that is -- is very defensible, and what it recognizes from the get go is we have repeatedly a history of underfunded capital improvements and the only opportunity we have short of a SPLOST program that comes up every six years is to look at those dollars not spent in a fiscal year and say, you know, let's -- let's do something with them that will address an underfunded CIP.

Commissioner Center said, all right. But that's a policy that --

County Manager Abolt said, it's a policy.

Commissioner Center said, -- that a previous Board voted for, and -- and every time we do something we have to decide are we going to spend money on maintenance or capital improvement, that's a decision we -- we make continually.

County Manager Abolt said, it's a decision you could have but -- but again that's your decision. I think it's very defensible to say because you have an underfunded CIP program and you have no other way of funding it short of these cyclical SPLOST things it's good financial policy to do something for CIP.

Commissioner Center said, well I'm -- I'm going to defer to your judgment because you're an expert on that, but do we do that policy once a year when we do a budget or is it continually?

County Manager Abolt said, you -- you have a financial policy. I -- I don't know how often you might reaffirm it, but it is one of the reasons, and I'm not being flip, why we get budget awards like this, why in effect we are very good stewards of the tax payers. Absent that, if you do not have a way of spending that then you could have all sorts of abuses. For example, you can get departments that for whatever reason choose not to save, and the Chairman, because of his association with the state bureaucracy probably is very familiar with this. So -- so come the last two months of the fiscal year all of the sudden you're buying all these things. We don't do that. We manage our resources.

Commissioner Center said, thank you, Mr. Manager. Thank you, Mr. Chairman.

Chairman Scott said, and if we were not putting this in the CIP, which is the Capital Improvement, which is an ongoing catalog of needs that we fund when funds are available or if this Board decides to pull something off of that list when we do the budget to fund it, it can be done there. In many cases we add it to the SPLOST list. If -- if you recall we have and I don't remember the exact dollar amount, but it's in the \$3 million range on SPLOST to fund projects on the CIP list, and this would be in addition to that funding. But if you were not going to use it for that, I would not advocate that you use it for maintenance. It's -- it's -- it's nothing wrong with just putting it in the reserve fund, but that's not necessary because we have the necessary reserve fund. So we wanted to address some of the capital improvement needs in the county. And I suspect you're going to see a lot more of this type of activities when we go to a zero-based budget.

Commissioner Center said, thank you.

Chairman Scott said, any further discussion? All in favor of the motion vote yes, opposed no. The motion carries.

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

Commissioner Brady moved to request approval of the following budget amendments and transfer 1) in the General Fund M&O increase revenues and expenditures to recognize the roll-forward of 2013 encumbrance balances of \$2,250,247, 2) in the Special Service District Fund increase revenues and expenditures to recognize the roll-forward of 2013 encumbrance balances of \$108,344, and 3) in the Multiple Grand Fund: (a) increase revenues and expenditures \$6,000 to recognize a Grant Award from the ACCG-GHBP Health Promotion and Wellness Program, and (b) increase revenues and expenditures \$78,600 to recognize a Grant Award from the Georgia Department of Human Services, Division of Family and Children Services, and 2) in the FY2013 General Fund M&O increase revenues and expenditures \$1,025,000 based on current revenue budget variances to recognize a fund balance appropriation to Transfer Out to the Capital Improvement Program Fund, and 3) increase revenues and expenditures \$1,025,000 in the FY2013 Capital Improvement Fund.

Commissioner Stone seconded the motion and it carried unanimously. [NOTE: Commissioner Holmes was not present for the vote.]

**AGENDA ITEM: IX-1****AGENDA DATE: September 27, 2013****TO:** Board of Commissioners**THRU:** R. E. Abolt, County Manager**FROM:** Amy Davis, Finance Director**ISSUE:**

To request approval of the following budget amendments and transfers 1) in the General Fund M&O increase revenues and expenditures to recognize the roll-forward of 2013 encumbrance balances of \$2,250,247, 2) in the Special Service District Fund increase revenues and expenditures to recognize the roll-forward of 2013 encumbrance balances of \$108,344, and 3) in the Multiple Grant Fund: (a) increase revenues and expenditures \$6,000 to recognize a Grant Award from the ACCG-GHBP Health Promotion and Wellness Program, and (b) increase revenues and expenditures \$78,600 to recognize a Grant Award from the Georgia Department of Human Services, Division of Family and Children Services, and 2) in the FY2013 General Fund M&O increase revenues and expenditures \$1,025,000 based on current revenue budget variances to recognize a fund balance appropriation to Transfer Out to the Capital Improvement Program Fund, and 3) increase revenues and expenditures \$1,025,000 in the FY2013 Capital Improvement Fund.

**FACTS AND FINDINGS:**

1. A portion of fund balance in the General Fund M&O and the Special Service District Fund is reserved at year end for purchase orders and contracts that have been issued but not paid. Funds are carried forward to the current fiscal year to cover these open commitments. Items 1 and 2 in the issue statement amend the current budgets. Resolutions are attached (to the original staff report in the Clerk of Commission's meeting file).
2. Chatham County received a grant award in the amount of \$6,000 from ACCG for the wellness program. Correspondence and a resolution to amend the Multiple Grant Fund are attached (to the original staff report in the Clerk of Commission's meeting file).
3. Chatham County received a grant award in the amount of \$78,600 for the Violence Intervention Program. Correspondence and a resolution to amend the Multiple Grant Fund are attached (to the original staff report in the Clerk of Commission's meeting file).
4. The Chatham County fund balance and capital asset financial policies provide for the use of unreserved fund balance as a funding source for capital improvement needs. Based on current revenue budget variances and reclassifying escrow accounts to revenue \$1,025,000 is available for transfer to the Capital Improvement Program Fund. CIP project funding will be recommended in April during the budget process. Budget resolutions to amend the General M&O and the Capital Improvement Program budgets are attached (to the original staff report in the Clerk of Commission's meeting file).

**FUNDING:**

The budget amendment will establish funding in the General M&O, the Special Service District, the Multiple Grant, and the Capital Improvement Program Funds.

**ALTERNATIVES:**

1. That the Board approve the following:

**GENERAL FUND M&O FY2014**

Increase revenues and expenditures to recognize the roll-forward of 2013 encumbrance balances of \$2,250,247.

**SPECIAL SERVICE DISTRICT FUND FY2013**

Increase revenues and expenditures to recognize the roll-forward of 2013 encumbrance balances of \$108,344.

**MULTIPLE GRANT FUND FY2014**

- a) Increase revenues and expenditures \$6,000 for a grant award from ACCG for the wellness program.
- b) Increase revenues and expenditures \$78,600 for a grant award to the Violence Intervention Program.

**GENERAL FUND M&O FY2013**

Increase revenues and expenditures \$1,025,000 for Transfer Out to the Capital Improvement Program.

**CAPITAL IMPROVEMENT PROGRAM FUND FY2013**

Increase revenues and expenditures \$1,025,000 for Transfer In from the General Fund M&O.

- 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

=====

- 2. **REQUEST BOARD APPROVAL TO ALLOW ANIMAL CONTROL TO WAIVE THE ADOPTED AMENDMENT TO THE ANIMAL CONTROL ORDINANCE, ARTICLE II, SECTION 22-201(2)(1) "VACCINATION AND LICENSING REQUIRED" OF THE CODE OF CHATHAM COUNTY AND THE ADOPTED AMENDMENT TO THE CHATHAM COUNTY REVENUE ORDINANCE TO IMPOSE FEES FOR LATE REGISTRATION OF RABIES LICENSE TAG FOR DOGS AND OTHER PURPOSES UNTIL DECEMBER 31, 2013.**

Chairman Scott said, Item 2 is to request Board approval to allow Animal Control to waive the adopted amendment to the Animal Control Ordinance, Article II, Section 22-201(2)(1) "Vaccination and Licensing Required" of the Code of Chatham County and the adopted amendment to the Chatham County Revenue Ordinance to impose fees for late registration of rabies license tag for dogs and other purposes until December 31<sup>st</sup>, 2013.

Commissioner Farrell said, so moved.

Chairman Scott said, this -- this is --

Commissioner Stone said, second.

Chairman Scott said, okay. It's been properly moved and second. Discussion? What we're trying to do is make sure we don't penalize people until they fully understand it and to stop some of the complaints we get from people wanting us to waive the fees. All in favor of the motion indicate by -- oh, we have a question. Commissioner Brady.

Commissioner Brady said, thank you, Mr. Chairman. I don't know if y'all read the newspaper a couple days ago, it may have been yesterday, but there was a letter to the editor of the newspaper basically stating that she had located some animals who -- dogs, who had had tags on them, and then went to -- to our Building and Regulatory Department to try to find out who these owners were, and these dogs were not registered, and then she tried to do it on her own dog, and the same result, they were not registered. While I support this, I would

like to hear a response on that and what we're doing to make sure that these animals are actually registered, because these people are paying fees.

County Manager Abolt said, everybody's looking to me, so I'll respond. We have a (inaudible) system newly applied -- newly for the last several months that allowed that to happen. As you know in my direction to solve the fee issue, I've asked the internal auditor to work with all the affected departments to make it all better, and that will be a part of making it all better.

Commissioner Brady said, thank you.

Chairman Scott said, Commissioner Stone, then Commissioner Center in that order.

Commissioner Stone said, thank you, Mr. Chairman. In a conversation with the Humane Society, they have software to address some of this and have offered to coordinate with animal control so that if there are dogs that have been picked up, in the case of the letter, that they can be reunited with their owners, and I would like to see if that would be a possibility.

Chairman Scott said, any further discussion? Commissioner Center.

Commissioner Center said, yeah, I want to reassure Commissioner Brady and columnist Marcus Howard that I do read the Savannah Morning News, and I read that letter also, and I was very sympathetic with it, but our pets have our telephone numbers on their tags, and -- and my reaction to that same as you, you know, we could have a better system, is that pet owners put their telephone number on the pets tags.

Chairman Scott said, any further discussion? All in favor of the motion indicate by voting yes, opposed no. The motion carries.

**ACTION OF THE BOARD:**

Commissioner Farrell moved for approval to Allow Animal Control to Waive the Adopted Amendment to the Animal Control Ordinance, Article II, Section 22-201(2)(1) "Vaccination and Licensing Required" of the Code of Chatham County and the Adopted Amendment to the Chatham County Revenue Ordinance to Impose Fees for Late Registration of Rabies License Tag for Dogs and Other Purposes until December 31, 2013. Commissioner Stone seconded the motion and it carried unanimously. [NOTE: Commissioner Holmes was not present for the vote.]

**AGENDA ITEM: IX-2**

**AGENDA DATE: September 27, 2013**

**TO:** Board of Commissioners

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

**FROM:** R. Jonathan Hart, County Attorney

**ISSUE:**

To clarify how the adopted amendment to the Animal Control Ordinance, Article II, Section 22-201(2)(1) "Vaccination and Licensing Required" of the Code of Chatham County and to amendment to the Chatham County Revenue Ordinance to impose fees for late registration of rabies license tag for dogs and other purposes is imposed.

**BACKGROUND:**

The amendment to the Animal Control Ordinance and Revenue Ordinance allowing the County to assess the \$15.00 late fee currently mandated without the necessity of issuing a citation prior to collection of the fees was adopted on April 26, 2013.

**FACTS AND FINDINGS:**

1. The current Animal Control Ordinance requires all dog owners to register the pet within a time certain or face a \$50.00 late fee. This is a proposal to lower the late fee to \$15.00, which is more in keeping with the regulatory cost.

2. The previous wording of the Animal Control Ordinance allowed official to assess the late fee only in conjunction with a citation being issued for failure to timely register the dog. With the adopted amendment, the late fee can be assessed without citation. This will simplify the paperwork process from an administrative standpoint.
3. No notice was given to local pet owners or veterinarian clinics for the initial change in the law.
4. As written, despite the lack of notification, Animal Control is given no discretion and must enforce the late fee.
5. The Board of Commissioners would instruct staff to begin the collection of the late fee in the next fiscal year, so that proper notice of the late fee would be made public.

**POLICY ANALYSIS:**

County officials should be able to assess the late fee outlined in our Code without the need of issuing a citation. The late fee should reflect cost of administration. However, such enforcement should not being until sufficient notice has gone out to those effected to ensure fair and just administration.

**FUNDING:**

N/A

**ALTERNATIVES:**

1. Allow Animal Control to waive the adopted amendment to the Animal Control Ordinance, Article II, Section 22-201(2)(1) "Vaccination and Licensing Required" of the Code of Chatham County and the adopted amendment to the Chatham County Revenue Ordinance to impose fee for late registration of rabies license tag for dogs and other purposes until December 31, 2013.
2. Do not allow Animal Control to waive the adopted amendment to the Animal Control Ordinance, Article II, Section 22-201(2)(1) "Vaccination and Licensing Required" of the Code of Chatham County and the adopted amendment to the Chatham County Revenue Ordinance to impose fee for late registration of rabies license tag for dogs and other purposes until December 31, 2013.

**RECOMMENDATION:**

Alternative 1.

=====

### **3. CNT MONTHLY REPORT GIVEN VERBALLY BY DIRECTOR RAGAN.**

Chairman Scott said, Item 3 on page 5, we will now hear from our CNT Director, Director Ragan for his monthly report.

CNT Director D. Everett Ragan said, good morning, Mr. Chairman, Board of Commissioners. Very quickly on our monthly report 'cause I have a couple other things that I'd like to speak about. The narcotics team initiated 81 investigations for the month of August 2013. Moving on to drugs seized year to date, that is 1.5 million so far. We will have a -- next monthly report will reflect a -- an -- an addition to that -- that amount -- substantial addition to that amount. Seized two weapons in August during our regular investigations. Bring us to 44, so. We've had 296 people arrested as of August, the end of August. That also will -- will change. Each of you has seen the -- the weekly arrest stats from your districts, and again, our bar graphs speak to the -- to themselves as the amount of time we spend in the precincts, in the unincorporated area, and in the City of Savannah, and the municipalities.

Director Ragan said, bringing just a couple of things to point, significant events, and I guess people will find any way imaginable to -- to get high or develop new drugs. The second significant event we thought we had a -- a house on Barnard Street, we thought that we had a -- a meth lab, however, it turned out to be a -- what they call a DMT lab -- lab. This is the first one I've seen since I've been the Director. This is taking the tree bark of a South American Mimosa tree and boiling it down and making a liquid hallucinogen that -- that is similar to the LSD that you can put on a sugar cube or anything else. So when -- I guess if anybody's growing South

American Mimosa trees around here, I guess, it's -- perhaps it may be for -- for those reasons also, but this is the first time I have seen it. So they can -- they can come up with new ways to make different drugs than I've ever seen.

Commissioner Kicklighter said, is that -- is that even like an illegal thing?

Director Ragan said, yes, sir, it is. It's -- it's -- it's a real long name called dimethyltryptamine, or whatever, it is DMT, it is a -- a controlled substance. It's an hallucinogen along the same forms as LSD. What I would like to spend some -- just a couple of minutes on --

Chairman Scott said, you would -- you would be chasing my grandmother because --

Director Ragan said, this is true.

Chairman Scott said, -- she took bark and weeds and boiled it and made all sorts of stuff.

Director Ragan said, you know -- we hear -- we hear the stories of --

Chairman Scott said, I'm telling you after I had some of it I started hallucinating.

Director Ragan said, -- of people being run out of cow pastures 'cause they're in there cultivating -- cultivating the mushrooms and everything else, but this is the first time -- this is the first DMT lab we have run across, and we have to take care of the clean up ourselves, which was not too terribly bad because -- under the meth lab agreement, they only clean up meth labs so when we come across these -- and like I said, this is the first one I have seen in -- in the three years that I have been at CNT, so. They'll come up -- I guess people will smoke anything, so.

Commissioner Farrell said, so how do y'all get rid of it? Have a camp fire?

Director Ragan said, yeah. No. We don't do that. So.

Chairman Scott said, Commissioner Shabazz has a question.

Director Ragan said, yes, sir.

Commissioner Shabazz said, how -- how do you know that's -- how did you know that was illegal?

Director Ragan said, that it was illegal?

Commissioner Shabazz said, you never -- you never encountered this before, right?

Director Ragan said, we encountered it -- we have not encountered it before in my three years, however, if you put the ingredient in a test kit for LSD it comes back positive. It's a hallucinogen and we get a crime lab report on it, and it -- it will tell us what it is, so. That's why -- that's how we know it's illegal substance, yes.

Commissioner Shabazz said, so they were distributing it?

Director Ragan said, yes, sir. Yes, sir. And it's like the -- it's like the old sugar cubes with LSD, you know, that's you how you -- you -- you drop a few drops on a sugar cube, keep it in the refrigerator and put it in your mouth, it melts, and you get high and see all kind of things. So, yeah. The --

Chairman Scott said, you know that for a fact?

Director Ragan said, no, sir. No, sir. Only -- only research. Only research.

Commissioner Center said, he read Alice in Wonderland.

Director Ragan said, yeah, that is -- this is true -- this is true. What I would like to touch base on as you know my major case unit on a -- every so often we sit down, and we had went down the last Title III, and we were looking for targets for the next one so two of my agents from Garden City, we sat down at a round table and began discussing what would be a next appropriate target to -- to put our resources in -- substantial resources in. They had a -- a problem in Garden City, and when they told me the address, I said, oh, these people got to

go, they just -- we will not allow that to happen because they had actually set up what we call a trap house, a house solely used for the distribution of the open air drug market, and they had set that house up on Priscilla D. Thomas Way, and we said, no. I said, they got to go. There's no way we're going to allow that to happen.

Director Ragan said, started an investigation in May. Part of it has been unsealed that I can discuss with you, the other part is still under seal by the Superior Court Judges, however, since that investigation in May we have indicted 24 people so far. We have -- and this has not been made public by CNT. There was a little blurb in the paper Thursday because the editor, crime editor from the newspaper saw the Indictments that came out 'cause they were not sealed, but we will have a substantial news release later. Starting with that trap house in Garden City, we identified a source of supply that lived here that would make almost weekly trips to California and bring back one to two, three -- one, two, three kilos a week from California. We identified that individual. He has been indicted. We have since issued eight search warrants where we have recovered over a kilo and a half of 87 percent pure cocaine. We have recovered about 11 handguns. We have recovered over \$260,000 in cash, and seized several vehicles and have indicted 26 people for -- that's starting with that one trap house in Garden City. We identified their source of supply, identified that person's source of supply, which led us to our -- our individuals, and again, it's the same profile that we are seeing. One of the sources of supply lived in a very nice house on Brush Thrush off Henderson golf course, (inaudible) and then we had off Highway 30 in Pooler where the other source of supply, who was actually a kilo a week dealer, identified him. Significantly will impact the westside. Again it actually turns into a part of an investigation we did a couple of months ago off of Weldon Street and Mell Street where we recovered almost three-quarters a kilo of cocaine. He was supplying those people. So we may wind up with a substantial federal Indictment also on these individuals for firearms possession and repeat offender operations based on -- beginning one street distribution point and working up. So. You will see a news release with photographs and everything else sometime in the near future from CNT. Any questions?

Chairman Scott said, Commissioner Stone.

Commissioner Stone said, I just have a question. When you were talking about the -- I guess it was Pat -- somebody was talking about the campfire for the bark, what -- what do we do with all of these seized drugs?

Director Ragan said, once we have acquired our court orders through the County Attorney's office --

Commissioner Stone said, mm-hmm.

Director Ragan said, that we're able to destroy them, we package them, we escort them to an incinerator in Jacksonville, and we burn them.

Commissioner Stone said, okay. I just didn't know what they did with all of them.

Director Ragan said, no, ma'am. We -- we -- we put them in the incinerator. Once we --

Commissioner Stone said, no camp -- no campfires.

Director Ragan said, no campfires. No ma'am. Thank you.

Commissioners Stone said, thank you.

Commissioner Thomas said, good job.

Commissioner Kicklighter said, thank you. Yeah. That's awesome.

Chairman Scott said, thank you.

**ACTION OF THE BOARD:**

For information only.

**AGENDA ITEM: IX-3**

**AGENDA DATE: September 27, 2013**

**Chatham~Savannah  
Counter Narcotics Team  
August, 2013**

NARCOTICS INVESTIGATIONS	
Investigations Initiated During the month	81
Total Number of Investigations Cleared (Arrest, E.C., Unfounded)	56

AGENCY ASSISTS		
Date	Agency	Hours
8/22/13	Assisted SCMPD with suspect under arrest to be used as a confidential informant	4

DRUGS SEIZED			
Drug Type	Value	Approx. Weight	Approx. Total Value
Powder Cocaine	\$100 per gram*	16 Grams	\$1,600.00
Crack Cocaine	\$100 per gram*	30.50 Grams	\$3,050.00
Methamphetamine	\$100 per gram**	3.50 Grams	\$350.00
Marijuana	\$140 per ounce*	1462 Ounces	\$204,680.00
Heroin	\$250 per gram*	4 Grams	\$1,000.00
Ecstasy	\$25 Dosage Unit	0 D/U	\$0.00
Misc. Pills	\$30 Dosage Unit	657 D/U	\$19,710.00
Hallucinogens	\$10.00 per gram *	9,464 Grams	\$94,640.00
Synthetic	\$10.00 per ml *	1,058 ml	\$26,450.00
Synthetic Marijuana	\$25.00 per gram*	0 Grams	\$.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

DRUGS SEIZED—YEAR TO DATE		
Drug Type	Approx. Weight	Approx. Total Value
Powder Cocaine	1,368.1 Grams	\$136,810.00
Crack Cocaine	1,307.9 Grams	\$130,790.00
Methamphetamine	1,085.5 Grams	\$108,550.00
Marijuana	5,120.59 Ounces	\$716,883.00
Heroin	1,067 Grams	\$266,750.00
Ecstasy	1,041 D/U	\$26,025.00
Misc. Pills	1,760 D/U	\$52,800.00
Hallucinogens	9,467.2 Grams	\$94,640.00
Synthetic	1,058 ml	\$26,450.00
Synthetic Marijuana	15 Grams	\$375.00
<b>Total Value</b>		<b>\$1,560,073.00</b>

DRUGS PURCHASED			
Drug Type	Value	Approx. Weight	Approx. Total Value
Powder Cocaine	\$100 per gram*	8.6 Grams	\$860.00
Crack Cocaine	\$100 per gram*	47.20 Grams	\$4,720.00
Methamphetamine	\$100 per gram**	0 Grams	\$0.00
Marijuana	\$140 per ounce*	4.40 Ounces	\$616.00
Heroin	\$250 per gram*	2 Grams	\$500.00
Ecstasy	\$25 Dosage Unit	0 D/U	\$0.00
Misc. Pills	\$30 Dosage Unit	15 D/U	\$150.00
Synthetic Marijuana	\$25 per gram	0 Grams	\$0.00

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>44</b>

PERSONS ARRESTED	
Felony*	13
Felony Sales/Trafficking	22
Misdemeanor	1
Felony Non-Drug**	5
Total Arrests	41
Year To Date Totals	296

\*Felony includes Manufacturing Methamphetamine or Marijuana

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

ADOPTION CASES FROM OTHER AGENCIES		
DATE	AGENCY	OFFENSE
8/22/13	GARDEN CITY PD	TRAFFICKING METHAMPHETAMINE
8/28/13	SCMPD	MANUFACTURING MARIJUANA
8/30/13	SCMPD	MANUFACTURING C/S (DMT)

DRUG COMPLAINTS INVESTIGATED		
Drug Complaints	Received	Assigned
Project Log/Official Complaints	1	1
Hot Line / Call-In Complaints	7	7
Police Intel/ Outside Agencies	5	5
Crime Stopper Complaints	15	14
DRUG COMPLAINTS—YEAR TO DATE	295	28

CNT COMPSTAT REPORT 28JUL - 3AUG 2013						
Search Warrant / Consented Search						County District
Type	Date	Area	Location	Drugs Involved	# Arrest/Type	
S.W.	3-Aug-13	PCT 2	1600 W. BAY # 164	.5g CRACK/1g MARIJ/ 345 RX PILLS	2 /ADULT	8
S.W.	3-Aug-13	PCT 2	1102 AUGUSTA AVE	2g MARIJ/ 234.5 RX PILLS	INV SAME AS ABOVE	8
Arrest						
Area	Date	Style	Location	Name	Charge	
PCT 1	30-Jul-13	FEL	1009 LOVE ST	BROWN, DWAIN	SALE OF (COCAINE)	8
PCT 3	30-Jul-13	FEL	1346 E 31ST ST	ROBERSON, GREGORY	MANUFACTURING MARIJUANA	2
PCT 3	30-Jul-13	FEL	18 EAST RIVER ST	LEAL, RICHARD W.	SALE OF (COCAINE)	3
PCT 1	1-Aug-13	FEL	LO-COST POOLER	METZ, LISA	OBTAIN C/S BY FRAUD	7
PCT 3	1-Aug-13	FEL	ROYAL OAKS	LINERO, KEVIN	POSS OF C/S (HYDROCODONE)	1
PCT 1	1-Aug-13	FEL	4015 OGEECHEE RD # 66	JEFFERSON, DEQUAN	THEFT OF PROP GUN	5
PCT 1	1-Aug-13	FEL	4015 OGEECHEE RD # 66	TRUELUCK, ROLANDA	POSS OF F/ARM FEL	5
PCT 4	1-Aug-13	FEL	14030 ABERCORN ST	HARN, BRANDIE	SALE OF C/S	6
PCT 1	2-Aug-13	FEL	1814 MILLS B. LANE BLVD	SHURLING, HEATHER	POS OF C/S (HEROIN)	5
PCT 2	3-Aug-13	FEL	1600 W. BAY ST #164	ELMORE, THOMASINA	SALE OF C/S (RX)	8
PCT 2	3-Aug-13	FEL	1600 W. BAY ST #164	KILGORE, JERRY	SALE OF C/S (RX)	8
Drug Complaints						
Date Rec	Assigned		Location	Assigned To	Type	
29-Jul-13	29-Jul-13		ALASKA	WRIGHT	CALL-IN	3
29-Jul-13	29-Jul-13		HUDSON ST	PETROU	CRIMESTOPPERS	8
29-Jul-13	29-Jul-13		LAROCHE AVE	PENTECOST	CRIMESTOPPERS	2
29-Jul-13	29-Jul-13		CEDARBROOK DR	ABLE	CRIMESTOPPERS	5
31-Jul-13	31-Jul-13		SEILER AVE	BLASHFORD	POLICE INTEL	2
31-Jul-13	31-Jul-13		SEILER AVE	BLASHFORD	POLICE INTEL	2
1-Aug-13	1-Aug-13		E RIVER ST	CLIFTON	POLICE INTEL	3
1-Aug-13	1-Aug-13		E 54TH ST	SMITH, R	CRIMESTOPPERS	2
1-Aug-13	1-Aug-13		HOLLY ST	SLATE	CRIMESTOPPERS	2

YTD 2012	2012		Weekly Total	Year to Date
164	434	TOTAL DRUG ARREST	9	243
22	32	TOTAL NON-DRUG ARREST	2	18
233 / 182	487/432	DRUG COMPLAINT/ASSIGN	13 / 13	264 / 232
181	361	PHARMACY COMPLAINTS	4	164
24	46	FIREARMS RECOVERED	1	36
17	50	SEARCH WARRANTS	2	19

CNT COMPSTAT REPORT 04AUG - 10AUG 2013						
Search Warrant / Consented Search						County District
Type	Date	Area	Location	Type/Quantity Drugs Involved	# Arrest/Type	
S.W.	6-Aug-13	GC	77 SHADY LANE DR	89LBS/MARIJUANA	2 /ADULT	8
Arrest						
Area	Date	Style	Location	Name	Charge	
PCT 1	5-Aug-13	FEL	14 REID CT	ELLISON, SHAUN	POSS W INTENT (MDMA)	2
PCT 3	6-Aug-13	FEL	614 E 53RD ST	FELDMAN, BLAKE	POSS OF MARIJUANA	1
PCT 3	6-Aug-13	FEL	77 SHADY LANE DR	APARACIO, MARTIN	TRAFFICKING MARIJUANA	8
PCT 1	6-Aug-13	FEL	77 SHADY LANE DR	TRUJILLO, MARILU	TRAFFICKING MARIJUANA	8
PCT 3	7-Aug-13	FEL	1029 RICHARDS ST	SCOTT, JEFFREY	TRAFFICKING HEROIN	8
PCT 1	7-Aug-13	MISD	35TH AND BULL	AMBURGEY, STEPHEN	DISCO	2
PCT 1	7-Aug-13	MISD	35TH AND BULL	SAWYER, PHILLIP	POSS DRUG RELOBJECT	2
PCT 4	8-Aug-13	MISD	14 PATRIOT WAY	CANADA, BEAUX	POSS MARIJ LESS 1 OZ	5
PCT 1	9-Aug-13	FEL	1486 DEAN FOREST RD	LAUDERMILK, REBECCA	POSS OF C/S (RX)	8
PCT 2	10-Aug-13	FEL	2508 HARRIS TRAIL, RICHMD HILL	OLIVER, MICHAEL	SALE OF C/S (CRACK)	
PCT 2	10-Aug-13	MISD	2508 HARRIS TRAIL, RICHMD HILL	LUTEN, SHYRONE	POSS MARIJ LESS1OZ	
Drug Complaints						
Date Rec	Assigned		Location	Assigned To	Type	
5-Aug-13	5-Aug-13		OGEECHEE RD #116	SMITH, R.	CALL-IN	5
5-Aug-13	5-Aug-13		CAMBRIDGE DR	COGSWELL	POLICE INTEL	5
5-Aug-13	5-Aug-13		HABITAT DR	COGSWELL	POLICE INTEL	6
6-Aug-13	6-Aug-13		MILLER PINES RD	PENTECOST	CRIMESTOPPERS	7
7-Aug-13	7-Aug-13		LUCAS DR	JOHNSON	CRIMESTOPPERS	1
7-Aug-13	7-Aug-13		WARREN DR	KROUSE	CRIMESTOPPERS	8
7-Aug-13	7-Aug-13		HADLEY ST	MERCER	CRIMESTOPPERS	8
7-Aug-13	7-Aug-13		E BROAD ST	SMITH, R	CALL-IN	2

2012		Weekly Total	Year to Date
434	TOTAL DRUG ARREST	10	253
32	TOTAL NON-DRUG ARREST	1	19
487/432	DRUG COMPLAINT/ASSIGN	8 / 8	272 / 240
361	PHARMACY COMPLAINTS	4	168
46	FIREARMS RECOVERED	0	36
50	SEARCH WARRANTS	1	20

CNT COMPSTAT REPORT 11AUG - 17AUG 2013						
Search Warrant / Consented Search						County District
Type	Date	Area	Location	Type/Quantity Drugs Involved	# Arrest/Type	
S.W.	17-Aug-13	PCT 3	125 E 40TH ST	30.5g Cocai/4.0g Her/11.5g Marij/63.5 pills	2 ADULT	2
Arrest						
Area	Date	Style	Location	Name	Charge	
GC	13-Aug-13	FEL	2303 SPIVEY AVE (GC)	SMITH, JEFFREY ALAN	WARRANT SERVICE	8
PCT 3	17-Aug-13	FEL	125 E. 40TH ST	TYSON, DARRYL LAMAR	SALE OF C/S (COCAINE)	2
PCT 3	17-Aug-13	FEL	125 E. 40TH ST	BRECKENRIDGE, DUANE	SALE OF C/S (COCAINE)	2
Drug Complaints						
Date Rec	Assigned		Location	Assigned To	Type	
12-Aug-13	12-Aug-13		THOMAS AVE	ABLE	CALL-IN	1
16-Aug-13	16-Aug-13		OGEECHEE RD	SCMPD	CALL-IN	5
16-Aug-13	16-Aug-13		E 55TH ST	COGSWELL	CALL-IN	2
16-Aug-13	16-Aug-13		ALBION ST	MERCER	CALL-IN	8

###		Weekly Total	Year to Date
434	TOTAL DRUG ARREST	2	255
32	TOTAL NON-DRUG ARREST	1	20
487/432	DRUG COMPLAINT/ASSIGN	4 / 4	276 /244
361	PHARMACY COMPLAINTS	4	172
46	FIREARMS RECOVERED	0	36
50	SEARCH WARRANTS	1	21

CNT COMPSTAT REPORT 18AUG - 24AUG 2013						
Search Warrant / Consented Search						County District
Type	Date	Area	Location	Type/Quantity Drugs Involved	# Arrest/Type	
C.S.	19-Aug-13	PCT 5	15 BRIARWOOD DR	11 RX Pills	PENDING	3
Adoption(A) / Agency Assist(AA)						
Type	Date	Area	Location	Type/Quantity Drugs Involved	# Arrest/Type	
A	22-Aug-13	PCT 1	1900 WESTLAKE # 27		1 ADULT	5
Arrest						
Area	Date	Style	Location	Name	Charge	
Sav State	20-Aug-13	MISD	3219 COLLEGE ST	MCDANIEL, DONDRE	POSS OF MARIJ LESS 1OZ	3
Pct 5	20-Aug-13	FEL	1955 E. MONTGOMERY X-ROAD	FLESHER, LANCE D	SALE OF C/S (METHALONE)	1
GC	20-Aug-13	FEL	1326 HWY 80 #1001	NORFOLK, DARRIS	TRAFFICKING METH	8
GC	20-Aug-13	FEL	1326 HWY 80 #1001	HAGAN, COLEMAN	TRAFFICKING METH	8
Pct 4	21-Aug-12	FEL	3 ST MORITZ	AUSTIN, MARK	SALE OF C/S METH	6
Pct 3	22-Aug-13	FEL	714 W 57TH ST#204	WASHINGTON, SHARIAH	SALE OF C/S METH	5
Pct 2	23-Aug-13	FEL	1600 W. BAY ST	ADGER, HERMAN	SALE OF C/S (CRACK)	8
Pct 2	23-Aug-13	FEL	509 MCINTYRE ST	HARMON, DEONNE LATRICE	SALE OF C/S (CRACK)	8
Drug Complaints						
Date Rec	Assigned		Location	Assigned To	Type	
21-Aug-13	22-Aug-13		HAMPSTEAD AVE APT	BLASHFORD	CRIMESTOPPERS	5
21-Aug-13	22-Aug-13		SKINNER AVE	ABLE	CRIMESTOPPERS	7

###		Weekly Total	Year to Date
434	TOTAL DRUG ARREST	8	265
32	TOTAL NON-DRUG ARREST	0	20
487/432	DRUG COMPLAINT/ASSIGN	4 / 4	280 / 248
361	PHARMACY COMPLAINTS	3	175
46	FIREARMS RECOVERED	0	36
50	SEARCH WARRANTS	1	22

CNT COMPSTAT REPORT 25AUG - 31AUG 2013						
Search Warrant / Consented Search						County District
Type	Date	Area	Location	Type/Quantity Drugs Involved	# Arrest/Type	
S.W	30-Aug-13	PCT 1	133 RIDGELAND RD	1041.18G MARIJUANA	2 ADULT	6
Adoption(A) / Agency Assist(AA)						
Type	Date	Area	Location	Type/Quantity Drugs Involved	# Arrest/Type	
AA	28-Aug-13	PCT 2	703 A BARNARD ST	2.5GALLONS / DMT	1 ADULT	2
Arrest						
Area	Date	Style	Location	Name	Charge	
PCT 5	27-Aug-13		DERENNE AVE / LAROACH AVE	SMITH, SHABRIEKA	POSS OF MARIJUANA	3
PCT 3	28-Aug-13		39TH / BURROUGHS	CHANDLER, RENEE	SOLICITATION	2
PCT 3	28-Aug-13		39TH / BURROUGHS	HEYWARD, LAKATO	SALE OF C/S (CRACK)	2
PCT 3	28-Aug-13		39TH / BURROUGHS	JACKSON, JAMES	POSS OF C/S (CRACK)	2
PCT 1	28-Aug-13		133 RIDGELAND RD	MCNEAL, JAMES	MANUFACTURING MARIJUANA	6
PCT 1	28-Aug-13		133 RIDGELAND RD	WILSON, BRANDON	MANUFACTURING MARIJUANA	6
PCT 1	28-Aug-13		133 RIDGELAND RD	HARRELL, CYNTHIA	MANUFACTURING MARIJUANA	6
	29-Aug-13		GUYTON GA	DODD, LAUREN	OBTAIN C/S BY FRAUD	
PCT 2	30-Aug-13		703 A BARNARD ST	WENZEL, ALVIN J	MAUFACTURING C/S (DMT)	2
Drug Complaints						
Date Rec	Assigned		Location	Assigned To	Type	
25-Aug-13	26-Aug-13		JOHNNY MERCER BLVD	JOHNSON	CRIMESTOPPERS	4
25-Aug-13	26-Aug-13		E PARK AVE	KROUSE	CRIMESTOPPERS	2
28-Aug-13	28-Aug-13		W 39TH WELLS PARK	SCMPD	CALL-IN	2
28-Aug-13	30-Aug-13		HWY 17 & I-95 RICHMOND HILL	FROST RHPD	CRIMESTOPPERS	
30-Aug-13	30-Aug-13		HARDEEVILLE RD	PENTECOST	CRIMESTOPPERS	6
31-Aug-13	31-Aug-13		QUACCO RD #34	SLATE	CRIMESTOPPERS	5

214	434	TOTAL DRUG ARREST	8	273
27	32	TOTAL NON-DRUG ARREST	1	21
269 / 207	487/432	DRUG COMPLAINT/ASSIGN	6 / 6	286 / 254
203	361	PHARMACY COMPLAINTS	4	179
30	46	FIREARMS RECOVERED	0	36
23	50	SEARCH WARRANTS	1	23

### DRUG INVESTIGATIONS HOURS WORKED BY ZONE

SCMPD – All Precincts	<b>1,749</b>
Municipalities (Unincorporated Chatham County—272 hours)	<u><b>1,302</b></u>
<b>TOTAL</b>	<u><b>3,051</b></u>

Administrative Hours	640
Case Administration	481
Pharmaceutical Diversions	480
Central Intelligence	480
Out of County (Task Force Operations, etc.)	66
Training	237
Agency Assist	4
Court Hours	<u>61</u>
<b>TOTAL</b>	<u><b>2,449</b></u>

**Total Hours Worked** **5,500**

### SIGNIFICANT EVENTS

1. On August 6, 2013, CNT agents concluded a joint investigation with Garden City Police Department. Through the use of various investigative techniques, CNT obtained a search warrant for a residence on Shady Lane Drive, which is located in a Garden City Mobile Home Park. CNT agents and Garden City police officers executed the search warrant at the residence and seized approximately 90 pounds of marijuana, most of which was packaged in large, separate bundles. Two suspects were arrested for Trafficking Marijuana. The federal agency, ICE, also has pending immigration charges on these suspects
2. On August 31, 2013, CNT was called to a residence in the 700 block of Barnard Street by the SCMPD for what appeared to be a Methamphetamine lab. Investigation of the scene revealed that it was a lab, but not for Methamphetamine. It was a lab producing Dimethyltryptamine (DMT), a hallucinogen which is produced from the tree bark of a South American Mimosa tree. CNT agents seized approximately 9,500 grams of the liquid substance. The suspect was charged with Manufacturing of a Controlled Substance.

=====

### 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 Scott said, and now we are ready for the Action Calendar, and I recognize Commissioner Kicklighter. We're on the action calendar, and you had a -- a motion you wanted to make.

Commissioner Kicklighter said, yes, sir. I will make a motion that we approve everything on the Action Calendar with the exception of Item 7-D.

Commissioner Center said, second.

Chairman Scott said, it's been properly moved and second. Hearing the motion, any discussion?

Commissioner Stone said, Mr. Chairman? I would like to abstain from voting on Item number 1, which is the minutes due to the fact that I had to leave the meeting early last meeting for a Board meeting for the Association for County Commissioners.

Commissioner Center said, I -- I move that we excuse Commissioner Stone from voting on item one.

Commissioner Kicklighter said, we can't.

Commissioner Center said, I think we have to.

Commissioner Kicklighter said, we've got to -- I'll amend my motion to exclude that item, whatever number that is, and then we can handle it individually. If -- with your permission, sir.

Chairman Scott said, okay.

Commissioner Kicklighter said, I amend as stated.

Commissioner Center said, and I amend my second of Commissioner Kicklighter's motion.

Chairman Scott said, it's been properly moved and second. Any further discussion? Hearing none, all in favor of the motion indicate by a yes. Motion carries. Now I'll entertain a motion for the approval of the minutes.

Commissioner Kicklighter said, move --

Commissioner Brady said, move for approval.

Commissioner Kicklighter said, second.

Commissioner Stone said, abstain.

Chairman Scott said, it's been properly moved and second that we approve the minutes of the meeting of September 13<sup>th</sup>. All in favor of the motion indicate by voting yes, opposed no. The minutes are approved. The Action Calendar's adopted.

**ACTION OF THE BOARD:**

- a. Commissioner Kicklighter made a motion to approve the Action Calendar, Items 2 through 7 and under Item 7, Items A through I excluding D. Commissioner Center seconded the motion and it carried unanimously. [NOTE: Commissioner Holmes was not present for the vote.]
- b. Commissioner Brady made a motion to approve the minutes of the regular meeting of September 13, 2013, as mailed. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Commissioner Stone abstained; Commissioner Holmes was not present for the vote.]

=====

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

=====

**1. APPROVAL OF THE MINUTES FOR THE REGULAR MEETING OF SEPTEMBER 13, 2013, AS MAILED.**

**ACTION OF THE BOARD:**

Commissioner Brady made a motion to approve the minutes of the regular meeting of September 13, 2013, as mailed. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Commissioner Stone abstained; Commissioner Holmes was not present for the vote.]

=====

**2. CLAIMS VS. CHATHAM COUNTY FOR THE PERIOD SEPTEMBER 5, 2013 THROUGH SEPTEMBER 18, 2013.**

**ACTION OF THE BOARD:**

Commissioner Kicklighter made a motion authorize the Finance Director to pay the claims against the County for the period September 5, 2013 through September 18, 2013, in the amount of \$3,194,301. Commissioner Center seconded the motion and it carried unanimously. [NOTE: Commissioner Holmes was not present for the vote.]

=====

**3. REQUEST BOARD APPROVE A REVISED AGREEMENT BETWEEN CHATHAM COUNTY AND INDEPENDENT CONTRACTOR REPORTER FOR COURT REPORTER SERVICES.**

**ACTION OF THE BOARD:**

Commissioner Kicklighter made a motion to approve a Revised Agreement between Chatham County and Independent Contractor Reporter for Court Reporter Services. Commissioner Center seconded the motion and it carried unanimously. [NOTE: Commissioner Holmes was not present for the vote.]

**AGENDA ITEM: X-3**

**AGENDA DATE: September 27, 2013**

**TO:** Board of Commissioners

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

**FROM:** R. Jonathan Hart, County Attorney

**ISSUE:**

Request Board approve revised Agreement between Chatham County and Independent Contractor Court Reporter Court Reporter for court reporting services.

**BACKGROUND:**

The County Attorney's Office was asked whether the County needs to have a contract with the new court reporter for Superior and State Court. O.C.G.A. §15-14-1 provides the judges of Superior Court have the power to appoint the court reporter and he or she serve at their pleasure. The court reporter must take an oath to perform faithfully all duties required of the court and required by law. It is the duty of the court reporter to attend all court sessions required by law or as directed by the judge and to record exactly and truthfully the notes and testimony and proceedings of the court tried.

The statutes of the state and the continuing development of due process requirements for criminal proceedings have necessitated an increased presence of a court reporter for mandatory "take-down" of proceedings. Further, the increase in the number of criminal proceedings (especially felons), have directly increased the number of transcripts that are required as a matter of law.

The Judicial Council of Georgia promulgates the rules and regulations regarding transcript fees and compensation for court reporters throughout the State of Georgia. O.C.G.A. §15-5-20 and O.C.G.A. §15-5-21. Pursuant to this authority, the Judicial Council of Georgia has created a court reporting fee schedule which details the amounts and methods of allowed compensation to court reporters for court rendered services of take-down and preparation of transcripts.

The attached revised agreement sets forth the structure of the court reporter’s office, and the court’s control of the operational process of the reporter.

**FACTS AND FINDINGS:**

1. O.C.G.A. §15-14-1 provides the judges of Superior Court have the power to appoint the court reporter and he or she serve at their pleasure. It is the duty of the court reporter to attend all court sessions required by law or as directed by the judge and to record exactly and truthfully the notes and testimony and proceedings of the court tried.
2. The statutes of the state and the continuing development of due process requirements for criminal proceedings have necessitated an increased presence of a court reporter for mandatory “take-down” of proceedings.
3. The Judicial Council of Georgia promulgates the rules and regulations regarding transcript fees and compensation for court reporters throughout the State of Georgia. O.C.G.A. §15-5-20 and O.C.G.A. §15-5-21.
4. The Act allowing for the creation of the Judicial Council contemplates the appointed court reporter, subject to the approval of the judges, may have independent contractor certified reporters, which would work under the Superior Court official court reporter.
5. The attached revised agreement sets forth the structure of the court reporter’s office, and the court’s control of the operational process of the reporter.

**FUNDING:**

Court expenditures, account 1002110.

**POLICY ANALYSIS:**

It is in the best interest of the County to have an agreement in place which sets forth the structure of the court reporter’s office and the court’s control of the operational process of the reporter.

**ALTERNATIVES:**

1. Approve the revised Agreement between Chatham County and Independent Contractor Court Reporter.
2. Do not approve the revised Agreement between Chatham County and Independent Contractor Court Reporter.

**RECOMMENDATION:**

Alternative 1.

STATE OF GEORGIA     )  
   )  
 COUNTY OF CHATHAM    )

**AGREEMENT**

**THIS AGREEMENT** is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_ 2013, by and between **CHATHAM COUNTY**, a political subdivision of the State of Georgia (“County”) and \_\_\_\_\_ (“Independent Contractor Court Reporting”).

**WITNESSETH:**

**WHEREAS**, the County is in need of court reporting services and the Contractor is willing and able to provide this service; and

**WHEREAS**, the parties intend that Contractor’s services will be performed in her capacity as an independent contractor under the Fair Labor Standards Act; and

**WHEREAS**, the parties intend that Contractor's services will be provided on an as-needed basis; and

**WHEREAS**, the parties intend that this Agreement shall be a firm, fixed price agreement in an amount as outlined in the *Judicial Council of Georgia's Court Reporters' Fee Schedule* attached hereto as Exhibit A (attached to the original staff report in the Clerk of Commission's meeting file).

**NOW, THEREFORE**, in consideration of the premises, the County and Contractor agree as follows:

#### **Nature of Services**

Contractor understands and agrees that her services shall be performed in her capacity as a contract employee. *Contract reporters are scheduled based upon the daily needs of the Court.* Such contractual relationship does not entitle Contractor to status of "employee" for the purposes of the Chatham County Personnel Ordinance or entitlement to any County benefits to include health care and retirement. *Contractor is not guaranteed any minimal or maximum amount of work by virtue of holding a contract. A contractor serve only on an "as needed" basis.*

*Contractor shall perform all tasks as directed by the Court, the Court Administrator, or the Court Reporting Manager, will attend sessions of the court as assigned; compile verbatim official record of all courtroom proceedings in the method of takedown under which Contractor is certified; read back previously spoken testimony to judges, counsel, witnesses and jurors; utilize computer-aided or manual transcription to prepare transcripts in accordance with the Judicial Council of Georgia' Board of Court Reporter Rules and Regulations, and in accordance with the Policies and Procedures of the Office of Court Reporting, Eastern Judicial Circuit, and shall certify final transcripts.*

*The Contractor shall at all times abide by the Board of Court Reporting Code of Professional Ethics and Guidelines for Professional Practice, attached as Exhibit "B" (attached to the original staff report in the Clerk of Commission's meeting file).*

#### **Term and Hours of Agreement**

*This contract shall automatically renew for an additional 12 month period unless written notice to terminate the contract is provided 15 days in advance of the renewal date.*

#### **Payment Terms**

The contract value is defined in the attached Exhibit "A" as "Compensation Chart for Court Reporting Services". The first payment will be delivered *two weeks* after the contract work has been completed to the satisfaction of the Chatham County Superior Court Administrator or the Court Reporter Manager. All future payments shall be made in accordance with the Exhibit.

#### **Administrator of Agreement**

This Agreement shall be administered by the Superior Court Administrator.

#### **Work Specification**

The services provided by Contractor will be in connection with the official court reporting duties to all courts of record in Chatham County and shall include all those duties outlined by the Court Reporter Manager and those attached in Exhibit "B". Moreover, Contractor agrees and specifically warrants that Contractor shall hold all *necessary certificates and/or training necessary* to the performance of her duties in accordance with O.C.G.A. § 15-14-1, et al.

*The Court Reporter Contractor shall be responsible for providing all equipment and supplies necessary to carry out the duties as a court reporter. Contractor shall be responsible for the performance and execution of contractual services with the result of said services being satisfactory to the Court and/or Court Administrator, and the Court Reporting Manager.*

#### **Retention of Court Reporter's Notes/Recordings**

*Court Reporter's notes/recordings in all criminal proceedings are the property of the court. The contractor shall generate and deliver transcripts, when required. The Court Reporter's notes/recordings shall be turned over to the Court Reporting Manager for retention, in accordance with State law. The responsibilities of this paragraph shall survive the termination of cancellation of the contract.*

#### **Termination**

This Agreement may be terminated by either party at any time and without *cause or notice*. Should the Court Reporter terminate this contract, for any reason whatsoever, the Court Reporter will provide sufficient notice to the Court Reporting Manager to ensure any assignments given to the court reporter can be reassigned without causing hardship to the Court. Even after termination of this contract, the Court Reporter shall complete all requested transcripts from assignments made under this contract as required by statute and rule, and shall deliver the Court Reporter's notes and recordings to the Court Reporting Manager.

Should termination occur, the balance of any funds remaining under this Agreement shall be held by the County and Contractor shall only be entitled to that amount for which services have already been rendered.

The failure of Contractor to complete assigned tasks without the consent of the Court Reporter Manager shall be grounds to terminate this Agreement. The County shall withhold any unpaid portion of the contract price.

**Georgia Law**

This Agreement shall be construed and interpreted in accordance with Georgia law.

**IN WITNESS WHEREOF**, said parties have hereunto set their hands and affixed their seals, the day and year first above written.

CHATHAM COUNTY, GEORGIA

\_\_\_\_\_  
Witness

BY: \_\_\_\_\_  
Albert J. Scott, Chairman  
Board of Commissioners

\_\_\_\_\_  
Notary Public

ATTEST: \_\_\_\_\_  
Janice Bocook  
Clerk of Commission  
[SEAL]

\_\_\_\_\_  
Witness

BY: \_\_\_\_\_  
Contractor, Court Reporter

\_\_\_\_\_  
Notary Public

=====

- 4. **REQUEST BOARD APPROVE THE APPLICATION FOR CONTINUATION OF THE VOCA GRANT THROUGH THE CRIMINAL JUSTICE COORDINATING COUNCIL AND PROSECUTING ATTORNEY COUNCIL. THIS GRANT PROVIDES THE SALARY AND BENEFITS FOR THE BILINGUAL ADVOCATE, OUTREACH MATERIALS AND PRINTED BROCHURES IN SPANISH, STAFF TRAINING AND TRAVEL.**

**ACTION OF THE BOARD:**

Commissioner Kicklighter made a motion to approve the Application for Continuation of the VOCA Grant through the Criminal Justice Coordinating Council and Prosecuting Attorney Council. This Grant provides the salary and benefits for the bilingual advocate, outreach materials and printed brochures in Spanish, staff training and travel. Commissioner Center seconded the motion and it carried unanimously. [NOTE: Commissioner Holmes was not present for the vote.]

**AGENDA ITEM: X-4**  
**AGENDA DATE: September 27, 2013**

**TO:** Board of Commissioners  
**THRU:** R. E. Abolt, County Manager  
**FROM:** Cheryl Rogers, Victim-Witness Program, Director

**ISSUE:**

- 1. The continuation grant for **\$72,027** would include salary and benefits for the Bilingual Advocate outreach materials and printed brochures in Spanish, staff training, and travel.
- 2. The grant requires a 20% match of **\$18,007** which is already in place through the Victim-Witness Assistance Program, 25% of that is volunteer in-kind match.

3. The continuation VOCA grant will run October 1, 2013 through September 30, 2014. The grant submitted this year is the same amount that was awarded last year. This upcoming year's VOCA Grant is awarded by the Criminal Justice Coordinating Council, but the Prosecuting Attorney Council (PAC) will be the point of contact and will handle the statistical data and expenditure reports.

4. Chatham County continues to see a steady increase in the Hispanic population and this trend is reflected in the growing number of Hispanics who have contact with the criminal justice system.

5. The Savannah Chatham Metro Police Department, the municipal police departments, the Office of the District Attorney, and the Latin American Service organization, all report a reluctance of many Hispanic victims and witnesses to cooperate with the criminal justice agencies. This lack of cooperation is often due to limited English language skills and a lack of support to maneuver the unfamiliar and intimidating legal system.

6. Spanish speaking victims are currently under served in Chatham County and a priority of the grant is to continue to provide services and outreach to Chatham County's under served victims.

**FUNDING:**

1. No additional County funds are required. The 20% match is \$18,007 is currently available through the Victim-Witness Assistance Program.
2. The VOCA Grant has been available since 1986 so it has a proven history of providing services to crime victims through the nation. Victim-Witness has received VOCA funds for the past 4 years

**ALTERNATIVES:**

1. That the Board approve the application for the continuation VOCA Grant through the Criminal Justice Coordinating Council and Prosecuting Attorney Council.
2. That the Board not approve the application for the continuation VOCA Grant through the Criminal Justice Coordinating Council

**POLICY ANALYSIS:**

The Board of Commissioners has been the recipient of the Victims of Crime Act (VOCA) funds for the past three years, as well as in years past. The continuation of this grant requires no additional funds from Chatham County and the personnel position ends if no additional funds are secured from grant sources.

**RECOMMENDATION:**

That the Board approves Alternative 1.

Prepared by: Cheryl Rogers, Director

=====

- 5. REQUEST TO DISPENSE ALCOHOLIC BEVERAGES (BEER AND WINE) FOR A SPECIAL EVENT AT THE VILLA MARIE CENTER, 6 DOLAN DRIVE, 31406. PETITIONER: DONNA K. MYERS FOR LINDSEY'S PLACE, INC. THE EVENT WILL BE HELD OCTOBER 5, 2013. [DISTRICT 1.]**

**ACTION OF THE BOARD:**

Commissioner Kicklighter made a motion for approval to dispense alcoholic beverages (beer and wine) for a special event at the Villa Marie Center, 6 Dolan Drive, 31406. Petitioner: Donna K. Myers for Lindsey's Place, Inc. The event will be held October 5, 2013. Commissioner Center seconded the motion and it carried unanimously. [NOTE: Commissioner Holmes was not present for the vote.]

**AGENDA ITEM: X-5**

**AGENDA DATE: September 27, 2013**

**TO:** Board of Commissioners

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

**FROM:** Gregori S. Anderson, Director of Building Safety and Regulatory Services  
Willie Lovett, Chief of Police

**ISSUE:**

Permit to dispense alcoholic beverages for a special event in Chatham County.

**FACTS AND FINDINGS:**

1. **Lindsey's Place, Inc.**, a non-profit organization, through applicant **Donna K. Myers**, has filed a Special Event Application for an event at Villa Marie Center (6 Dolan Dr) for a fundraiser to benefit Individuals with Special Needs. The applicant has the intent to dispense alcoholic beverages (beer and wine) at the event.
2. Section 16-134 (4) of the Chatham County Business/Occupational Tax Ordinance requires approval of the County Commissioners to issue a temporary permit to dispense alcoholic beverages in conjunction with a special event.
3. The ordinance grants the Board of Commissioners discretion to allow the consumption of alcoholic beverages in conjunction with a special event.

**ALTERNATIVES:**

1. Grant permit to allow the dispensing and consumption of alcoholic beverages in conjunction with the requested special event.
2. Deny Permit.
3. Provide direction to staff.

**POLICY ANALYSIS:**

The Alcoholic Beverages Code prohibits the sale, possession or consumption of alcoholic beverages during a special event without a permit and approval of the Board of Commissioners.

**RECOMMENDATION:**

Approve Alternative No 1.

=====

6. **REQUEST TO DISPENSE ALCOHOLIC BEVERAGES (BEER ONLY) FOR A SPECIAL EVENT AT SKIDAWAY ISLAND STATE PARK, 52 DIAMOND CAUSEWAY, 31411. PETITIONER: LAURA SEIFERT FOR FRIENDS OF SKIDAWAY ISLAND STATE PARK. THE EVENT WILL BE HELD OCTOBER 10, OCTOBER 17 AND NOVEMBER 7, 2013. [DISTRICT 4.]**

**ACTION OF THE BOARD:**

Commissioner Kicklighter made a motion to approve a request to dispense alcoholic beverages (beer only) for a special event at Skidaway Island State Park, 52 Diamond Causeway, 31411. Petitioner Laura Seifert for Friends of Skidaway Island State Park. The event will be held for October 10, October 17 and November 7, 2013. Commissioner Center seconded the motion and it carried unanimously. [NOTE: Commissioner Holmes was not present for the vote.]

**AGENDA ITEM: X-6**

**AGENDA DATE: September 27, 2013**

**TO:** Board of Commissioners

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

**FROM:** Gregori S. Anderson, Director of Building Safety and Regulatory Services  
Willie Lovett, Chief of Police

**ISSUE:**

Permit to dispense alcoholic beverages for a special event in Chatham County.

**FACTS AND FINDINGS:**

1. **Friends of Skidaway Island State Park**, a non-profit organization, through applicant **Laura Seifert**, has filed a Special Event Application for an event at Skidaway Island State Park, 52 Diamond Causeway, Savannah, GA 31411. The applicant has the intent to dispense alcoholic beverages (beer) at the event.
2. Section 16-134 (4) of the Chatham County Business/Occupational Tax Ordinance requires approval of the County Commissioners to issue a temporary permit to dispense alcoholic beverages in conjunction with a special event.
3. The ordinance grants the Board of Commissioners discretion to allow the consumption of alcoholic beverages in conjunction with a special event.

**ALTERNATIVES:**

1. Grant permit to allow the dispensing and consumption of alcoholic beverages in conjunction with the requested special event.
2. Deny Permit.
3. Provide direction to staff.

**POLICY ANALYSIS:**

The Alcoholic Beverages Code prohibits the sale, possession or consumption of alcoholic beverages during a special event without a permit and approval of the Board of Commissioners.

**RECOMMENDATION:**

Approve Alternative No#1.

=====

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

**ACTION OF THE BOARD:**

Commissioner Kicklighter made a motion for approval to award bids as follows with the exception of Item D: (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 Center seconded the motion and it carried unanimously. [NOTE: Commissioner Holmes was not present for the vote.]

<u>ITEM</u>	<u>DEPT.</u>	<u>SOURCE</u>	<u>AMOUNT</u>	<u>FUNDING</u>
A. Annual agreement for system network maintenance for the County's portion of the Public Safety Radio Network	I.C.S.	Motorola Solutions, Inc.	\$199,918	General Fund/M & O – Communications

ITEM	DEPT.	SOURCE	AMOUNT	FUNDING
B. Construction contract for the LaRoche Avenue Culvert Drainage Improvement project	Engineering	Sandhill ALS Construction, Inc. (MBE)	\$1,053,930	SPLOST (2008-2014) - Drainage, LaRoche Avenue Culvert
C. Change Order No. 2, to the contract for professional engineering services for the Louis Mills/Redgate Drainage Improvement project	Engineering	Thomas & Hutton Engineering Company	\$41,200	SPLOST (1998-2003) - Drainage, Louis Mills/Redgate/Rahn Dairy Canal project
<del>D. Two (2) 2014 Ford Fusion SE Hybrid vehicles for the Sheriff's Department</del>	<del>Fleet</del>	<del>J.C. Lewis Ford</del>	<del>\$50,220</del>	<del>General Fund/M&amp;O - Detention Center</del>
E. Annual contract with renewal options for four (4) additional one (1) year terms to provide Employee Assistance Program Services (EAP) for County employees and their dependents	Human Resources	Performance Management Resources, LLC	Varies	General Fund/M&O - Human Resources and Services
F. Three (3) Dell PowerEdge Virtualization Servers for the I.C.S. Department	I.C.S.	Dell Marketing (State of Georgia Contract)	\$26,255	General Fund/M&O - Communications
G. Professional engineering services contract for post-design construction services during the Faye Drive Bridge Replacement project	Engineering	RS&H	\$15,000	SPLOST (1985-1993) - Faye Road Bridge
H. Contract to provide an economic impact study of the Special Purpose Local Option Sales Tax (SPLOST) V Fund	Commissioners	M2 Economics, Inc.	\$16,850	General Fund - Special Appropriations
I. Confirmation of the emergency request to continue mosquito testing	Mosquito Control	University of Georgia	Not to exceed \$19,800	General Fund/M&O - Mosquito Control

**AGENDA ITEM: X-11 A thru I**  
**AGENDA DATE: September 27, 2013**

**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 \$199,918 sole source annual agreement for system network maintenance with Motorola Solutions, Inc., for the County's portion of the Public Safety Radio Network.

**BACKGROUND:** The system network maintenance provides for the county's 50% share of the central switching equipment data center and maintenance of the County's two (2) 800 MHZ tower sites. The City of Savannah is separately responsible for the other 50% of the maintenance on the switching center and the other towers of the 800 MHZ system network.

**FACTS AND FINDINGS:**

1. The sole source manufacturer and service provider, Motorola Solutions Inc., provides contractual services locally through Savannah Communications, the only company technically qualified and authorized by license to maintain the communication system.
2. Over the last several years additional components have been added. Currently, the value of the entire networked communication system is more than \$15 million.
3. Staff believes this cost to be fair and reasonable.

**FUNDING:** General Fund/M & O – Communications  
(1001536 – 52.22001)

**ALTERNATIVES:**

1. Board approval of a \$199,918 sole source annual agreement for system network maintenance with Motorola Solutions, Inc., for the County's portion of the Public Safety Radio Network.
2. Provide staff other direction.

**POLICY ANALYSIS:** It is consistent with Board policy to provide maintenance for the County's portion of the 800 MHZ communication system, without interruption.

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

I.C.S. APPROVAL \_\_\_\_\_  
NICK BATEY

BUDGET APPROVAL \_\_\_\_\_  
READ DEHAVEN

**ITEM B**

**ISSUE:** Request Board approval of a \$1,053,930 construction contract with Sandhill ALS Construction, Inc., for the LaRoche Avenue Culvert Drainage Improvement project.

**BACKGROUND:** The LaRoche Avenue culvert is an aging brick structure. The culvert provides drainage for the adjacent residential areas and drains into the tidally influenced Herb River. The structure is deteriorated, including cracks in the brick arch and headwalls. The roadway embankment shows signs of erosion and settlement due to the tidal and stormwater flows.

**FACTS AND FINDINGS:**

1. The project is located on LaRoche Avenue between Lansing Avenue and Skinner Place in unincorporated Chatham County.
2. The project will replace the brick culvert and realign the intersection of Neva Avenue and LaRoche Avenue. This will improve drainage for the area and improve sight distance for the intersection.
3. LaRoche Avenue will be closed to traffic from Lansing Avenue to Skinner Place during construction. Detour routes will be on LaRoche Avenue to Norwood Avenue to Skidaway Road

to Beaumont/Nottingham Drive to LaRoche Avenue. Staff anticipates the roadway to remain closed for at least nine months.

4. The project was publically announced as an Invitation to Bid (ITB). The results of the ITB are as follows:

* Sandhill ALS Construction, Inc.	\$ 1,053,930
** E&D Contracting Services, Inc.	\$ 1,199,916
TIC – The Industrial Company	\$ 1,394,875

\*MBE

\*\*WBE

**FUNDING:** SPLOST (2008-2014) - Drainage, LaRoche Avenue Culvert  
(3244250 - 54.14001 - 32456637)

**ALTERNATIVES:**

1. Board approval of a \$1,053,930 construction contract with Sandhill ALS Construction, Inc., for the LaRoche Avenue Culvert Drainage Improvement project.
2. Provide staff other direction.

**POLICY ANALYSIS:** It is consistent with Board policy to approve awards of contracts.

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

BUDGET APPROVAL \_\_\_\_\_  
READ DEHAVEN

**ITEM C**

**ISSUE:** Request Board approval of a \$41,200 Change Order No. 2, to the contract with Thomas & Hutton Engineering Company (T&H) for professional engineering services for the Louis Mills/Redgate Drainage Improvement project.

**BACKGROUND:** The Louis Mills/Redgate Drainage Improvement project is part of the 1998-2003 SPLOST Drainage Program. Design work for the project was performed by T&H. Delays in the acquisition of easements and rights of way required the project be divided into phases. Phase 1 included design and construction of the downstream reach (from the CSX railroad tracks to a point approximately 850 feet upstream of Garrard Avenue) of the canal.

**FACTS AND FINDINGS:**

1. Construction of drainage improvements of Phase 1 (the downstream reach) was completed in 2011. Staff continued to pursue and successfully acquired several of the needed drainage easements and rights of way within the Phase 2 reach of the project.
2. The original Phase 2 design project scope entails replacement of undersized culvert crossings at Chatham Parkway and private driveways. T&H is the engineer of record for the downstream improvements constructed and previously prepared the preliminary design of improvements at these crossings. The Board approved a contract to T&H for the culvert crossing improvements on April 13, 2012.
3. Subsequent to award of the Phase 2 design project, staff initiated a project to open existing drainage easements for maintenance activities for the reach of canal between the culverts being replaced and the downstream completed improvements. Working with the Purchasing Department staff solicited bids for the clearing work (BID # 12-0090-4 Marshall Ave Branch Canal Drainage Improvements). The Purchasing Department determined that irregularities during the bidding process were sufficiently critical and rejected all bids. Staff then determined that inclusion of this

work into the culvert replacement project was the most appropriate option at this time notwithstanding that additional time and cost would be necessary for project permitting and design. Thus Change Order No. 1 to the existing contract with T&H was developed to accomplish this. The Board approved Change Order No. 1 on January 11, 2013.

4. As design work continued on the project, staff concluded that extension of the project to connect to the ongoing Marshall Avenue paving project will maximize benefits to upstream areas. Additional downstream surveys, easement revisions, and design modifications are needed to achieve the project benefits with the lowest construction cost, property acquisition and impact on the surrounding properties. This change order to the existing contract with T&H will support the effort while addressing needs for permitting and construction period service impacted by the change in scope.
5. State law allows contracting with the original professional engineering consulting firm used for previous studies and plans without further competitive process when those existing studies and plans can be used. It is the opinion of staff that soliciting proposals from engineering firms at large will not result in lower cost or better service to the County, and will result in more time and cost required to coordinate and finish the design the work.
6. The work involved under this contract will include updating field condition surveys, permitting, completing design, revising easement plats, preparing construction contract documents (drawings and specifications), and assisting during bidding and construction.
7. Staff solicited a proposal from T&H and finds that the level of service is in accordance with anticipated needs and that the cost represents fair compensation for the work provided.

Contract History:

Original Contract	(April 13, 2012)	\$ 64,000
Change Order No. 1	( January 11, 2013)	49,000
Change Order No. 2	(Pending)	<u>41,200</u>
Revised Contract Amount		\$154,200

**FUNDING:** SPLOST (1998-2003) - Drainage, Louis Mills/Redgate/Rahn Dairy Canal project  
(3224250 - 52.12003 - 32280373)

**ALTERNATIVES:**

1. Board approval of a \$41,200 Change Order No. 2 to the contract with Thomas & Hutton Engineering Company (T&H) for professional engineering services for the Louis Mills/Redgate Drainage Improvement project.
2. Provide staff other direction.

**POLICY ANALYSIS:** The Board must approve changes to contracts.

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

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

**ITEM D**

**ISSUE:** ~~Request Board approval of \$50,220 purchase of two (2) 2014 Ford Fusion SE Hybrid vehicles from J.C. Lewis Ford Motor Company for the Sheriff's Department.~~

**BACKGROUND:** ~~On September 13, 2013, the Board approved an annual price agreement with J.C. Lewis Ford Motor Company, to purchase on an "as needed, funds available" basis, 2014 Ford Fusion SE Hybrid model vehicles for Fleet Operations.~~

**FACTS AND FINDINGS:**

1. ~~The Sheriff's Department has identified the need and has funding for two (2) vehicles for administrative support staff. These vehicles are more economical and fuel efficient than the Chevrolet Tahoe.~~
2. ~~The total cost of the two (2) vehicles utilizing the annual price agreement will be \$50,220.~~

**FUNDING:** ~~General Fund/M&O - Detention Center  
(1003326 - 54.22001)~~

**ALTERNATIVES:**

1. ~~Board approval of \$50,220 purchase of two (2) 2014 Ford Fusion SE Hybrid vehicles from J.C. Lewis Ford Motor Company for the Sheriff's Department.~~
2. ~~Provide staff other direction.~~

**POLICY ANALYSIS:** ~~It is consistent with Board policy to approve the purchase of vehicles that provide needed services to Chatham County citizens.~~

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

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

**ITEM E**

**ISSUE:** Request Board approval to award an annual contract with renewal options for four (4) additional one (1) year terms to Performance Management Resources, LLC, of Savannah, to provide Employee Assistance Program Services (EAP) for County employees and their dependents.

**BACKGROUND:** Since 1996, the County has contracted to provide a means in which employees and their dependents can receive counseling, on a confidential basis, for any problems which may affect an employee's work performance. The County recognizes that a wide range of problems not directly associated with one's job function have an effect on an employee's health and job performance. The EAP offers, on a continual basis, counseling and referral services for employees who are experiencing personal problems of such significance that satisfactory work performance is or may be impaired. An employee's performance may also be affected when a family member has a personal problem, therefore, the program offers these same services to the employee's spouse and dependents.

**FACTS AND FINDINGS:**

1. A Request for Proposals to provide Employee Assistance Program Services was issued and publicly advertised. Proposals were received from five (5) firms.
2. The written proposals received were scored by an evaluation committee consisting of the Assistant Human Resources Director/Employee Services and Training Manager, the Compensation and Compliance Manager and the Benefits Coordinator. (See attached matrix page 11 for scoring details).
3. Fee proposals were requested from all five (5) firms. Proponents were required to submit their fee proposals based on the annual cost per year per employee for approximately 1,600 employees. Performance Management Resources, LLC, submitted the lowest fee of \$8.00 per employee.
4. Staff recommends contract award to Performance Management Resources, LLC, of Savannah, based on their receiving the highest number of points in accordance with the criteria in the RFP.

**FUNDING:** General Fund/M&O - Human Resources and Services  
(1001540 - 52.12006)

**ALTERNATIVES:**

1. Board approval to award an annual contract with renewal options for four (4) additional one (1) year terms to Performance Management Resources, LLC, of Savannah, to provide Employee Assistance Program Services (EAP) for County employees and their dependents.
2. Provide staff other direction.

**POLICY ANALYSIS:** It is consistent with Board policy to award essential service contracts to the firm that provides the overall best combination of service and fee.

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

BUDGET APPROVAL \_\_\_\_\_  
MELVA SHARPE

**ITEM F**

**ISSUE:** Request Board approval of a \$26,255 purchase of three (3) Dell PowerEdge R620 Virtualization Servers, from the State of Georgia Contract, from Dell Marketing for the I.C.S. Department.

**BACKGROUND:** The I.C.S. Department has determined that the three (3) current Dell Vitalization servers are outdated and should be replaced. Virtualization servers allow I.C.S. to consolidate multiple physical servers to operate on one (1) server.

**FACTS AND FINDINGS:**

1. State Purchasing awarded this contract through a competitive process based on requirements and specifications of the Georgia Technology Authority.
2. One (1) of the three (3) Virtualization servers to be replaced is the oldest server in our fleet. It was purchased in 2007. The warranty on this server expired on May 23, 2010. The other two servers, purchased in 2008, are not fully compatible with our fleet of Virtualization servers.
3. The servers are being purchased from Dell Marketing with five (5) years of on site support and mission critical four hour dispatch technical support.
4. Staff believes the cost of \$26,255 to be fair and reasonable.

**FUNDING:** General Fund/M&O - Communications  
(1001536 - 54.25001)

**ALTERNATIVES:**

1. Board approval of a \$26,255 purchase of three (3) Dell PowerEdge R620 Virtualization Servers, from the State of Georgia Contract, from Dell Marketing for the I.C.S. Department.
2. Provide staff other direction.

**POLICY ANALYSIS:** It is consistent with Board policy to approve the purchase of essential hardware to run needed software applications used throughout the county.

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

I.C.S APPROVAL \_\_\_\_\_  
NICK BATEY

BUDGET APPROVAL \_\_\_\_\_  
READ DEHAVEN

**ITEM G**

**ISSUE:** Request Board approval of a not to exceed \$15,000 sole source professional engineering services contract with RS&H for post-design construction services during the Faye Drive Bridge Replacement project.

**BACKGROUND:** RS&H is the engineer of record for the Faye Drive Bridge replacement project. This contract will allow RS&H to provide timely post-design construction services during the replacement of the Faye Drive bridge on Burnside Island.

**FACTS AND FINDINGS:**

1. The Board awarded a construction contract to replace the Hunt Drive and Faye Drive bridges to Rogers Bridge Company on February 22, 2013.
2. Staff issued Notice to Proceed to Rogers Bridge Company on May 1, 2013. Hunt Drive is scheduled to be complete in April 2014 and Faye will start immediately after.
3. This contract will allow RS&H to provide post-design construction services for construction plan revisions, to respond to requests for information regarding the construction plans or contract specifications from staff or the contractor and to perform the 7-day soil erosion and sedimentation control site inspection.
4. Approval of this contract will minimize construction delays by allowing for timely revisions to the construction plans, as needed, without procuring additional engineering services during construction.

**FUNDING:** SPLOST (1985-1993) - Faye Road Bridge  
(3204220 - 52.12003 - 32057047)

**ALTERNATIVES:**

1. Board approval of a not to exceed \$15,000 sole source professional engineering services contract with RS&H for post-design construction services during the Faye Drive Bridge Replacement project.
2. Provide staff other direction.

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

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

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

**ITEM H**

**ISSUE:** Request Board approval of a \$16,850 contract with M2 Economics, Inc., to provide an economic impact study of the Special Purpose Local Option Sales Tax (SPLOST) V Fund.

**BACKGROUND:** The County held a referendum in September 2006, and voters approved the continuation of the Special Purpose Local Option Sales Tax, which equals one cent on every dollar spent in the County, for the purposes of constructing specified projects. The collection period extends from October 2008 through September 30, 2014. The tax is collected by the Georgia Department of Revenue and remitted to the County monthly.

**FACTS AND FINDINGS:**

1. The current SPLOST collection period will terminate on September 30, ~~2013~~2014. The County has funded a number of capital projects with the collected revenue including the Detention Center expansion and the Chatham County Health Facility.

2. The Board has authorized that two ballot questions be presented to voters in November 2013. One of the ballot questions asks voters to continue the SPLOST for a six year period beginning on October 1, 2013~~2014~~.
3. The economic impact of SPLOST on the community is often discussed but not officially quantified. M2 Economics will gather data on the economic impact of SPLOST V and render a report on the impact to the community. M2 Economics is led by Michael Toma, Economics Professor at Armstrong Atlantic State University where he is the Director of the Center for Regional Analysis. In his role at the University, Mr. Toma frequently produces reports on economics within the Chatham – Savannah area, and is known as the “local expert” on the area’s economy.
4. The County Attorney has reviewed the contract for services and has found it to be in good order.

**FUNDING:** General Fund - Special Appropriations  
(1009975 - 57.30001)

**POLICY ANALYSIS:** The research report provided by M2 Economics will provide some objective data regarding the local financial impact of SPLOST V funds.

**ALTERNATIVES:**

1. Board approval of a \$16,850 contract with M2 Economics, Inc., to provide an economic impact study of the Special Purpose Local Option Sales Tax (SPLOST) V Fund.
2. Provide staff other direction.

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

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

**ITEM I**

**ISSUE:** Request Board Confirmation of the emergency request to continue mosquito testing with the University of Georgia for a maximum cost of \$19,800.

**BACKGROUND:** Because of seasonally high numbers of the primary mosquito carrier of West Nile Virus (WNV) and because of observed changes in the local dynamics of WNV transmission, Mosquito Control Staff tested an unusually high number of mosquito samples in 2013. To continue making valid disease risk assessments, and to properly direct adult mosquito control missions, Mosquito Control requested approval to continue testing mosquitoes for mosquito-borne viruses beyond the contracted maximum number of 2,727 samples.

**FACTS AND FINDINGS:**

1. West Nile virus was first isolated from birds in Chatham County in 2001 and the virus is now considered to be endemic to our area. Mosquito Control conducts an intensive surveillance and control program to minimize the incidence of human disease caused by this virus. Nevertheless, public health statistics record a total of 22 locally acquired human cases of West Nile fever/encephalitis in 2003, 2004, 2006, 2011, and 2012. There was one fatality in 2003.
2. As an essential part of our WNV surveillance system, Mosquito Control tests the known mosquito carriers of WNV for the presence of the virus. These tests are conducted under contract with the Southeast Cooperative Wildlife Disease Study (SCWDS).
3. Under the terms of the current contract with SCWDS, Chatham County agrees to test a minimum of 2,300 samples each year for a cost of \$37,950. The approved contract allows Chatham County to test as many as 2,727 samples per fiscal year for a maximum annual cost of \$45,000.
4. In past years, with occasional additional support from federal grants, Mosquito Control staff members have been able to make accurate human risk assessments based on submitting the minimal number of 2,300 mosquito samples paid for by Chatham County.

- 5. In 2013 there has been a high level of WNV transmission observed in Chatham County and we have captured an unusually high number of mosquitos that carry WNV following our standard trapping procedures. During the past three years we have also observed changes in the how WNV impacts our community. For example, WNV virus being transmitted during the last three years does not appear to be as lethal to wild birds as the WNV transmitted between 2001 and 2004. Because of our field observations, and because of the uncertainty triggered by the unexpected high level of virus activity for the third consecutive year, Mosquito Control staff have tested a greater than average number of mosquito samples to ensure public safety and to properly direct adult mosquito control operations.
- 6. To continue testing mosquitoes for the presence of mosquito-borne viruses, and to continue making informed human health risk assessments, staff requested emergency approval from the Chairman to continue mosquito testing for a maximum cost of \$19,800. The Chairman concurred (see attached page 12) and directed staff to seek Board confirmation at their next scheduled meeting.
- 7. If confirmed, Mosquito Control staff will submit the minimum number of samples for testing that will ensure public safety. Depending on the observed risk level, our goal will be to submit fewer than 1,200 samples for the remainder of FY 2013-2014.

**FUNDING:** General Fund/M&O - Mosquito Control  
(1005144 - 52.11001) FY 2012-2013

**ALTERNATIVES:**

- 1. Board Confirmation of the emergency request to continue mosquito testing with the University of Georgia for a maximum cost of \$19,800.
- 2. Provide staff with other direction

**POLICY ANALYSIS:** It is consistent with Board Policy to approve emergency expenditures to ensure no interruption in a department's daily operations.

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

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

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

=====

**XI. FIRST READINGS**

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

- 1. **AMEND THE REVENUE ORDINANCE TO REFLECT THE NEW PERMIT CONSTRUCTION VALUATION SQUARE FOOTAGE ASSESSMENT RATE FOR LOW AND MODERATE HAZARD STORAGE WAREHOUSES.**

Chairman Scott said, we do have a -- a First Reader that's on page nine. And this is to Amend the Revenue Ordinance to Reflect the New Permit Construction Valuation Square Footage Assessment Rate for Low and Moderate Hazardous Storage Warehouses. And we talked about this in the pre-meeting, but this is reducing the fees from \$100 a square foot to \$70 per square foot, and we'll -- it does not require any action today, but it is a First Reader. It will require action at our next meeting.

Commissioner Shabazz said, well what -- what -- I have -- I have a question on that.

Chairman Scott said, yes. Commissioner Shabazz.

Commissioner Shabazz said, what is a hazard store -- warehouse -- storage warehouse, what is -- what is exactly - what is that?

Chairman Scott said, the person who can answer that --

County Manager Abolt said, we've lost Mr. Anderson.

Commissioner Shabazz said, just a -- just a -- just a very basic definition of what --

County Manager Abolt said, I can only go by what the words say. I -- I do know that we were reviewing after the last experience the -- the currency and the appropriateness of our fees, and there is this one category --

Commissioner Shabazz said, okay, but what I'm saying --

County Manager Abolt said, and I'd defer to Mr. Anderson if Mr. Anderson is watching in the ante room. I apologize.

Commissioner Shabazz said, oh, there he is.

County Manager Abolt said, Mr. Anderson has appeared as if by --

Commissioner Shabazz said, there he is.

Commissioner Farrell said, and he magically appears.

County Manager Abolt said, Mr. Anderson was at a campfire.

Commissioner Stone said, with a mimosa tree.

Commissioner Shabazz said, the moderate hazard storage warehouse, what exactly is that?

Mr. Gregori Anderson said, Commissioner that is a classification of warehouse indicated in the building code that includes warehouses that contain combustible and other types of materials other than non-combustible materials.

Commissioner Shabazz said, but, for example, where would you find one?

Mr. Anderson said, those are your typical warehouses that you see here at the Georgia Ports Authority and other types of -- that have high rack storage --

Commissioner Shabazz said, yes.

Mr. Anderson said, -- or combustible containers. That kind of thing.

Commissioner Shabazz said, thank you. Thank you.

Mr. Anderson said, okay.

Chairman Scott said, but they would -- they would have to be storing something like sulfur or something but not something that would be gasoline because that wouldn't be moderate, that would be --

Mr. Anderson said, that -- that's correct.

Chairman Scott said, -- hazardous.

Mr. Anderson said, and that is the difference. Or -- or explosives for that matter.

Chairman Scott said, yeah.

Mr. Anderson said, so it's your typical warehouse things that you would see, even at Home Depot and places like that.

Chairman Scott said, Mr. Anderson, you can be -- expect to be severely grilled when we do a second reading on that.

Mr. Anderson said, I'll be here, sir.

Chairman Scott said, yes. Thank you.

=====

## **XII. SECOND READINGS**

Chairman Scott said, okay. We've already mentioned that the -- the tabled item that no one has expressed any desire to take any action on.

=====

## **XIII. INFORMATION ITEMS**

Chairman Scott said, everything else that's attached to the agenda is informational items, and it's progress report on the General Fund Contingency Account.

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

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

A status report was attached as information.

=====

### **2. LIST OF PURCHASING ITEMS BETWEEN \$2,500 AND \$9,999 (See Attached.)**

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

A status report was attached as information.

**AGENDA ITEM: XIII-2**

**AGENDA DATE: September 27, 2013**

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

<b>ITEM</b>	<b>DEPT.</b>	<b>SOURCE</b>	<b>AMOUNT</b>	<b>FUNDING</b>
Clearing of tow path at Half Moon Lake as part of Savannah-Ogeechee Canal Project	Special Projects	Savannah-Ogeechee Canal Society, Inc.	\$9,063	SPLOST (2003-2008) Openspace/Greenway
Repair to drive-thru at Eisenhower Drive Tag Office	Tax Commissioner	Diebold, Inc.	\$2,827	General Fund/M&O -Tax Commissioner
Mailing of tag renewals for month of September	Tax Commissioner	World Marketing	\$7,837	General Fund/M&O -Tax Commissioner
Two (2) walk-thru metal detectors	Sheriff's	Shelsky Metal Detectors Sales	\$9,906	General Fund/M&O -Sheriff

ITEM	DEPT.	SOURCE	AMOUNT	FUNDING
Technical training manual subscription	Fleet Operations	Helm, Inc.	\$2,750	General Fund/M&O -Fleet Operations
Portable document format forms for Sharepoint software for Detention Center	I.C.S.	PDF Share Forms LLC	\$2,655	General Fund/M&O - Detention Center
Three (3) tactical rifles	CNT	G.T. Distributors, Inc.	\$4,623	CNT Confiscated Funds
Signage	Detention Center	Doug Bean Signs, Inc.	\$7,250	General Fund/M&O - Detention Center
Tax sale advertisements for month of August	Tax Commissioner	Morris Publishing Group	\$9,995	General Fund/M&O - Tax Commissioner
Repair to one (1) pool pump and one (1) new pump for recreation pool	Aquatic Center	Boaen Mechanical Contractors, Inc.	\$4,774	General Fund/M&O - Aquatic Center
Three (3) desktop computers	I.C.S.	Dell Marketing, L.P.	\$5,009	General Fund/M&O - Detention Center
Document scanning	Superior Court Clerk	Kofile Preservation, Inc.	\$2,608	Superior Court Clerk Escrow Account
One (1) telephone communication system with hard drive for Citizens Service Center	I.C.S.	Mitel Business Systems, Inc.	\$5,602	General Fund/M&O - Communications
Three (3) computer room monitoring devices at Sheriff's Department	I.C.S.	CDW Government, Inc.	\$7,506	General Fund/M&O - Detention Center

=====

### 3. ROADS AND DRAINAGE REPORTS.

#### ACTION OF THE BOARD:

A status report was attached as information.

**AGENDA ITEM: XIII-3 ROADS**  
**AGENDA DATE: September 27, 2013**

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 March 2014. Last piles for bridges across the Vernon River were finished in June 2013.
2. Diamond Causeway. Construction ongoing. Estimated open to traffic date is unknown at this time.

3. Whitefield Avenue. Construction underway by GDOT contract. Estimated completion October 2013. Staff's opinion is that the road will not be open until November 2013.
4. Bay Street Widening. Environmental re-evaluation approved February 28, 2013. Notice to Proceed issued by GDOT for right of way acquisition on May 9, 2013.
5. Jimmy Deloach Parkway Phase 2 and Interchange of Jimmy Deloach Parkway at U.S. 80. Design ongoing. PFPR (Preliminary Field Plan Review) for Phase 2 held on February 5, 2013. ROW authorization expected fiscal year 2014.
6. SR 307 Widening from US 17 to I-16. Construction underway. Estimate completion in December 2013. New signal at US 17/SR 307 commenced operations April 16, 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 fiscal year 2014.
8. Local Roads.
  - a. Hunt Drive and Faye Road Bridge Replacements. Notice to Proceed with construction issued May 1, 2013. Construction underway on Hunt Drive.
  - b. Paving on Ridgewood Avenue and Beechwood Avenue is complete. Construction continues on Elmhurst Avenue.

RECOMMENDATION: For information.

Districts All

**AGENDA ITEM: XIII-3 DRAINAGE**

**AGENDA DATE: September 27, 2013**

TO: Board of Commissioners

THRU: R. E. Abolt, County Manager

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

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

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

FACTS AND FINDING:

1. Pipemakers Canal. The project includes canal widening, bank stabilization, sluice gates and culverts. Construction of improvements upstream of Dean Forest Road to the west side of the airport is underway with completion scheduled for August 2014.
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. Design work on the pump station determined that a master pump station for the Pipemakers Canal is not warranted. According to the consultant, smaller pump stations can address localized problems. Staff recommends that the construction of the pump station not occur and that other solutions be advanced.
3. Wilmington Park Canal. The Wilmington Park Canal extends from North Cromwell Road to the Wilmington River (about 1.4 miles). The project includes bank stabilization, culvert replacements and storm sewer upgrades. Construction work to replace four undersized culverts along the canal is substantially complete.
4. Ashley Road Outfall Drainage Improvements. The project will improve a drainage system from the Ashley Road cul-de-sac along Wilmington Island Road to the Wilmington River. Design work and permitting are underway.

5. Gateway-Henderson Drainage Improvements. The project will improve portions of the drainage system in the northeast quadrant of I-95 and SR 204. The project includes construction of maintenance access and drainage improvements. A design work is underway.
6. 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, permitting, and acquisitions are underway for the outfall near Skidaway Road.
7. Louis Mills/Redgate Canal. The project will correct inadequate drainage capacity and the lack of maintenance access to the canal. Design of improvements along the Marshall Branch Canal is underway and includes construction of maintenance access and culvert replacements.
8. 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 is underway.
9. LaRoche Culvert. The project will replace 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. Bids opened in April 2012 exceeded project budget and all bids were rejected. The design was modified to lower construction costs. The project will be rebid. Award of a construction contract is pending Board approval.
10. Queensbury Drainage Improvements. The project will improve drainage and provide maintenance access in the area south of Montgomery Cross Road and west of Ferguson Avenue. Drainage improvements from Tara Manor to Lakeview Subdivision are complete.
11. Ferguson-Winterberry Outfall Drainage Improvements. The project will improve drainage and provide access for maintenance for the Remington Canal from Ferguson Road to the outfall at Moon River. The outfall passes through the Winterberry private development. Design work is underway.
12. Shipyard-Beaulieu Area. The project will improve drainage capacity and access for maintenance. A project to replace three undersized storm drain pipes and reshape the existing ditch is underway. Acquisitions of required easements are complete. Final design work and permitting are underway.
13. Lehigh-Shipyard Lane Area. The project will relieve roadside drainage issues causing nuisance flooding in the Lehigh Avenue and Shipyard Lane area. Shipyard Road and Lehigh Avenue are now open to traffic. Construction is substantially complete with project closeout in October.
14. Little Hurst Canal. The project will improve drainage capacity and access for maintenance along the canal. A design scope of work is under development.
15. Hampton Place Drainage Improvements. The project will improve the drainage system within Hampton Place Subdivision on Quacco Road by routing a portion of the stormwater into an existing canal located on the west side of Quacco Road. Acquisition of a required easement and design work is underway.
16. Willow Lakes Drainage Improvements. The project will relieve internal drainage issues within the Willow Lakes subdivision. The project will increase the storage capacity of the pond by lowering the existing water elevation. A design work is underway.

RECOMMENDATION: For information.

Districts: All

=====

#### **4. FLOOD MITIGATION PLAN ANNUAL PROGRESS REPORT.**

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

A status report was attached as information.

=====

**PERSONAL PRIVILEGE**

Chairman Scott said, but I would like to recognize just for informational purpose, I see the finance -- Assistant Manager Cramer, is not in the room, but I'd like to recognize the County Manager just to briefly talk about the memo he sent out concerning the County's bond rating.

County Manager Abolt said, thank you, sir. This is very good news. The County has maintained in very difficult times the continued credibility and reputation with both Moody's and S -- S&P which are the premier bond rating agencies. What you consistently do to manage the resources of Chatham County has had a high approval rate from Wall Street, and you're to be commended for it. This is again something that you did and the previous Board did during terribly difficult times, and you are very special when it comes to being a Board of Directors for a over half a billion dollar corporation. Thank you.

Chairman Scott said, and we've maintained our AA rating and it's based partially on the budget that we recently adopted, and also the bonding agency have adopted new rules.

County Manager Abolt said, yes.

Chairman Scott said, and that they are taking into consideration outstanding liabilities that -- such as your pension funds and etcetera and in the -- going forward that this could be required to be carried on your balance sheet, if you have an outstanding obligation, and the bond rating houses are taking this into consideration. And -- and part of this is in response to what's happening nationally, but -- and you might say it's the -- the Detroit --

County Manager Abolt said, yes.

Chairman Scott said, -- change.

County Manager Abolt said, yes.

Chairman Scott said, and -- and so, we were able to maintain the AA bond rating which bodes well for Chatham County, and I just wanted to single out the staff and -- and the County Manager for -- for their due diligence in this area.

County Manager Abolt said, thank you, sir.

Chairman Scott said, okay.

=====

**EXECUTIVE SESSION**

Chairman Scott said, if there's nothing else to come before the Commission, we do need a motion for an executive session.

Commissioner Stone said, so moved.

County Manager Abolt said, intent would be personnel and litigation, sir.

Commissioner Stone said, so moved.

Commissioner Center said, second.

Chairman Scott said, it's been properly moved and second that we go into executive session. All in favor indicate by voting yes, opposed no. I -- I might add in executive session we will be discussing --

County Manager Abolt said, personnel and litigation.

Chairman Scott said, legal and personnel matters.

County Manager Abolt said, correct, sir.

Chairman Scott said, and we do have two uncontested Board appointments under personnel that we will have to take up once we come out of executive session. The motion carries. We will now move to executive session.

**ACTION OF THE BOARD:**

Commissioner Stone moved to recess to Executive Session for the purpose of personnel and litigation. Commissioner Center seconded the motion and it carried unanimously. [NOTE: Commissioner Shabazz did not vote; Commissioner Holmes was not present for the vote.]

The Board recessed at approximately 11:25 a.m.

=====

**ITEMS FROM EXECUTIVE SESSION**

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

**ACTION OF THE BOARD:**

Commissioner Stone moved to authorize the Chairman to execute an Affidavit that the Executive Session was held in compliance with the Open Meetings Act. Commissioner Center seconded the motion and it carried unanimously. [NOTE: Commissioners Holmes and Kicklighter were not present for the vote.]

=====

- 2. APPOINTMENTS:  
AGING SERVICES ADVISORY COUNCIL**

**ACTION OF THE BOARD:**

Commissioner Center moved to approve the reappointment of Elizabeth Jones to the Aging Services Advisory Council. The term expires June 30, 2016. The motion was seconded and carried unanimously. [NOTE: Commissioners Holmes and Kicklighter were not present for the vote.]

=====

**SOUTHEAST COASTAL REGIONAL  
MENTAL HEALTH/MENTAL RETARDATION/SUBSTANCE ABUSE  
(MHMRSA) BOARD - REGION 13**

**ACTION OF THE BOARD:**

Commissioner Center moved to approve the appointment of Richard Oliver to the Southcoast Regional Mental Health/Mental Retardation/Substance Abuse Board. The term expires December 31, 2016. The motion was seconded and carried unanimously. [NOTE: Commissioners Holmes and Kicklighter were not present for the vote.]

=====

**ADJOURNMENT**

There being no further business to be brought before the Commissioners, the Chairman declared the meeting adjourned at 11:35 a.m.

=====

APPROVED: THIS \_\_\_\_\_ DAY OF OCTOBER, 2013.

\_\_\_\_\_  
ALBERT J. SCOTT, CHAIRMAN, BOARD OF  
COMMISSIONERS OF CHATHAM COUNTY,  
GEORGIA

\_\_\_\_\_  
JANICE E. BOCOOK, CLERK OF COMMISSION