

**MINUTES OF THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF CHATHAM COUNTY, GEORGIA, HELD ON FRIDAY, JULY 11, 2014, 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 9:40 a.m. on Friday, July 11, 2014.

=====

**II. INVOCATION**

Chairman Scott said, good morning and welcome. I'm going to ask that once the Pastor has completed his message and indicate that it's time to prayer -- to pray if everybody would please stand and remain standing through the Pledge of Allegiance. We will be led in the Pledge of Allegiance by our Commission Pro Tem, Commissioner Helen Stone. At this time it's my pleasure to welcome the Reverend David H. Messner, who is the pastor of the Unitarian Universalist Church of Savannah. He will lead us in our pre-meeting devotional and prayer. Thank you so much for joining us.

Reverend David H. Messner said, thank you. Good morning. I'm grateful for the opportunity to join you today and to open this meeting together. The work you undertake here collectively is important to all of us, and so many of us are grateful for your service. As the Chairman said, I'm pastor of a small church here in Savannah, the Unitarian Universalist Church over on Troup Square. Though I suppose now pridefully we like to call ourselves a mid-size church. In this role I spend a surprising amount of my time inviting people to participate in church life. See, without participation there is no living and lively faith, just a building and pews and hymnals. This indispensability of participation is something important that I believe church and democracy share together. Now, one of the results of my role as the chief inviter in my church is that I know people differ in what they love and what they fear. Like I've learned that there are some folks who's greatest fear is that they'll be asked to come forward and speak from the pulpit on a Sunday morning. I know there are some other folks whose greatest fear is that they'll be asked to make their annual pledge to the church's financial campaign, but I suspect that the largest group by far has the unspoken fear inside that they will be asked to serve on a church governing committee. I don't know why it is. It's something about committees and Boards, impanelment, maybe the arguments borne of intractable positions that happen in church life. Maybe it's being drawn a little too deeply into the minutia of community life. Maybe it's preparing minutes that you worry no one ever reads. Maybe it's being the target of criticism no matter which decision you make one way or another there's a group who's going to want to talk to you about it. Maybe it's that there's too rarely someone to say thank you at the end of it all. It strikes me that when I talk to folks who have left the church and I try to talk to every one, it's more often about a committee experience than it is about theology, but it doesn't have to be that way. At its best working to govern is a spiritual discipline. It's a powerfully concentrated way to put our faith commitments into action. I believe in that sense your work here on this Board, everyone involved in this process of governing, is endeavoring an ongoing way to teach us what is possible in that collective spiritual discipline.

Reverend Messner said, now as a unitarian universalist, I inherit two theological strands. One of which, universalism insists that no one from the get go is excluded from God's love. No one can ever be counted out of the human family. So I'm here today to say family is family, and everything changes once we acknowledge that, once we acknowledge the breadth of the family that we're talking about. Hosea Ballou, one of our earliest leaders said these words, if we agree in love there is no disagreement that can do us any injury, but if we do not, no other agreement can do us any good, and so I leave you with this charge. In your work here, may you love one another as family. May you proceed knowing that you are doing the work on behalf of all your many relatives who are out there, and we believe in your power to make this a more inclusive, just and loving community. Thank you. Let us know turn in the spirit of prayer together.

Chairman Scott said, let us stand.

Reverend Messner gave the invocation as follows:

Dear God, we give thanks for the gifts we have received, for the great home we have been given in Savannah and Chatham County, for the nurturing land and sea upon which it has been built, and for the people of commitment and courage who make it come to life. We ask for your blessing for those who serve. Give them hearts open to the needs around them, the wisdom to judge with equity and compassion. Give them the strength to cleave to their fath and the truths they know. And bless them with joy and meaning in this holy work. God bless this Board, those who attend to it, and all the people of this great county. Amen.

Members of the Commission and Members of the audience collectively said, Amen.

=====

### **III. PLEDGE OF ALLEGIANCE**

Commissioner Stone led all in the Pledge of Allegiance to the Flag.

=====

### **CERTIFICATE OF APPRECIATION**

Chairman Scott said, Pastor Messner, we are not allowed to compensate you, but we did want to give you a certificate of appreciation for your willingness to come down and lead us in our devotion this morning.

Reverend Messner said, thank you.

Chairman Scott said, thank you very much.

=====

### **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  
                       Helen L. Stone, Chairman Pro Tem, District One  
                       Tony Center, District Three  
                       Yusuf K. Shabazz, District Five  
                       Lori L. Brady, District Six  
                       Dean Kicklighter, District Seven

Also present:       Lee Smith, County Manager  
                       R. Jonathan Hart, County Attorney  
                       Janice Bocook, County Clerk

Not Present:        Dr. Priscilla D. Thomas, Vice Chairman, District Eight  
                       James J. Holmes, District Two  
                       Patrick K. Farrell, District Four

Chairman Scott said, I recognize the Commissioner from the 3<sup>rd</sup> District for the purpose of making a motion.

Commissioner Center said, all right. Three of our fellow Commissioners are attending a NACo conference in New Orleans. The fourth will be leaving after the meeting, but I move that we formally excuse Dr. Thomas, James Holmes and Pat Farrell from attendance today.

Commissioner Stone said, second.

Chairman Scott said, properly moved and second to excuse the Commissioner from the 2<sup>nd</sup>, from the 4<sup>th</sup> and from the 8<sup>th</sup>. All in favor of the motion -- hearing any discussion? Hearing none, all in favor of the motion vote yes, opposed no.

Commissioner Brady said, hit reset.

Commissioner Shabazz said, it's not working.

Chairman Scott said, Commissioner Yusef's -- perhaps the light is just burned out on it. Would -- would the Clerk record Commissioner from the 5<sup>th</sup> District, Commissioner Shabazz as voting yes.

Clerk said, yes, sir.

Chairman Scott said, motion carries.

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

Commissioner Center moved to excuse Commissioners Holmes, Farrell and Thomas from the meeting. Commissioner Stone seconded the motion and it carried unanimously.

=====

**CHATHAM COUNTY YOUTH COMMISSION**

Chairman Scott said, we don't have any members of the Youth Commission because of the summer recess.

=====

**V. PROCLAMATIONS AND SPECIAL PRESENTATIONS**

Chairman Scott said, there are no proclamations or special presentations.

=====

**VI. CHAIRMAN'S ITEMS**

Chairman Scott said, there are no Chairman items or Commissioner items.

=====

**VII. COMMISSIONER'S ITEMS**

None.

=====

**VIII. TABLED/RECONSIDERED ITEMS**

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

Chairman Scott said, we have no Tabled Items to reconsider.

=====

**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 FOR FISCAL YEAR 2014: (1) IN THE GENERAL FUND M&O: a) INCREASE REVENUES AND EXPENDITURES \$20,000 FOR PROBATE COURT FILING FEES, b) TRANSFER \$20,000 FROM CONTINGENCY TO THE CAT TELERIDE BUDGET, AND (2) TRANSFER \$7,870 FROM MISCELLANEOUS CHARGES TO SALARIES AND BENEFITS IN THE RISK MANAGEMENT FUND; FISCAL YEAR 2015: (1) IN THE SALES TAX V FUND TRANSFER FUNDS AMONG PROJECTS AS OUTLINED IN ATTACHED MEMORANDA.**

Chairman Scott said, and so we will move to our items for Individual Action. First item is to request approval of the following budget amendments and transfer for Fiscal Year 2014: in the General Fund M&O: increase revenues and expenditures by \$20,000 for Probate filing fees, transfer \$20,000 from Contingency to CAT Teleride budget; (2) transfer \$7,870 from Miscellaneous charges to Salaries and Benefits in Risk Management Fund; Fiscal Year 2015: in Sales Tax V Fund transfer fund among projects as outlined in the attached memorandum. Is there a motion?

Commissioner Brady said, Mr. Chairman I move for approval.

Commissioner Kicklighter said, second.

Commissioner Center said, second.

Chairman Scott said, properly moved and second. Hearing the motion, any discussion? Hearing none, all in favor of the motion indicate by voting yes, opposed no.

Commissioner Shabazz said, yes.

Chairman Scott said, will the Clerk so note Commissioner Shabazz from the 5<sup>th</sup> District voted yes?

Clerk said, yes, sir.

Chairman Scott said, motion carries.

**ACTION OF THE BOARD:**

Commissioner Brady moved for approval of budget amendments and transfers for Fiscal Year 2014: (1) in the General Fund M&O: a) increase revenues and expenditures \$20,000 for Probate Court filing fees, b) transfer \$20,000 from Contingency to the CAT Teleride budget, and (2) transfer \$7,870 from Miscellaneous charges to Salaries and Benefits in the Risk Management Fund; Fiscal Year 2015: (1) in the Sales Tax V Fund transfer funds among projects as outlined. Commissioners Kicklighter and Center seconded the motion and it carried unanimously. [NOTE: Commissioners Holmes Farrell and Thomas were not present.]

**AGENDA ITEM: IX-1**  
**AGENDA DATE: July 11, 2014**

**TO:** Board of Commissioners  
**THRU:** Lee Smith, County Manager  
**FROM:** Amy Davis, Finance Director

**ISSUE:**

To request approval of the following budget amendments and transfers for Fiscal Year 2014: (1) in the General Fund M&O: a) increase revenues and expenditures \$20,000 for Probate Court filing fees, b) transfer \$20,000 from Contingency to the CAT Teleride budget, and (2) transfer \$7,870 from Miscellaneous charges to Salaries and Benefits in the Risk Management Fund; Fiscal Year 2015: (1) in the Sales Tax V Fund transfer funds among projects as outlined in attached memoranda.

**FACTS AND FINDINGS:**

Fiscal Year 2014:

1. General Fund M&O:
  - a. A portion of the fees collected by Probate Court is distributed to other agencies. The revenues and expenditures for FY2014 have exceeded the adopted budget. A budget amendment to increase the revenues and expenditures is needed to avoid an audit finding. A resolution is attached (to the original staff report in the Clerk of Commission's meeting file).
  - b. Additional funds are needed for CAT Teleride fuel and expanded services. Expenditures are projected to exceed the budget once the final payment for FY2014 is posted. The requested action uses \$20,000 from Contingency.
2. Salaries are over budget in the Risk Management Fund due to the recent retirement of the Risk Manager. A transfer from Miscellaneous Charges will cover the final payout.

Fiscal Year 2015:

1. The County Engineer has requested project modifications in the Sales Tax V Fund. Correspondence is attached (to the original staff report in the Clerk of Commission's meeting file).

**FUNDING:**

Funds are available in the General Fund M&O, the Risk Management and the Sales Tax V Funds for the transfers. The budget amendment will establish funding in the General Fund M&O.

**ALTERNATIVES:**

1. That the Board approve the following:

**GENERAL FUND M&O FY2014**

- a) Increase revenues and expenditures \$20,000 for Probate Court filing fees.
- b) Transfer \$20,000 from Contingency to the CAT Teleride budget.

**RISK MANAGEMENT FUND FY2014**

Transfer \$7,870 from Miscellaneous Charges to Salaries and Benefits.

**SALES TAX V FUND FY2015**

Transfer funds among projects as outlined in the attached memoranda (attached to the original staff report in the Clerk of Commission's meeting file).

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. ADOPTION OF YEAR 2014 MILLAGE LEVY RESOLUTION FOR THE BOARD OF PUBLIC EDUCATION FOR THE CITY OF SAVANNAH AND THE COUNTY OF CHATHAM PURSUANT TO ADVERTISEMENT HAVING BEEN PUBLISHED IN ACCORDANCE WITH O.C.G.A. 48-5-32.1.**

Chairman Scott said, Item 2, adoption of year 2014 millage levy resolution for the Board of Public Education for the City of Savannah and the County of Chatham pursuant to the advertisement having been published in accordance with Georgia Code 48-5-32.1. Is there a motion?

Commissioner Brady said, Mr. Chairman, I move for approval.

Commissioner Kicklighter said, second.

Commissioner Stone said, Mr. Chairman?

Chairman Scott said, properly moved and second that we approve the millage rate as requested by the Board of Education. Hearing the motion is there discussion? I recognize Commissioner Stone from the 1<sup>st</sup> District.

Commissioner Stone said, thank you, Mr. Chairman. Last year I made this comment, and I'll make it again. I think that I have a real problem voting on something that I don't have a copy of, and I made this comment last year that if we're supposed to approve a budget, I'd really like to see a copy of the budget, so I'm going to vote no again.

Chairman Scott said, the Chair recognize Commissioner Center from the 3<sup>rd</sup> District.

Commissioner Center said, thank you Mr. Chairman. Firstly I'd like to say that I would personally appreciate it if someone from the School Board would show up when we're asked to adopt their budget. I just think it's a -- a matter of protocol in my personal opinion that when we're doing something the School Board asks us to do that someone from the School Board should appear before us and tell us they've requested it. Secondly, as I understand the law as explained to me last year and in my own research, the Board of Public Education is a separate political entity, and we really under Supreme Court rulings of the State of Georgia have no choice. That if we -- if we did not pass this, then a Superior Court Judge could change our vote by Court Order. That we really have no say so in that we are merely a perfunctory body just for necessary reasons, and we are court-ordered to do what the -- the School Board asks us to do.

Chairman Scott said, I recognize the Commissioner from the 6<sup>th</sup> District.

Commissioner Brady said, well, and --

Chairman Scott said, Commissioner Brady.

Chairman Scott said, first of all I'd like to say that -- that they did not raise their millage rate, number one. And number two, I think this is all just a -- a -- I hate to use the word technicality 'cause it's not the right word that I'm choosing, but I want to refer to the County Attorney in reference to -- to exactly what Commissioner Center said and -- and just confirm it from the perspective of the County and how this works.

Chairman Scott said, let me --

County Attorney R Jonathan Hart said, yeah, the Board of Education -- excuse me.

Chairman Scott said, let me -- let me just explain it to you this way. The School Board is in fact a separate entity. They do not have taxing authority. The County Commission has taxing authority as laid out by the legislature. The School Board ability to collect a millage is also capped by the legislature.

Commissioner Brady said, at 20 mills.

Chairman Scott said, and if the School Board tried to levy a mill higher than what's in law, this Commission can reject their request without any recourse of the Courts. In the absence of that, if we do not pass their request that within the guidelines of the law that they are authorized to request, then a Superior Court Judge can in fact declare our vote null and approve their request. In essence, that's what he or she would be doing, and -- and the law so states that. And -- and so that's really the gist of it. Now, I will refer to counsel if he takes exception or have anything to add.

County Attorney Hart said, that -- that -- you explained it very well. The only technical difference would be the Superior Court Judge would not change the vote, he would just direct you to vote yes.

Chairman Scott said, yes.

Commissioner Brady said, well, and -- and Mr. Chairman, I understand that. I just want to make sure that the public understands it, and in reference to, you know, wanting to see the budget, every Commissioner on this Board has access to the School Board budget. In reference to comments about getting them to come before us and beg us to approve their millage rate, I, you know, I -- I disagree with that, I mean, simply because of what the rules are. So I -- I just wanted to make it crystal clear what the rules were in reference to approving their millage rate.

Commissioner Center said, and let me say, I wasn't saying they need to beg us. I just think it's a matter of courtesy to show up when they ask us to pass something.

Chairman Scott said, Commissioner Kicklighter.

Commissioner Kicklighter said, thank you, Mr. Chairman. I agree with Commissioner Brady. I -- I don't see a need for the Board of Education to appear before us or get us their budget when -- especially when it's online. I just simply believe that the State needs to change a ignorant law. I mean when we have a law in place that says we have to vote yes, that's a stupid law, and it needs to change, but it has nothing to do with the Board of Education, so I agree they don't need to sit here and beg and plead. The only time they may need to do that is if they're going for a big tax increase, and the majority here did vote no, which I would do, and then I'll just have to let that Judge force me to vote for that increase. But this is not the fault of our Board of Education or it's staff, and, you know, so no need for us to -- to make them stand up there and grandstand for something -- some reason they don't need to do or have to do.

Chairman Scott asked, okay. Is there anyone here from the Board of Education? I know in the past they have sent budget analysts to the meeting to answer questions, but they are not present today. Is there --

Commissioner Kicklighter said, I just didn't want to be a hypocrite. I voted against it last year, but, with that in mind, the Judge could make me.

Chairman Scott said, is there anyone else wishes -- hearing none. And -- and -- and not in defense, but in response to the Commissioner from the 7<sup>th</sup> District, Commissioner Kicklighter, it may not have been perfected, but the intent of it was -- is to have oversight over a potential runaway school board who could set millage rate and adversely impact tax payers, and that the Board of Commission would have the last say, and you must also take into consideration, that law was probably written when we had -- had -- for a number of years the School Board was in fact appointed by the Grand Jury, and so they wanted the governing authority for the County to approve any millage rates that were set by that school board, and that was the wisdom of the legislature at the time. Any further discussion?

Commissioner Kicklighter said, does that comment contradict the beginning though? I mean do we actually have the authority?

County Attorney Hart said, yes.

Chairman Scott said, yes, we do. Now -- and the Judge has the authority to order you --

County Attorney Hart said, it -- it -- it --

Chairman Scott said, -- to vote somewhat different, and if you don't, he can find you in contempt.

County Attorney Hart said, yeah. It -- it boils down to this. You're the governing authority of the County, and you are the -- the group that can levy millages. We have a Board of Education for the City of Savannah, County of Chatham that is a county-wide school board, which means the school board in the unincorporated county is run by them, the school board in the City of Savannah is run by them, and for that matter, all the other municipalities. When this Act was passed, they defined what a recommending authority is, and a recommending authority as used for a Board of Education that serves more than a single Board of Education for a municipality has the authority and the words they use, the right to exercise the power to cause a millage recommendation to be passed. So they call it a recommending authority, but it says they're authorized to achieve a millage increase. Now that Act, as the Chairman so correctly pointed out, says if you go beyond your powers given within your right to do a budget, this Board can say, we're not going to levy that millage, it's an illegal millage rate. But up -- subject to them not doing something illegal they are an authoritative source, and I believe the

outcome, if there were a negative vote would be like Chairman Scott and Commissioner Center has already adequately described.

Commissioner Kicklighter said, so, is it safe to say that other than the 20 mill cap on the Board of Education, that their position is no different than the constitutional officers within which we see their budget?

County Attorney Hart said, technically they're --

Commissioner Kicklighter said, with the exception that we break out their budget into a separate millage rate?

County Attorney Hart said, technically they're even stronger than that. Constitutional officers have an obligation to comply with the Budget Control Act and also go through the budget process. The School Board does not have to go through a budget process with the Commission to have their budget established. So from -- from a -- from a point that they do -- unless their budget does something illegal or their budget is in excess of the millage rate --

Commissioner Kicklighter said, right.

County Attorney Hart said, -- you -- you are-- you have no choice period.

Commissioner Kicklighter said, okay. And for the -- for the people that might not know what I'm talking about there, people -- the general public would be pretty much under the impression that we just control this massive budget, which, in a way, we have oversight, but again, by State law, we have constitutional officers in this county, which would be the Sheriff, Tax Commissioner, all these different constitutional officers, they give us their budget. If we say no, they can actually go to court, sue, and the Judge can say, no, you have to pay that amount. That actually happened my first or second year here when one of the constitutional officers took the -- took it to court and they won. So, I just wanted to kind of explain that.

Chairman Scott said, that's -- now that doesn't mean that you can't set a budget for them.

Commissioner Kicklighter said, right.

Chairman Scott said, okay.

Commissioner Kicklighter said, some -- some Chairman have done better jobs, which you're -- you're the one at negotiating with these constitutional officers, and I appreciate what you've been able to do.

Chairman Scott said, now this is not -- this is not consistent throughout the 50 states. There are some states where the school board budget is in fact part of the Commission budget, and is in fact, set by the County Commission, in some states. Okay. Is there any further discussion? Hearing none, all in favor of the motion to approve the school board millage levy indicate by voting yes, opposed no.

Commissioner Shabazz said, yes.

Chairman Scott said, Commissioner Shabazz, who's machine isn't working has indicated he has voted yes. Please record.

Clerk said, yes, sir.

Chairman Scott said, the motion carries.

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

Commissioner Brady moved for adoption of year 2014 millage levy resolution for the Board of Public Education for the City of Savannah and the County of Chatham. Commissioner Kicklighter seconded the motion and it carried in a 5-1 vote with Commissioner Stone being the lone no vote. [NOTE: Commissioners Holmes, Farrell and Thomas were not present.]

**AGENDA ITEM: IX-2**  
**AGENDA DATE: July 11, 2014**

**TO:** Board of Commissioners

**THRU:** Lee Smith, County Manager

**FROM:** Amy Davis, Finance Director

#### **ISSUE:**

Adoption of year 2014 millage levy resolution for the Board of Public Education for the City of Savannah and the County of Chatham pursuant to advertisement having been published in accordance with O.C.G.A. 48-5-32.1.

In addition, Form PT-35 County Millage Rate Certification and Form Pt 32.1 Computation of Millage Rate Rollback and Percentage Increase in Property Taxes for Tax Year 2014 must be certified and submitted to the Georgia Department of Revenue for digest approval for the tax year 2014.

**BACKGROUND:**

A tax levy resolution must be submitted to the State of Georgia Department of Revenue, and is scheduled for delivery by the Tax Assessor's Office during the week of July 28, 2014.

**FACTS AND FINDINGS:**

1. At its June 25, 2014 meeting, the Board of Public Education adopted a resolution for the millage levy for tax year 2014.
2. The recommended millage rates for tax year 2014 are as follows:
  - (a) General Fund, 15.881 mills. This is equal to the current millage rate.
  - (b) G.O. Bond Debt, 0.00 mills. This is equal to the current millage rate.
3. The aggregate millage rate is 15.881 mills. This is equal to the 2013 aggregate millage rate.
4. The 5-year history of levy was advertised as required by State Law and incorporated the recommended rates. A copy is attached (to the original staff report in the Clerk of Commission's meeting file).

**FUNDING:**

N/A

**ALTERNATIVES:**

1. Adopt the year 2014 levy resolution for the Board of Public Education pursuant to advertisement having been published and the Millage Rates as follows:
  - (a) General Fund, 15.881 mills.
  - (b) G. O. Bond Debt, 0.00 mills.
  - (c) An aggregate millage rate of 15.881 mills.
  - (d) Authorize the Chairman to sign the Georgia Department of Revenue Form Pt 35.
2. Modify the tax levy resolution.

**POLICY ANALYSIS:**

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

**RECOMMENDATION:**

That the Board approve Alternative 1.

Prepared by: Read DeHaven

=====

**3. BOARD CONSIDERATION OF REQUEST FOR VARIANCE FROM THE NOISE ORDINANCE TO ACCOMMODATE LIVE MUSIC AT COCOA'S DESSERT BAR, 4 WILMINGTON ISLAND ROAD, FOR JULY 26, 2014 AND AUGUST 1, 2014. [DISTRICT 4.]**

Chairman Scott said, number 3 on the Individual Action Calendar. Board consideration of a request for variance from the noise ordinance to accommodate live music at Cocoa's Dessert Bar, 4 Wilmington Island Road, for July 26, 2014 and August 1, 2014. We'll recognize at this time our able staff, Mr. Anderson.

Gregori S. Anderson said, thank you Mr. Chairman, members of the Board. Gregori Anderson, Director of Building Safety and Regulatory Services. Before you this morning is a request for a variance to the county noise ordinance. This request is to accommodate a special event on two specific days for two specific times. The ordinance does identify a maximum sound level or decibel level of 65. The applicants would like to increase that decibel level to 90 to accommodate live entertainment for these two events on these two particular days for these two intervals of time. The County ordinance does give you the authority to grant variances and the applicant has been notified to attend this morning, and I believe they might be here to answer any specific questions that you may have.

Chairman Scott said, you -- you will also note in your packet that one of the events is for a non-profit organization and the other one is just to have a good time. And if there are any questions of staff? Okay. I'm going to see if anybody in the audience want to speak to this before I entertain a motion. Well, let's hear the pros and then we'll hear the cons. Is there anybody who want to speak to it who is in favor of it?

Mr. Marc Schneider said, good morning. This -- my name is Marc Schneider and my wife and I own Cocoa's Dessert Bar. Actually, the one that -- as the Commissioner said, or I'm sorry, the Chairman, is a good time is a 40<sup>th</sup> birthday party that our customers have actually come to us and asked for -- to have a -- a -- a party in the back where we have a garden back there with picnic tables and -- and we put out cornhole boards, and they have a good time. Our good neighbors here, we've made several, several accommodations for them. I know that Mr. Whittedge is going to come up and speak, but I just wanted to let everybody know the 90 dB is never reached. It's never reached. Actually, the last time we've asked for a variance, we actually had the police department come out with a dB meter, and we did have live entertainment. We had a DJ there, and that's -- at 90 dB nobody can hear anything and our customers are going turn it down, turn it down, turn it down. So it wound up being at 75 dB, and it was even lower than that at that point. We've also done several fundraisers at our -- at our facility, and on the 1<sup>st</sup>, you'll see that that is one of them. We also have another fundraiser on the 22<sup>nd</sup> of this month which is -- will be indoors. It's for the Rape Crisis Center. Does anybody have any questions for us I guess we what we need to know?

Chairman Scott said, I -- I have just one. I know where your business is located.

Mr. Schneider said, yes, sir.

Chairman Scott said, but where do you live?

Mr. Schneider said, on Wilmington Island, in the park.

Chairman Scott said, okay. Anybody have any questions?

Commissioner Shabazz said, I have a question.

Chairman Scott said, you've got a couple questions.

Mr. Schneider said, yes, sir.

Chairman Scott said, Commissioner Center and Commissioner Shabazz in that order.

Commissioner Center said, oh, thank you. You -- you've already talked with your neighbors?

Mr. Schneider said, no, sir.

Commissioner Center said, talked with your neighbors? You said, well, you knew one was going to be -- you've talked with him?

Mr. Schneider said, no, sir.

Commissioner Center said, okay. And in the -- in the past, you said you've gone up to 70?

Mr. Schneider said, 74.

Commissioner Center said, okay.

Mr. Schneider said, 74 dB. We went up to 90 with the police present to see how it would -- how it would sound and it was way too loud. Way too loud.

Commissioner Center said, and you're going to have a live band both times?

Mr. Schneider said, one time.

Commissioner Center said, which -- which time's going to be the live band?

Mr. Schneider said, on the 26<sup>th</sup>.

Commissioner Center said, okay. I mean, my concern is that the Commissioner from that District is not here today.

Mr. Schneider said, yes, sir.

Commissioner Center said, and he has great input, especially because it's his District, and if we waited two weeks, that would be one day in advance. It would be too difficult for the live band if I asked to put it off for two weeks?

Mr. Schneider said, yes, sir.

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

Commissioner Shabazz said, good morning, sir.

Mr. Schneider said, good morning.

Commissioner Shabazz said, where is this -- where is it located? It's on Wilmington Islands, right?

Mr. Schneider said, it's on Wilmington Island Road. It's right next to the Publix.

Commissioner Shabazz said, okay.

Mr. Schneider said, and it -- our neighbors are Publix, Turner's Cove Condominiums and then Hogan's Marina is right there as well. It's on a one way road.

Commissioner Shabazz said, it -- so there are residents in this area?

Mr. Schneider said, yes, sir.

Commissioner Shabazz said, people live --

Mr. Schneider said, yes, sir.

Commissioner Shabazz said, houses or is it apartments?

Mr. Schneider said, it's condominiums.

Commissioner Shabazz said, condominiums. Have you ever had any complaints from --

Mr. Schneider said, we've had several, and the police have showed up. We've -- with the dB meter done the dB meter checks. We've never been cited for a violation. Never been cited. They've been -- we've had several 9-1-1 phone calls, and I believe our neighbors that are here today are going to tell you about them, but when the police -- police officers show up with a supervisor and the dB meter, it's all been within limits.

Commissioner Shabazz said, right. What -- what were the complaints?

Mr. Schneider said, that the music was too loud. The music was too loud or people are out back talking, but at the same time, the Crow Bar gets the same complaint, which is across the street.

Commissioner Shabazz said, okay. Can you have this event with the 65 decibels?

Mr. Schneider said, no, sir. The crickets are louder than 65 dB outside.

Chairman Scott said, the crickets are not that loud at my house.

Mr. Schneider said, and it's noticed -- it's noticed on the dB meter by the police sergeant that's there.

Commissioner Shabazz said, so you're saying that you can't have it at this noise level.

Mr. Schneider said, not at 65.

Commissioner Shabazz said, okay. So, I'm -- I'm just concerned about you disturbing the residents, even though it's not my District.

Mr. Schneider said, yes, sir.

Commissioner Shabazz said, but I'm -- I sympathize with those who live at that area. You know, I'm -- I'm very much concerned about the disturbance of that area, 'cause I know if someone had a bar, and -- and they wanted to raise it up a certain amount of decibels, that I would be very concerned about it.

Mr. Schneider said, that -- that's why we're here for the variance, sir.

Chairman Scott said, okay.

Mr. Schneider said, for the special events.

Commissioner Shabazz said, thank you.

Chairman Scott said, any further question on the pro side?

Commissioner Center said, have you ever requested a variance before or is this the --

Mr. Schneider said, yes.

Commissioner Center said, and were you granted it?

Mr. Schneider said, yes, sir.

Commissioner Center asked, when was that and what happened that?

Mr. Schneider said, last year.

Commissioner Center said, and what was the result?

Mr. Schneider said, on two different dates. It was not a problem.

Commissioner Center said, okay.

Chairman Scott said, okay.

County Attorney Hart said, this -- this particular property, and I'm not speaking for or against anything, but it's had a history to it. For whatever reason, the -- several of the residents that live in that condominium have filed a -- a number of complaints, and at one point in time the County Attorney's office was asked to look at the number of complaints from the police department, and I do not recall the number of complaints at this time, it's just been too long, but at that time the number of times the police department went out there was more than a dozen times, but the owner of the property accounted for about two-thirds of those to have his sound measured from the property line.

Mr. Schneider said, that's right.

County Attorney Hart said, and of the 12 complaints, when the police department came there and measured it with a dB rating, it was below 65. So what this gentleman is -- is doing, is he's saying I can without question have some things at my facility and stay below 65 dB, which is his right, but if he's going to have an outdoor band, it's probably going to be higher than that, and, therefore, I ask for a variance.

Mr. Schneider said, that's correct.

County Attorney Hart said, and that would -- the granting of that is solely up to you folks. What -- you can either do it or not do it.

Mr. Schneider said, that is correct, sir. We -- we did -- when we started getting response -- report -- complaints, when we did have some outdoor music, some acoustic music, we did call in advance and get a pre-check with the police officers. Asked for the police officers to come out with a dB meter to check on the property line, and we were always within limits.

Chairman Scott said, okay. Anything else on the pro side? Any more questions? Thank you.

Mr. Schneider said, thank you.

Chairman Scott said, now I'll hear the opposing arguments. Please give us your full name, and your address if you don't mind.

Mr. Mike Whitledge said, my name is Mike Whitledge. I live at 3 Paddington Circle in Turner's Cove. We're right next door to the bar that we're talking about, Cocoa's Bar. I'm here today to --- to speak about the situation, the situation that's been addressed and the variance that they're requesting because there have been a lot of inaccuracies already said. There's been a lot of things that have already been noted by Mr. Schneider and others that is not correct. We have for the past -- some of you may already know me because I've worked with some of you or tried to work with some of you about trying to get their noise limited in the -- from the bar. We have been working for the past 15 months to try to get Cocoa's under some kind of control to limit the sound, to limit their volume, and we've had a little success. We've had a lot of help from Mr. Farrell, and I'm sorry he's not here, former County -- Russ Abolt helped us to -- to a great extent, and we appreciate what he did for us, but we're here today because Cocoa's is asking for a variance. They're asking for a variance so they could have live music in their back yard, which is close to us. In fact, their property line, their backyard property line is only 35 feet from our property line, 35 feet. From here, maybe to that door. So we're going to bring in live music, amplifiers. We're going to play this music up till 11:00 o'clock, and we're going try to -- we won't go to 90, we'll just go to 75. We may go to 80, and I'm going to show you in a minute how much -- what 75 would sound like, and -- and think about the fact that we're just 35 feet. I do want to stop though and introduce some people that are with me right now. I have other residents of Turner's Cove that I'd like to just introduce. Dr. Ron Fagan is our past association president; his wife, Catherine; my wife, Cheshire Whitledge, and Bruce Jacobs, is our current president of the association at Turner's Cove. So if you have any questions about the association, you can ask.

Mr. Whitledge said, I would like to start by making sure everyone of the -- on the Commissioners are aware of the fact of the location between Cocoa's and Turner's Cove, just how close it is. And I would like to back up and just correct something I thought heard about the decibel reading, of maybe being -- the allowed decibel reading of 65 decibels. We don't know what it is. Nobody seems to be clear what the ordinance allows.

Chairman Scott said, oh the ordinance is -- the ordinance is pretty clear.

Mr. Whitledge said, it's not real clear because it -- it -- it is clear to me, but it doesn't appear to be clear to -- to the police force, and -- and it doesn't be clear to maybe some other people. This is a receiving sound ordinance. This is a receiving land table. We're the receivers. It's not 65, it's 60 up to 10:00 o'clock, it's 55 after 10:00 o'clock, and -- and we've tried to address this with -- with the Attorney Hart, and we have not had any success in reaching him, but it's the receiving land table. We are the receivers. It's defined in there, and I can show you where it's defined, Chairman. I would like to show you with some photos just how close we are if I'm allowed to have this presented to you, so you can just take a quick look at it.

Chairman Scott said, yeah, we can -- we can display it here.

Mr. Whitledge said, also, I want to point out on the first photo, there's very limited parking for Cocoa's.

Chairman Scott said, if you just --

Mr. Whitledge said, okay.

Chairman Scott said, -- hand it to the gentleman behind you, and he'll --

Mr. Whitledge said, all right. There's very limited parking there. You'll see that on the first slide or the first photo.

County Attorney Hart said, you'll need the screens down.

Mr. Whitledge said, you can -- you can tear it apart.

[NOTE: Photographs were displayed on the screen for the audience and the Commissioners' monitors for their viewing.]

Chairman Scott said, you'll be able to see it on your monitor in just a second.

Commissioner Brady said, no, I was worried about it hitting the County Manager in the head.

Chairman Scott said, oh, it'll be okay, as long as he don't move.

County Attorney Hart said, he has to be 6-4 or taller.

Chairman Scott said, as long as he doesn't move, he's in good shape.

Commissioner Center said, we used it on purpose.

Mr. Jerrell McRell said, you should see it on the screen.

Chairman Scott said, yeah, we --

Mr. Whitledge said, can -- can you see it now?

Commissioner Center said, we don't have it on our monitors.

Chairman Scott said, no, we can't. We don't have it on the monitor.

Mr. Whitledge said, oh the monitors.

Chairman Scott said, okay. There you go. We see it now, Jerrald.

County Attorney Hart said, you need to pull it down.

Mr. Whitledge said, oh, you're going to have to spin it around. All right. This -- this is the front of Cocoa's Bar. In the background you can see Turner's Cove not that far away. This is the parking lot for Cocoa's Bar. They technically have no other parking. They attempt to use Publix. Corporate Publix has notified them on more than one occasion that they cannot be parking there anymore, they will be towed. So now they're using the alley way, which is -- we're going to see in a minute that goes to Hogan's Marina. Here's the alley way that goes to Hogan's Marina, there's Cocoa's to the right. That wall is Turner's Cove. That's how close we are, and this is where the parking now is taking place. So we have to obviously listen to the parking and people leaving and people communicating, things like that. The third item, third slide, this is the back of Cocoa's. This is their picnic tables and tents. There is Turner's Cove, right there, that close. You take a live band, you put some amplified

music, and you play it in that back yard, we are going to hear it greatly from Turner's Cove. It will make a lot of noise. Here's the alley way again so you can see how it's separate. The red truck is right there at the -- where the wall is where it goes to Turner's Cove, and the last slide is the front of Turner's Cove [sic], where they have a porch and they also have music from time to time, and again, it's only here -- the photo is only here to show you just how close we are to Cocoa's Bar.

Mr. Whitledge said, now, we had very limited time to prepare for this morning. For some reason, the public is not notified when somebody wants to do a variance. We had to accidentally just stumble across this when we were looking through the Chatham County website yesterday, and we noticed, hey, there's a variance for increased noise at Cocoa's. There should be some way that we would have been notified. Maybe the owner could have come to us and said I know you've had an issue with us in the past, you have called the police a number of times, you've been over here to talk to me one time, hey, you know what, we're going to try to do some kind of a -- a special thing next week or the week after, we'd like to know if you -- Turner's Cove would give us some kind of consideration. That didn't happen. We just happened to find out about this variance, so we quickly have gone to put some things together so we can show you that it's a variance you can't approve. I have a list of signatures here from Turner's Cove that could not be here -- residents that could not be here. These are the ones that are mostly affected by how close they are to that -- to the bar, to Cocoa's Bar. I'd like to present that to you so you'll have the petition signed by so many showing that they also are against the variance that has been requested. Can I give this to you?

Commissioner Kicklighter said, how many signatures is on there?

Clerk said, 13.

Commissioner Kicklighter said, 13?

Clerk said, yes, sir.

Mr. Whitledge said, Turner's Cove is not a huge commit -- community, but it is a nice community, and we -- we try and respect our neighbors, and we try to make sure that we don't make too much noise and so forth. We just want to make sure that Cocoa's realizes that in the last 15 months, all the times they're talking about that we made a phone call to the police and the police came out and the police did their meter check, a lot of that was due to the fact that the police officers were untrained. A lot of it was due to the fact that when the police came out, where that red truck is in that one slide, that's where the police would get out with their sound meter, stand there against the wall, and guess what, mysteriously the music volume went down. So while the police were there doing a ten-minute check, which they have to do, they found out, hey, this does not exceed ordinance. We're sitting on our patio with our sound meter, we're going it is exceeding the ordinance, but we can't have the police there. They're having them come to the alley way where they're supposed -- they've been told to do the check. The final meeting we had was with our police chief, and she recommended, and she had the -- Lieutenant Flood to go by and see the owner of Cocoa's Bar and tell him if he would to understand that the variance now is a little different. The sound level that is required -- or allowed is 60 up to 10:00 o'clock, 55 after 10:00 o'clock, and that going forth that would be enforced and going for -- forward they would begin to check it from our location so they would not be noticed by the Cocoa's staff. If you can grant me just a couple minutes, I would like to -- I have a short two-minute video. Two minutes, that's all it is, and it will just really say everything that I'm trying to say, of a typical weekend night from Cocoa's where they had a live band and no variance. So you can only imagine after you watch this what it's going to be like with a variance.

Mr. Whitledge said, we want some peace and quiet in our neighborhood. We are not ever stop -- trying to stop Cocoa's from operating a bar. We used to go Cocoa's before the current owner purchased the existing Cocoa's Bar. It was a very nice Martini Dessert Bar. We went over there, had our martinis, ate some desert. We -- we talked to people. I mean it was an enjoyable place. It's not that anymore in my opinion. It's a bar. Let's face it, it's a bar with cornhole. It's a bar with pool tables. It's a bar with TVs. It's a bar with dart boards. It's a bar with outdoor live music. It's a -- it's a place that wants to be a -- it's a junior Coach's or a junior Thunderbolt at Tubby's where I want that live band in the back yard, and I want to blow it out. I want to invite a lot of people to this so we can make a lot of money, but where are they going to park? Nobody ever talks about where they're going to park and what happens when the music stops? Where do all those people go? They don't immediately go home. They congregate outside, and we continue to hear the noise we're hearing. So, may I -- with your permission, Chairman Scott, may we be able to show this two-minute video? I think it will be very beneficial.

Chairman Scott said, Jerrald, you better take control of it. I don't think --

Mr. McRell said, yes, sir. I know. I got it.

Chairman Scott said, okay.

Commissioner Center said, may I ask a question while they're doing that?

Chairman Scott said, yes.

Commissioner Center said, ask you a question, Mr. Whitridge.

Mr. Whitledge said, Whitledge.

Commissioner Center said, Whitledge. What -- what if we grant this only till 10:00 p.m.?

Mr. Whitledge said, won't work.

Commissioner Center said, you don't want --

Mr. Whitledge said, as this video will --

Commissioner Center said, you don't -- you don't want it at all?

Mr. Whitledge said, I don't -- want it at all.

Commissioner Center said, okay. And -- and you're not happy with the levels now at all either?

Mr. Whitledge said, no, I'm not happy with the levels now. Nobody understands the levels now. They're incorrect.

Commissioner Center said, and if you had your druthers, you'd lower the level now?

Mr. Whitledge said, exactly. If I had my -- if I had my choice I would not be here to talk about a variance, I would be here talking about how we could get them to lower their volume as it is right now. It's not conducive -- it's nothing against them. It's inaccurate to think we're against them. This is not a good situation. The County should have never allowed a bar to be that close to a residential neighborhood. The County should have never been allowed to give this bar a -- a live entertainment permit when it's 35 feet from a residential zone, but it was done, so we have to live with that. And we can't fight that.

Commissioner Center said, y'all are condominiums?

Mr. Whitledge said, it's not a condominium. We're -- we're -- we're town homes.

Commissioner Center said, town homes, okay.

Mr. Whitledge said, yes. Right.

Commissioner Center said, but ownership not apartments.

Mr. Whitledge said, ownership, right.

Chairman Scott said, it's -- it's a -- it's a town home community with roughly 75 units.

Mr. Whitledge said, correct.

Chairman Scott said, and roughly 200 residents. I'm thoroughly familiar with it. Average price 400,000 to \$600,000.

Mr. Whitledge said, well, or more.

Commissioner Kicklighter said, I have a question while we're waiting on this video if I may.

Chairman Scott said, yes, go ahead.

Commissioner Kicklighter asked, what was there first, the condos or the bar?

Mr. Whitledge said, I'm sorry?

Commissioner Kicklighter asked, what was -- what was in that location first, condos or a bar?

Female Member of the audience, the condos.

Male Member of the audience said, the condos. The town -- the townhouses.

Male Member of the audience said, the townhouses.

Commissioner Kicklighter said, okay.

Chairman Scott said, this -- this -- this development started in the early 2000, and it slowed down when the economy took a dive, and then it was finished out I guess about four years ago.

County Attorney Hart said, this is --

Commissioner Kicklighter said, okay. And I see the gentleman that owns the -- the --

County Attorney Hart said, this is the old Palmer's restaurant site.

Commissioner Kicklighter said, right.

County Attorney Hart said, I don't know if y'all are familiar with it.

Chairman Scott said, it was a restaurant before.

County Attorney Hart said, used to be the Palmer's Seafood Restaurant on Wilmington Island.

Male Member of the Audience said, yes.

County Attorney Hart said, it's that site from the road back to the water.

Chairman Scott said, it was a restaurant when the condos was built.

Commissioner Kicklighter said, okay.

County Attorney Hart said, and -- and then -- and this bar -- and then you got -- and they put the development there and to the right of that is Cocoa's Bar.

Commissioner Kicklighter said, okay. Was --

County Attorney Hart said, yeah, as you face it from the street.

Commissioner Kicklighter said, was there a bar there before the condos -- town homes were built?

County Attorney Hart said, I don't know.

Commissioner Kicklighter said, he's shaking his head, yes in the back.

Mr. Schneider said, there was -- there was several different places there. There was --

Chairman Scott said, no. No. I -- I don't -- I don't want you answering any questions now.

Mr. Bruce Jacobs said, sir, I'm Bruce Jacobs --

Chairman Scott said, go ahead.

Mr. Jacobs said, the current president of the Turner's Cove Homeowners' Association and to clarify a couple of things, the Turner's Cove Phase I started in the year 2000. The first home was closed in -- in -- in 2000 -- end of 2000. It's been built out over the ensuing seven years, six years, to include 76 homes.

Commissioner Kicklighter said, okay.

Mr. Jacobs said, there are -- there are 15 homes on Paddington Circle that are affected by the --

Commissioner Kicklighter said, what -- what year was a bar opened there?

Mr. Jacobs said, all right. The bar -- there - there was several things on the site where the bar was. The first one was a -- a small restaurant called Café Toni which opened in 2002. Then it became a restaurant --

Commissioner Kicklighter said, no, I'm -- I'm -- I'm wondering if prior to whoever purchased that land and built town homes --

Mr. Jacobs said, it -- it was there before it was --

Commissioner Kicklighter said, -- was there a bar sitting there?

Chairman Scott said, there was a --

Mr. Jacobs said, it was there before the bar.

Chairman Scott said, it was a -- it was a -- it was a restaurant.

Mr. Jacobs said, yeah, it was a restaurant.

Chairman Scott said, I'm thoroughly familiar with the area. I knew the developers. I looked at it. I -- so I'm -- I'm thoroughly familiar with it. It was a restaurant there.

Mr. Jacobs said, yes. Two restaurants, actually. Two.

Chairman Scott said, it was not a bar. Yeah. When it was -- when it was built.

Mr. Jacobs said, then it was a bar-b-que place.

Chairman Scott said, yeah.

Mr. Jacobs said, then it became the original Cocoa's, which -- now the last homes on Paddington were finished and sold in early 2007. It became Cocoa's after that, the first generation Cocoa's when it was a dessert bar. No noise and as Mr. Whitledge said, a very, very good neighbor. It was only recently in the last two years or so when the current Cocoa's owners took over that the problem has -- started.

Chairman Scott said, if you're going to show your video, we need to see it.

Mr. Jacobs said, yeah.

[NOTE: Mr. Whitledge showed a short video taken on a cell phone for the Board]

Chairman Scott said, 10:52 p.m.

Mr. Whitledge said, 11:20. 11:47. This -- this is from inside our house. 12:47 from our daughter's bedroom, a 10-year-old. Can we -- can we replay the first 20 seconds? I was not -- I did not have a chance to rewind it. I think you need to see the first -- just the first part. This is my back porch. This is how loud it is. I'm sitting on my back porch. My back porch. And this is without a variance. This is at the tip of the night. This is when they would have a live band in the back with amplified equipment. Again, we're only 35 feet away. So, we're here today just to say give us some consideration. We have tried to work with Mr. Schneider. He's never met with me other than the fact when I went over to meet him and ask him to help us tone it down. He's never advised me that he's going to have these kind of things. We don't have people in our house on weekends. We're not -- I'm not exaggerating this. We don't have friends over. We're embarrassed at this noise when it kicks off like it just did there. We don't have family over to spend the night or whatever, not on weekends. You can come during the week, don't come on the weekends, for a year and a half. So instead of being here today to talk about a variance increase, wish I could be here today to tell you let's eliminate this situation so that the residents in the Turner's Cove can have a peaceful existence. The same thing that the County Manager said, Russ Abolt, he said, they should be respectful neighbors. They're not.

Commissioner Stone said, Mr. Chairman?

Chairman Scott said, you have a question?

Commissioner Brady said, Commissioner Brady of the 6<sup>th</sup> District has a question for you.

Commissioner Brady said, so, that film that we just saw is actually with them having outdoor music. That's not them having indoor music?

Mr. Whitledge said, correct, and that's a great question. I appreciate you asking that. When they take the music inside, and that's what the police chief asked Lieutenant Flood to speak to them about, when they take their music inside, we may hear something, we may hear some crowd noise when they're walking in or out, or maybe, you know, a little bit. We're okay with it. I'll be quite honest with you, last couple of months he's been very good about keeping the music inside, and it's been very quiet. This location this close to a residential neighborhood should not have outdoor music at any time under any decibels. They need to be -- remain inside and have their music inside. They draw a good crowd. I'm sure he's making good money from it. So that's really what we're requesting if we mentioned that. And I appreciate you asking that, but that was outdoors. So when they have live music outdoors, this is what we face without the variance.

Commissioner Brady said, how long have you lived there, sir?

Mr. Whitledge said, we've been there a year and a half. So we've been there ever since this started. Our property value is in jeopardy. Whether we can -- we talked about selling our house. Who's going to buy our house? If they come by and they want to look at it on a Friday night or something and they hear this, or they just drive by and -- late at night and walk around and go, wow, what is that? This is not just heard from my house and other houses next to me, this is heard across the street and down the street, other neighbors.

Commissioner Brady said, thank you, Mr. Chairman.

Chairman Scott said, Commissioner Stone then Commissioner Shabazz. In that order.

Commissioner Stone said, thank you, Mr. Chairman. I'm curious. Does Hogan's own the road where they're parking?

County Attorney Hart said, no. The County.

Mr. Whittedge said, it's -- it's county maintained.

County Attorney Hart said, yeah. It's -- it's -- it's actually a public right of way. It's not an alley.

Commissioner Stone said, okay. But is it being blocked in any way, shape or form by these cars? I mean if he's got a parking lot I'm wondering why they're parking on a different road and if it's a county road, are they blocking it for access and is that something that should not be allowed?

Mr. Whittedge said, we've wondered if fire trucks could come down that road at night.

Commissioner Stone said, I -- I mean --

Mr. Whittedge said, we don't know if it's wide enough.

Commissioner Stone said, I'm just curious because you do have a marina down there. There's a business down there and if there were to be a fire or some catastrophe and the road is blocked, that could be a problem. Just for information. If they -- if they have on -- off street -- I mean if they have on site parking why are they allowed to park on a road that doesn't belong to them?

Mr. Whittedge said, and if I may interject or answer that? And -- and certainly the owner will probably want to make his comment about this. The only parking they have is up front, and I'm only guessing, and you can look at it by the photo, 15 cars, maybe 20 cars, and if you have a live band, and you're paying a live band anywhere between -- from \$400 to \$600 for that performance, you're expecting a lot more than 15 or 20 cars, so where are we going to put these cars? Well let's put them in Publix. Well Publix says no more, don't do that, we're going to tow you, and we'll make sure that does happen. We'll put them over here in the -- in the Hogan's, in the alley way there. We have neighbors that live across from us that say they hear the crowd late at night, 2:00 in the morning, 1:00 in the morning, whatever walking back to their cars, and naturally, when you've had a few drinks, sometimes getting a little loud. And they hear that noise.

Commissioner Stone said, well, I mean, I --

Mr. Whittedge said, so that's -- that's a super question you're asking.

Commissioner Stone said, I heard the noise from the -- from the road.

Mr. Whittedge said, correct.

Commissioner Stone said, and I'm just curious as to why all -- you know, that's being allowed on --

Mr. Whittedge said, we asked --

Commissioner Stone said, -- on property that does not belong to them.

Mr. Whittedge, yeah, and we have asked this with the County, and believe -- believe me, it's been a battle trying to get answers. We have not got one yet.

Chairman Scott said, Commissioner Shabazz.

Commissioner Shabazz said, yes. How often does this noise -- is that every weekend?

Mr. Whittedge said, no. This is -- not every weekend. Like I said, lately they've been okay. They've taken their band inside which is where it should be. Inside their bar.

Commissioner Shabazz said, so he's asking for this on one special occasion.

Mr. Whittedge said, that's correct, and he said that he --

Chairman Scott said, two occasions, Saturday night on the 26<sup>th</sup> and Friday night on August 1<sup>st</sup> --

Mr. Whittedge said, right. And I don't know what the reason is for the 26<sup>th</sup>. I didn't understand what he said the reason was for that. I don't know.

Commissioner Shabazz said, right. So --

Mr. Whittedge said, but in any event --

Commissioner Shabazz said, so --

Mr. Whittedge said, -- he said that he asked for it last year and it was granted right by this -- this Commission --

Commissioner Shabazz said, right. Right.

Mr. Whittedge said, -- two times last year, and that's because, again, how are we to know that someone's asking for a variance unless we just go to your website every two weeks, look it up and we have to read it.

Commissioner Shabazz said, let me ask you this. You -- you're the -- you're the -- are you the neighborhood association president?

Mr. Whittedge said, no. Mr. Bruce Jacobs is.

Commissioner Shabazz said, okay.

Chairman Scott said, he was just up there speaking.

Commissioner Shabazz said, okay. Now. I want to know, do you all ever have gatherings over in your neighborhood?

Mr. Whittedge said, we will have them. We'll have them at our -- at our dock, which is down on the river.

Commissioner Shabazz said, right. Do you have amplified music?

Mr. Whittedge said, no.

Commissioner Shabazz said, never?

Mr. Whittedge said, other than the -- no.

Commissioner Shabazz said, do you ever have parties out there?

Mr. Whittedge said, no. No parties.

Commissioner Shabazz said, no parties. Okay.

Mr. Whittedge said, I mean --

Mr. Jacobs said, we have neighborhood gatherings.

Commissioner Shabazz said, neighborhood gatherings.

Mr. Whittedge said, no. No music. We don't have nothing like this is. I mean --

Commissioner Shabazz said, so it never gets loud?

Mr. Whittedge said, I don't want to offend anybody, but our average age is --

Commissioner Shabazz said, excuse me. Excuse me.

Mr. Whittedge said, -- probably --

Commissioner Shabazz said, so it never gets loud?

Mr. Whittedge said, -- 50 to 60, yeah.

Commissioner Shabazz said, it never gets loud?

Mr. Whittedge said, sir?

Commissioner Shabazz said, does it ever -- does it ever -- does it ever get loud?

Mr. Whittedge said, no, never.

Commissioner Shabazz said, at your gatherings?

Mr. Whittedge said, never. It's a very quiet community.

Commissioner Shabazz said, now, another -- another question I have for you, that wall that appears in that video --

Mr. Whittedge said, correct.

Commissioner Shabazz said, -- or that presentation you just made.

Mr. Whittedge said, correct.

Commissioner Shabazz said, is that a sound wall there?

Mr. Whitledge said, a sound wall?

Commissioner Shabazz said, yeah.

Mr. Whitledge said, no, sir.

Chairman Scott said, it's a -- it's just a concrete block, stuccoed wall.

Commissioner Shabazz said, okay. How tall is that wall?

Chairman Scott said, six feet roughly.

Mr. Whitledge said, no, it's taller than that. I would say it's more 10 --

Chairman Scott said, so eight feet?

Mr. Whitledge said, -- 10 -- 10 feet or so. It's taller than me.

Chairman Scott said, yeah.

Commissioner Shabazz said, okay.

Mr. Whitledge said, yeah.

Commissioner Shabazz said, so does that kind of kill some of the sound?

Mr. Whitledge said, it may. I don't know. We'd have to take the wall down to find out. I can't tell you.

Commissioner Shabazz said, okay. Now, and the other question I had for you, at night when they come out to get to their cars --

Mr. Whitledge said, right.

Commissioner Shabazz said, -- and you hear the people talking, do they ever use foul language?

Mr. Whitledge said, well, we cut that out. She cut it out. We had a couple of --

Commissioner Shabazz said, what do you mean -- what do you mean you cut it out?

Mr. Whitledge said, -- f bombs being said, and we cut that out because we didn't want you guys to hear it today.

Chairman Scott said, you mean edited it?

Mr. Whitledge said, and if anybody doesn't think that's correct, I will email each one of you the full -- what they are saying -- the unedited. But you can hear it.

Commissioner Shabazz said, so you cut the foul language out?

Mr. Whitledge said, yes. And you can see the public parking lot and you can hear the foul language. And again, let me emphasize, we are not trying to stop Cocoa's Bar from doing business.

Commissioner Shabazz said, you're not -- you're not offended at the kind of music that they're playing, are you?

Mr. Whitledge said, no. No. We're not offended by the kind --

Commissioner Shabazz said, I mean if they were playing --

Mr. Whitledge said, -- we're just offended by the sound of the music.

Commissioner Shabazz said, listen to me, if they were playing something --

Chairman Scott said, gospel?

Commissioner Shabazz said, not gospel but --

Commissioner Brady said, symphony music.

Mr. Whitledge said, like what?

Commissioner Shabazz said, maybe -- maybe a little softer rock or something. I don't know.

Mr. Whittedge said, Frank Sinatra or something.

Commissioner Shabazz said, or -- or -- some other type of music other than R&B.

Mr. Whittedge said, no, sir.

Commissioner Shabazz said, 'cause I heard that music, and it sounds like R&B, rhythm and blues type music, and some people may get offended by that. I -- I just want to know --

Mr. Whittedge said, no, sir.

Commissioner Shabazz said, can you -- can you -- can you make a allowance for this gentleman to have this gathering for these dates?

Mr. Whittedge said, well, unequivocally, no, and as --

Commissioner Shabazz said, so you're not willing -- you're not willing to work with him at all?

Mr. Whittedge said, not at all.

Commissioner Shabazz said, okay.

Mr. Whittedge said, because here's what's happened. The last time he -- he came up here, he said he had a -- got a variance, no complaints. Nobody -- nobody objected because nobody knew. We're the -- we have -- somebody needs to explain to us how we're to know when somebody's going to do a variance and ask for a variance so we can come up and maybe object. There's something missing in the loophole here. So the last time he came here there was nobody from Turner's Cove to object or we would have been here and said, no. No. No. We can't do this. You hear the music. Whether it's the -- your kind of music that you want to hear or not your kind of music, it's way too loud. And that was not with the variance. That's up to 60, 65 decibels as you saw the meter. Think about going to 75 and possibly up to 80 and maybe even 90. That's what you're -- that's what you're being asked today. Is that okay? Is that okay for our family to put up with that or do we need to go out of the house that night, go down to downtown and sit where we've sat many times at night, go to the mall, go to a movie or do something, just get out of the house so we don't have to listen to it. That's what we're asking.

Commissioner Kicklighter said, Mr. Chairman?

Chairman Scott said, okay. Commissioner Kicklighter of the 7<sup>th</sup>.

Commissioner Kicklighter said, Mr. Chairman, I think I'd like to -- let's just try to send everybody out of here mad, which means strike a compromise.

Chairman Scott said, I'm not -- I'm not -- I'm not ready to recognize you for a motion just yet.

Commissioner Kicklighter said, well I --

Commissioner Center said, just to make people mad.

Commissioner Kicklighter said, okay.

Chairman Scott said, but I -- you know, we -- we'll get to a motion in just a few.

Commissioner Kicklighter said, I would -- I would love to see a compromise, and I'll put it in the form of a question. We definitely want the residents to enjoy your homes, not be invaded, have your -- I mean you've got beautiful places there, great property value, also striking that balance, wanting to see businesses be successful. Is there any way which everybody would be angry, instead of allowing a variance to go to 11:00 o'clock for two nights, let it be 10:00 o'clock and one night instead of two nights. Other words, that's a compromise, and I -- I know the answer. He wouldn't be happy, the owners wouldn't be happy back there, and y'all wouldn't be happy, but usually that kind of means it probably was a -- a fair give and take type situation there, and --

Mr. Whittedge said, why are we compromising on this?

Commissioner Kicklighter said, well, I mean I -- because people's --

Mr. Whittedge said, where -- where are we -- where are we wrong?

Commissioner Kicklighter said, -- livelihoods --

Mr. Whittedge said, but where are we wrong?

Commissioner Kicklighter said, -- are involved with it also. That's why I'm asking if there could be some kind of just compromise.

Mr. Whitley said, well as I mentioned, as they are currently having their music indoors, they still attract a good crowd. We're not -- there's no need to compromise. They're still making money. I'm not sure why you're -- we're being asked to let them then extend that for that one particular weekend night. I don't know what the first night, weekend night, fundraiser was for, was something that the owners are requesting -- do we --

Chairman Scott said, we need -- we need to wrap it up if anybody have any more questions of opposing side.

Mr. Whitley said, appreciate it.

Chairman Scott said, thank you. I appreciate you being here.

Mr. Whitley said, thank you.

Chairman Scott said, our agenda's -- is actually made public every Tuesday prior to the Friday meetings.

Commissioner Kicklighter said, I'm going --

Chairman Scott said, and I don't know if it's on our access channel, but we can certainly put it there, and if these two television stations were community friendly, they would actually pick up our agenda on Tuesday and start running it as a public service announcement, and since they're hearing your complaints, I'm sure they will start doing that as soon as possible. I allowed the homeowners ample time. I'm going to allow a couple minutes from the person who's requesting the petition come forth to see if he has any further comment before we entertain a motion.

Mr. Schneider said, thank you. I appreciate that. First of all, nice to meet you again. The video that we saw, it -- it was very disturbing, and I agree, but we also have to realize that this was over a year ago.

Female Member of the Audience said, no, it wasn't.

Mr. Schneider said, it was July of last year for a 50<sup>th</sup> birthday party. Excuse me, you had your time. It was for a 50<sup>th</sup> birthday party.

Chairman Scott said, actually, I'm -- I'm in charge of this --

Mr. Schneider said, yes -- yes, sir. I'm sorry. I'm sorry.

Chairman Scott said, -- this meeting, but.

Mr. Schneider said, it was for a 50<sup>th</sup> birthday party. And addressing the -- Lieutenant Flood did call, and we did come to a compromise. We did move -- move music inside, and we haven't had a complaint since, and this was last September or October. Also with -- as -- as far as the road, blocking of the road, we've never blocked that road. Our customers have never blocked that road, and Hogan's Marina actually uses that, their customers use that road to park their trailers and their boat trailers down that road. One side is -- cars are parked on that side of the road but not on the other side, so there's easy access down the road. We've also talked about -- as far as the -- Mr. Kicklighter compromise, for the fundraiser on August 1<sup>st</sup>, we won't need a variance.

Commissioner Center said, great.

Mr. Schneider said, that's our compromise.

Commissioner Brady said, okay.

Chairman Scott said, your compromise was what?

Mr. Schneider said, we will -- we -- we don't need the variance for the August 1<sup>st</sup> date. It's going -- as far as going back to the -- us making a compromise, that's what we're willing to do. We'll move the music inside.

Commissioner Center said, would you be willing --

Chairman Scott said, Commissioner Center has a question for you.

Commissioner Center said, thank you.

Chairman Scott said, then Commissioner Brady.

Commissioner Center said, why can't you move the music inside on -- on July 26<sup>th</sup> also?

Mr. Schneider said, there will be too many people there.

Chairman Scott said, okay. Commissioner Brady.

Commissioner Brady said, in -- in your request -- I'm sorry. Thank you, Mr. Chairman. In your request it says we currently have a live music permit but limited to 60 dBs.

County Attorney Hart said, 65.

Commissioner Brady said, well, he -- I'm talking about his request. It says 60.

Mr. Schneider said, it says 60 because we were told by Lieutenant -- Lieutenant Flood once he interpreted the ordinance it was at 60, and then he -- and from what we were always told -- told by the other police officers, it was 65. Lieutenant Flood at that same time made a request to the County Attorney for -- what you call it?

Chairman Scott said, an opinion.

Mr. Schneider said, an opinion.

Chairman Scott said, yeah.

Mr. Schneider said, of what it actually is.

Commissioner Brady said, well let me ask you this, when you say you have a live music permit.

Mr. Schneider said, yes.

Commissioner Brady said, does that -- does that mean you can have a band outside but it has to be at 60 or say 65 dBs? Is that what that means? What -- what does that mean?

County Attorney Hart said, well, you've got -- you've got an issue with our ordinance of whether you're measuring it from the sender or the receiver, and the police department has always done it from the property line, okay?

Mr. Schneider said, exactly.

Chairman Scott said, from the sender.

County Attorney Hart said, or the public right of way, and that's why you hear the measurement from the property line across the public right of way.

Commissioner Brady said, well, I -- I guess my point is this, and I know you want to have loud music, and I've been to places that have loud music, but if already have a live music permit up to 60 dBs --

Chairman Scott said, up to 10:00 o'clock.

Commissioner Brady said, up to 10:00 o'clock --

Chairman Scott said, 55 after that.

Commissioner Brady said, I mean, how --

Mr. Schneider said, that's not what the live music is for. The live music permit is to actually have live music at your facility.

Commissioner Brady said, but it would allow you to have live music outside up to 60 dBs.

Mr. Schneider said, correct.

County Attorney Hart said, basically it boils down to this. He -- he's got -- he's got a right within the ordinance to have 60 dB at his -- at his place. Apparently he's having some type of function. He's probably going to have outside music, I don't know, and he's asking for a variance to say, I don't want my band shut down because I'm at whatever decibel level.

Commissioner Brady said, I -- I under -- I under -- I understand that. I understand that completely.

County Attorney Hart said, and it's only a temporary thing.

Commissioner Brady said, and I understand that too. I guess my point is -- is that, you know, if you already have a permit and you can go up to 60, and -- and I'll just say 65 because I believe the ordinance says 65 up until 10:00 o'clock, I mean, can't -- you can't live under those guidelines?

Mr. Schneider said, me standing here talking like this is more than 65 dBs.

Commissioner Brady said, that's hard to believe.

Mr. Schneider said, no, ma'am. It is.

County Attorney Hart said, it's conversational voices is 65.

Commissioner Brady said, excuse me?

County Attorney Hart said, typically a loud conversational voice is 65 --

Chairman Scott said, loud.

Commissioner Brady said, kind of like my voice.

County Attorney Hart said, but -- but, the difference between 65 and 70 doesn't progress in a steady progression, it goes like this [demonstrating]. So when you start talking about the difference between 65 and 75, it is sub -- it's fairly substantial. It's kind of like earthquakes, when they measure earthquakes, they'll -- they'll have a 4 point earthquake, and then the difference between a four and a five is --

Commissioner Center said, double.

County Attorney Hart said, -- is pretty dramatic because it's an accelerated curve not a straight slope.

Commissioner Brady said, well, that -- that was my question.

Commissioner Kicklighter said, question.

Commissioner Brady said, thank you.

Commissioner Kicklighter said, Chairman, if I may?

Chairman Scott said, any other questions?

Commissioner Kicklighter said, yes, sir.

Chairman Scott said, any other questions of him?

Commissioner Kicklighter said, yeah. So other words, with the 60 or 65 decibels, you -- have you pretty much decided that you can't have anything outdoors so you have moved everything in?

Mr .Schneider said, yes, sir.

Commissioner Kicklighter said, okay. So with this request -- other words, to keep afloat, or -- yeah, I don't need to know your business I guess. I don't even want to know your business, but it would be of a great help to maybe at least once or twice a year to be able to have one large outdoor event where you can --

Mr. Schneider said, yes, sir.

Commissioner Kicklighter said, -- profit? Would you be willing to work with your neighbors and -- and voice a commitment that -- in other words, each year you could probably make it as -- larger and -- and more profitable, but where you assure them that you won't do any outdoor music other than that one time when you receive a permit to exceed --

Mr. Schneider said, since -- since our conversation with Lieutenant Flood where we made the commitment to them that we'd move it all inside, that's where it's all been.

Commissioner Kicklighter said, but the last part of my question is --

Mr .Schneider said, yes, sir.

Commissioner Kicklighter said, what -- if -- other words, if -- if -- if -- if everybody granted a compromise of one time now, can you commit to them that you'll only want to do an outdoor thing once or maybe twice next year outdoors, and then you would be inside?

Mr. Schneider said, yeah. The -- the reason why we do that most of the time is for a charity event. Like I said, the 22<sup>nd</sup> of this month we're doing a comedy, live comedy show. It's for the Rape Crisis Center. Last year we did one for leukemia. We've done them for melanoma cancer. I mean anybody that comes up with a fundraiser that they want to bring a lot of people in, I normally have them outside.

Commissioner Kicklighter said, right. And I -- and I don't think any of you people are far apart on good intentions of things happening, I think it's just been a -- a lack of communication, and, you know, if y'all could come

together somehow. Like I'm sure these good folks would want to attend and help a -- at a Rape Crisis event. I mean, you know, they're -- they're -- that's a good program. So I would just like to see somehow y'all get together in the future, and if -- if y'all can commit that. I mean, problem solved quite a bit if y'all stay indoors with your live music except for once or whatever, you know, twice maybe a year.

Chairman Scott said, okay.

Commissioner Kicklighter said, having said that, Mr. Chairman, are you ready for a motion?

Chairman Scott said, yeah, but, I -- I've -- I've been -- someone's already asked me if they could make a motion.

Commissioner Kicklighter said, oh, well, that's great.

Chairman Scott said, and -- so if there's no further questions.

Commissioner Kicklighter said, have at it.

Chairman Scott said, and if there's no further questions. Thank you. Now -- now I'm going to recognize Commissioner Shabazz from the 5<sup>th</sup> District to make a motion, and then if you don't like his motion, you can make a substitute motion, and if we can get a second on it, then we'll go from there. At this time I'll recognize Commissioner Shabazz from the 5<sup>th</sup> District for the purpose of making a motion.

Commissioner Shabazz said, thank you, Chairman. Chairman, I make a motion to move -- to grant a variance from the noise ordinance from 60 to 70 decibels until 10:00 p.m.

Chairman Scott said, is there a second?

County Attorney Hart said, for the date requested.

Commissioner Shabazz said, for the dates requested.

Commissioner Center said, both dates?

Commissioner Shabazz said, yes.

Chairman Scott said, is there a second? That's a compromise position. Okay. There's not a second for the motion. Is there any additional motions? I recognize Commissioner Kicklighter of the 7<sup>th</sup> District for the purpose of making a motion.

Commissioner Kicklighter said, thank you, Mr. Chairman. In a -- in an effort to reach a compromise and send everyone out not completely happy. I will make a motion to grant a variance on July the 26<sup>th</sup> to 10:00 p.m. rather than 11:00 p.m.

Chairman Scott said, re -- restate that.

Commissioner Kicklighter said, a motion to re-grant -- to grant the petitioner's request on the night of July the 26<sup>th</sup> and for it to go until 10:00 p.m. rather than 11:00.

Chairman Scott said, 90 decibels though? Okay. Is there a second for that?

Commissioner Kicklighter said, you know, I think anybody can put up with something until 10:00 one time a year. So.

Commissioner Center said, I'll second that.

Chairman Scott said, all right. Moved and second. Any discussion? Hearing none, all in favor of the motion indicate by voting yes, opposed no.

Commissioner Shabazz said, no.

County Attorney Hart said, what -- what -- what --

Chairman Scott said, Commissioner Shabazz of the 6<sup>th</sup> [sic] District has indicated he has voted no.

Commissioner Brady said, 5<sup>th</sup>.

Chairman Scott said, or the 5<sup>th</sup> District has indicated he's voted no.

County Attorney Hart said, you have a -- the motion fails. The motion fails.

Chairman Scott said, the motion fails.

Commissioner Center said, may I ask a question to staff?

Chairman Scott said, you can ask a question through me of the staff.

Commissioner Center said, okay. I -- I'll -- I'll ask -- I'll ask it to you. I -- I was intrigued with interest by the process. I know when people want to do real estate, there's a big board posted outside, and the neighbors are notified that we're going to have a hearing on how to handle real estate. I -- I -- I was intrigued by his -- by Mr. Whitley's comment that we don't know about this unless we pick it up by reading the agenda which comes out on Tuesday or see it. Do we have a process where people encourage neighbors? I mean this happened a couple of weeks ago with the Isle of Hope school where the neighbors knew about it?

County Attorney Hart said, typically -- there's no requirement for us to give notice in a situation such as this. Zero requirement.

Commissioner Center said, no requirement, for -- for the movant to give notice of it.

County Attorney Hart said, correct. And there's no requirement for the county to give notice. Okay? We do so through our publication of our agenda. All right? I think the Chairman's correct. We need to put it on the public service prop and then it's very readily accessible there. We have lots of things that do not require public notice, and then we have things that deal with the MPC and zoning that require a lot of public notice. When you start requiring notice on everything, you get into this huge battle of what constitutes sufficient notice, okay?

Commissioner Kicklighter said, Chairman?

Chairman Scott said, yeah.

County Attorney Hart said, notice to surrounding neighbors in a condominium project, is that one or all? Is that the homeowners' association or everybody there? Is it -- if it happens to be an apartment complex and people are renting there, are you going to give notice to the owner and then give notice to the tenants. And I know that sounds some-- somewhat ridiculous, but those have been the type of arguments that have been raised in zoning petitions before the MPC. In addition to that, the notice requirements carries with it an expense, and sometimes those expenses are borne by the petitioner, sometimes those expenses are borne by the MPC. So, you -- if you -- notices are a wonderful thing in concept, but it has to be reasonably exercised. For example, there's an issue right now on -- on -- on certain types of ordinances if we adopt it, do we have to give everybody in the -- say the Special Service District that it's contemplated notice of that? Well let's if -- for -- if we had done that for our last Special Service District, it would have cost thousands of dollars. So again there has to be --

Chairman Scott said, okay. That's -- in other words we can't -- we can't notify on all agenda items. It would be extremely expensive, complicated, and everybody else, and then you couldn't take any action on anything unless you was -- published it. So that's -- that's not feasible. Okay. Before we --

Commissioner Center said, thank you, Jon.

Chairman Scott said, before we move on, there's still yet more action on this. I recognize -- I recognize the Commissioner from the 6<sup>th</sup> District for the purpose of making a motion.

Commissioner Brady said, okay. And I -- and I apologize 'cause I'm not sure how I'm going to do this, but I understand I need to make a motion for reconsideration of an item.

Chairman Scott said, you would have -- you would have to make a motion to reconsider our action on failing to pass the item, and then if that motion carries, you -- it will be back on the floor, and you can make a motion to do whatever you want with it at that point.

County Attorney Hart said, did you vote for the prevailing side?

Chairman Scott said, yeah.

Commissioner Brady said, yes.

Chairman Scott said, yeah.

County Attorney Hart said, okay.

Chairman Scott said, you can --

Commissioner Center said, but the prevailing side -- the prevailing side were the red buttons.

County Attorney Hart said, yeah.

Commissioner Center said, even though it was a tie.

Commissioner Brady said, oh.

County Attorney Hart said, correct. You're -- you're -- I just -- you -- you can make your motion.

Commissioner Brady said, I make a motion that we reconsider.

Commissioner Kicklighter said, second.

Commissioner Brady said, I'm sorry. I'm trying.

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

Commissioner Brady said, oh, you got it working.

Commissioner Center said, it fails.

Chairman Scott said, that -- the motion --

Commissioner Center said, I have -- I have a point of order. It fails.

Chairman Scott said, the motion fails.

Commissioner Center said, okay. Wait a minute.

Commissioner Kicklighter said, the motion passed.

Chairman Scott said, it takes -- it takes five votes.

County Attorney Hart said, you got -- you got to have a majority vote.

Commissioner Center said, that's a resolution or an ordinance.

Chairman Scott said, five votes.

Commissioner Center said, is this a -- a resolution or an ordinance takes five votes. Is this vote a resolution or an ordinance?

County Attorney Hart said, well, the granting of a variance giving -- giving a right where you're actually taking an action.

Commissioner Center said, yeah, but we have -- we haven't --

County Attorney Hart said, it's been customary and practiced for us to take an action.

Commissioner Center said, all right. We -- we haven't granted a right yet. We're just voting on a procedural matter.

Commissioner Kicklighter said, since there's six people here, the majority don't win?

County Attorney Hart said, no, the majority --

Chairman Scott said, I'll -- I'll -- I'll vote to reconsider so you can -- so you can have an opportunity --

Commissioner Stone said, right.

Chairman Scott said, -- to make you another motion. I vote to reconsider. Madam Clerk, would you so indicate. Now the motion carries to reconsider. I recognize the Commissioner from the -- the item is reconsidered. I recognize the Commissioner for the purpose of making a motion.

Commissioner Brady said, I move that we grant a waiver of the ordinance only for Saturday, July 26<sup>th</sup>, from 6:00 to 10:00 p.m. with an -- a -- a maximum dB of 80.

Commissioner Kicklighter said, second.

Chairman Scott said, moved and second. Any discussion?

Commissioner Kicklighter said, wait, before we vote, my discussion is, I -- I can count votes, and I can see you shaking your head on the end. What decibel level would -- would you be comfortable with for that one night if there were -- if we --

Chairman Scott said, you have a motion. You have a second now, and the motion has 80 decibels.

Commissioner Kicklighter said, you just said if there is any discussion.

Chairman Scott said, yeah, we can discuss it, but --

Commissioner Kicklighter said, well, that was a discussion, Mr. Chairman, with all due respect.

Chairman Scott said, okay. Okay.

Commissioner Stone said, you -- you're asking me?

Commissioner Kicklighter said, yes.

Commissioner Stone said, with the myriad of problems associated with this whole establishment, I -- I really in respect to a neighborhood, I don't think we need to grant a variance. That is my personal opinion.

Chairman Scott said, okay.

Commissioner Kicklighter said, thank you for answering my question.

Commissioner Brady said, can I respond to that?

Chairman Scott said, all right. We have -- yeah, we have a motion and -- and we're in the discussion phase, yes, if you have discussion.

Commissioner Brady said, well, listen, I -- I -- I'm pro-neighborhood myself, and I don't think that we've had a myriad of problems with this particular business. They had two events outside last year. This has lowered it down to one event this year. They're moving everything else inside. It's lowering the dBs and when you live near a business unfortunately sometimes you're going to be at a disadvantage during certain events. And -- and -- I just don't want it to be -- I don't want anyone to believe that this business has had a -- a myriad of problems because I don't think that's the case.

Commissioner Stone said, well, may I --

Commissioner Brady said, I'm sorry.

Commissioner Stone said, -- respond to that, Mr. Chairman? To her concerns?

Chairman Scott said, I recognize the Commissioner from the 1<sup>st</sup>.

Commissioner Stone said, when I said a myriad of problems, I'm addressing the parking. I'm now wondering if there are that many cars in there are we exceeding fire marshal laws of how many people -- that building is small.

Commissioner Kicklighter said, you're opening up another can if you're talking Hogan's Marina stuff. You know, you better --

Commissioner Stone said, no -- no, I'm just talking about obviously there's not enough parking. So --

Chairman Scott said, the motion -- the motion doesn't address itself to that, so.

Commissioner Stone said, well, I was addressing the myriad of problems.

Chairman Scott said, the motion --

County Attorney Hart said, correct. This is -- this -- this motion is to vote on getting a variance on noises and the discussion needs to stay on topic.

Commissioner Stone said, I understand.

Chairman Scott said, yeah.

Commissioner Stone said, but I was addressing the myriad of concerns that I have associated with the actual business and the number of times that the police have been called.

Chairman Scott said, yeah, but that has nothing to do with the motion.

Commissioner Stone said, I understand, but --

Chairman Scott said, okay. And so I have to --

Commissioner Stone said, -- I'm answering her question.

Chairman Scott said, -- I -- I have to suggest that you're out of order.

Commissioner Center said, Mr. Chairman?

Chairman Scott said, I recognize Commissioner from the 3<sup>rd</sup> District.

Commissioner Center said, and I guess I have to ask for or do I, I -- I would really like to hear the Commissioner from the 4th's input on this even if postponing it until the 25<sup>th</sup> is difficult, and I'd like table this till the 20 -- till the next meeting.

Commissioner Kicklighter said, there's no point.

County Attorney Hart said, is -- is --

Commissioner Center said, can I --

Commissioner Kicklighter said, there is a motion.

Commissioner Shabazz said, you can't do that.

Chairman Scott said, is there a second? Is there a second?

Commissioner Shabazz said, yes, second.

Commissioner Kicklighter said, to -- to table?

Chairman Scott said, yeah.

Commissioner Kicklighter said, that effect -- that just kills it.

County Attorney Hart said, you got to vote on the motion to table because there's a motion already on the floor.

Commissioner Center said, okay.

Chairman Scott said, motion to table takes precedent.

Commissioner Shabazz said, no -- I -- that -- that -- that was for table?

Chairman Scott said, yes.

Commissioner Shabazz said, I withdraw that.

Chairman Scott said, you withdraw the second.

Commissioner Shabazz said, yes.

Chairman Scott said, there is no second. Restate -- restate your motion.

Commissioner Brady said, my motion?

Chairman Scott said, so everybody will be clear. You -- one night 80 decibels.

Commissioner Brady said, my -- my motion is to only allow it for July 26<sup>th</sup> from 6:00 to 10:00 p.m. not 11:00 p.m. -- I'm just restating my motion, with a maximum of 80 dBs.

Chairman Scott said, okay. Hearing the motion, we've got a second on that by the Commissioner from the 7<sup>th</sup> District unless he's withdrawing it.

Commissioner Kicklighter said, no, sir. It's still there.

Chairman Scott said, all right. You heard the motion. All in favor indicate by voting yes, opposed, no.

Commissioner Center said, it fails.

Chairman Scott said, motion fails.

Commissioner Brady said, motion fails.

Commissioner Center said, and Mr. -- Mr. -- Mr. Chairman may I --

Commissioner Kicklighter said, why did it fail?

Commissioner Center said, -- make a point -- point of order, if I may?

Chairman Scott said, you got to have five.

County Attorney Hart said, Commissioner Shabazz --

Commissioner Center said, I -- I -- if I may, Mr. --

Chairman Scott said, yes.

Commissioner Center said, and Dean -- I --

Commissioner Brady said, you have to have a five.

Commissioner Center said, no. No.

County Attorney Hart said, did you vote yes or no?

Commissioner Shabazz said, yes.

Clerk said, he voted yes.

County Attorney Hart said, oh.

Commissioner Center said, if I -- if I may since I have the floor.

Chairman Scott said, yes.

Commissioner Center said, Commissioner Kicklighter, our powers that set us up -- our coordination powers of Chatham County government, even though our quorum is five, any ordinance or resolution requires a majority vote of the entire Commission --

Chairman Scott said, which is five votes.

Commissioner Center said, -- so it takes five votes to pass even though there's six of us here.

Chairman Scott said, you've got to have five votes.

Commissioner Center said, that -- that's just the law. We can't pass an ordinance or resolution without a majority of the entire Commission.

Commissioner Kicklighter said, is this an ord -- ordinance?

County Attorney Hart said, it's not an ordinance or resolution but you are taking action on a variance.

Chairman Scott said, you're amending an ordinance.

Commissioner Kicklighter said, but legally? I mean, it -- it's not an ordinance or a resolution, so how -- how does that fit the legal requirements?

Chairman Scott said, the motion -- the Chair --

Commissioner Kicklighter said, if it's very clear that --

Chairman Scott said, the Chair declared the motion failed based on the law. Now --

Commissioner Brady said, we need to change that law.

Chairman Scott said, we -- we can --

Commissioner Kicklighter said, just for the record, I would like to know our paid County Attorney's opinion on that, with all due respect.

Chairman Scott said, if you -- if you can -- you -- make that request to the Chair and the Chair shall grant that for you.

Commissioner Kicklighter said, thank you, sir.

Chairman Scott said, but I just can't continue discussion without some sort of format.

County Attorney Hart said, correct. I'll be glad to answer it. I don't have an answer off the top of my head right

now. That issue -- that -- that dissection has never really been made before.

Commissioner Kicklighter said, okay.

Chairman Scott said, and -- and the Chair declared the motion defeated.

County Attorney Hart said, we'll do that today, though.

Chairman Scott said, okay. We'll get you an opinion on it.

Commissioner Kicklighter said, just curious for the future.

Chairman Scott said, okay.

**ACTION OF THE BOARD:**

- a. Commissioner Kicklighter moved for Board approval to grant the variance of the noise ordinance on July 26, 2014, until 10:00 p.m. Commissioner Center seconded the motion and it failed. The Chairman, Commissioner Stone and Commissioner Shabazz voted no. Commissioners Center, Brady and Kicklighter voted yes. [NOTE: Commissioners Holmes, Farrell and Thomas were not present.]
- b. Commissioner Brady moved to reconsider the action. Commissioner Kicklighter seconded the motion and it carried in a 5-1 vote with Chairman Scott and Commissioners Stone, Center, Brady and Kicklighter voting yes and Commissioner Shabazz voting no. [NOTE: Commissioners Holmes, Farrell and Thomas were not present.]
- c. Commissioner Brady moved to grant a waiver of the ordinance for Saturday, July 26th, from 6:00 p.m. to 10:00 p.m. with a maximum dB of 80. Commissioner Kicklighter seconded the motion which was alleged to have failed in a 4-2 vote in that the majority of the full body of the Commission did not vote in the affirmative. Commissioners Center, Shabazz, Brady and Kicklighter voted yes. Chairman Scott and Commissioner Stone voted no. [NOTE: Commissioners Holmes, Farrell and Thomas were not present.] A request was then made for a legal opinion to rule upon whether the vote did or did not carry.

**AGENDA ITEM: IX-3**

**AGENDA DATE: July 11, 2014**

**TO:** Board of Commissioners

**THRU:** Lee Smith, County Manager

**FROM:** Gregori S. Anderson, Director, Building Safety and Regulatory Services

**SUBJECT:** Cocoa's Dessert Bar, 4 Wilmington Island Road

**ISSUE:**

Request for variance from the noise ordinance to accommodate live music at Cocoa's Dessert Bar, 4 Wilmington Island Road for July 26, 2014 and August 1, 2014.

**FACTS AND FINDINGS:**

1. The subject establishment has a valid tax certificate for live entertainment, alcoholic beverage license, Sunday sales and tax certificate for a restaurant.
2. The Chatham County Noise Ordinance limits sound in business zoning districts to sixty-five (65) decibels at all times of the day or night.
3. The submitted request is to obtain a variance to allow ninety (90) decibels on July 26, 2014 and August 1, 2014 from 6:00 PM - 11:00 PM and from 5:00 PM - 11:00 PM respectively.
4. The ordinance allows the issuance of a variance to create noise levels above the allowed level by the Chatham County Commission.
5. The variance is allowed for a temporary duration, for a specific date and time.
6. Applicant advised to be present.

**FUNDING:**

Not applicable.

**ALTERNATIVES:**

1. Approve variance request for July 26, 2014 and August 1, 2014.
2. Disapprove variance request.

**RECOMMENDATION:**

Board consideration.

=====

**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, Action Calendar. Has everybody had a chance to look at it?

Commissioner Shabazz said, yes.

Chairman Scott said, there was no -- there was no request to pull anything from the Action Calendar.

Commissioner Center said, so a motion?

Chairman Scott said, I will entertain a motion at this time.

Commissioner Center said, I have a motion.

Commissioner Brady said, I second. Oh --

Chairman Scott said, properly moved --

Commissioner Center said, I move that we pass the Action Calendar.

Chairman Scott said, properly moved and second that we pass the Action Calendar.

Commissioner Shabazz said, second.

Chairman Scott said, hearing the motion, any discussion? Hearing the motion any discussion? Hearing none, all in favor of passing the Action Calendar vote yes, opposed no. The Action Calendar is adopted.

**ACTION OF THE BOARD:**

Commissioner Center moved to approve all items on the Action Calendar, Items 1 through 10 and under Item 10, Items A through F. Commissioner Shabazz seconded the motion and it carried unanimously. [NOTE: Commissioners Holmes, Farrell and Thomas were not present.]

=====

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

=====

- 1. APPROVAL OF THE MINUTES FOR THE REGULAR MEETING OF JUNE 27, 2014, AS MAILED.**

**ACTION OF THE BOARD:**

Commissioner Center moved to approve the minutes of the regular meeting of June 27, 2014, as mailed. Commissioner Shabazz seconded the motion and it carried unanimously. [NOTE: Commissioners Holmes, Farrell and Thomas were not present.]

=====

**2. CLAIMS VS. CHATHAM COUNTY FOR THE PERIOD JUNE 19, 2014 THROUGH JULY 2, 2014.**

**ACTION OF THE BOARD:**

Commissioner Center moved to authorize the Finance Director to pay the claims against the County for the period of June 18, 2014 through July 2, 2014, in the amount of \$10,307,220. Commissioner Shabazz seconded the motion and it carried unanimously. [NOTE: Commissioners Holmes, Farrell and Thomas were not present.]

=====

**3. REQUEST BOARD APPROVAL OF A CHANGE IN FINANCE POLICY ALLOWING STAFF TO APPLY FOR STATE AND FEDERAL GRANTS IN CERTAIN CIRCUMSTANCES PRIOR TO SEEKING BOARD APPROVAL FOR SUCH APPLICATION. APPLICATION FOR THE GRANT PRIOR TO BOARD APPROVAL WOULD BE SUBJECT TO PERMISSION FROM THE COUNTY MANAGER.**

**ACTION OF THE BOARD:**

Commissioner Center moved to approve a change in Finance policy allowing staff to apply for state and federal grants in certain circumstances prior to seeking Board approval for such application. Commissioner Shabazz seconded the motion and it carried unanimously. [NOTE: Commissioners Holmes, Farrell and Thomas were not present.]

**AGENDA ITEM: X-3**  
**AGENDA DATE: July 11, 2014**

**TO:** Board of Commissioners  
**THRU:** Lee Smith, County Manager  
**FROM:** R. Jonathan Hart, County Attorney and Amy Davis, Finance Director

**ISSUE:**

Request Board approval of a change in Finance policy allowing staff to apply for state and federal grants in certain circumstances prior to seeking Board approval for such application.

**BACKGROUND:**

The proposed change to the Finance policy is for the purpose of increasing efficiency in the application process for grant approval. Many state and federal grants have notification and application periods with short windows of opportunity to apply. This request would allow a department head to proceed and apply for a grant prior to seeking Board approval. This application process, prior to Board approval, would be limited to those situations in which there is no local match (funding involved), or the funds have already been approved or will be spent as part of the normal budget process, but are nevertheless eligible to qualify for a grant match. The application for the grant prior to Board approval would be subject to permission from the County Manager.

**FACTS AND FINDINGS:**

1. The proposed change to the Finance policy is for the purpose of increasing efficiency in the application process for grant approval.
2. Many state and federal grants have notification and application periods with short windows of opportunity to apply.
3. This would allow a department head to proceed and apply for a grant prior to seeking Board approval.
4. This application process, prior to Board approval, would be limited to those situations in which there is no local match (funding involved), or the funds have already been approved or will be spent as part of the normal budget process, but are nevertheless eligible to qualify for a grant match.
5. The application for the grant prior to Board approval would be subject to permission from the County Manager.

**POLICY ANALYSIS:**

The Board of Commissioners should develop a streamline policy for the grant application process to secure alternative funding sources for the community.

**FUNDING:**

Not applicable.

**ALTERNATIVES:**

1. Approve change to Finance policy to allow staff to apply for state and federal grants in certain circumstances prior to seeking Board approval for such application.
2. Do not approve change to Finance policy to allow staff to apply for state and federal grants in certain circumstances prior to seeking Board approval for such application.

**RECOMMENDATION:**

Alternative 1.

=====

**4. REQUEST BOARD APPROVAL TO APPLY FOR A \$25,000 EMERGENCY MANAGEMENT PERFORMANCE GRANT FROM THE GEORGIA EMERGENCY MANAGEMENT AGENCY TO ASSIST WITH MAINTENANCE AND REPAIRS OF CHATHAM COUNTY'S SIREN WARNING SYSTEM. THIS GRANT REQUIRES A 50/50 MATCH FOR EXPENSES.**

**ACTION OF THE BOARD:**

Commissioner Center moved for Board approval for CEMA to apply for a \$25,000 emergency management performance grant from the Georgia Emergency Management Agency to assist with maintenance and repairs of Chatham County's siren warning system. Commissioner Shabazz seconded the motion and it carried unanimously. [NOTE: Commissioners Holmes, Farrell and Thomas were not present.]

**AGENDA ITEM: X-4**

**AGENDA DATE: July 11, 2014**

**TO:** Board of Commissioners

**THRU:** Lee Smith, County Manager

**FROM:** Clayton S. Scott, Director, Chatham Emergency Management Agency

**SUBJECT:** Request Approval to Apply for an Emergency Management Performance Grant from the Georgia Emergency Management Agency

**ISSUE:**

To obtain approval for Chatham Emergency Management Agency (CEMA) to apply for a \$25,000 Georgia Emergency Management Agency, Georgia Emergency Management Performance Grant (EMPG) to assist with maintenance and repairs of Chatham County's siren warning system.

**BACKGROUND:**

Chatham County currently has 62 sirens on the county's warning system. Sixty of the sirens are owned by Chatham County; two are owned by Savannah State University. CEMA is responsible for the maintenance and repairs of the 60 sirens owned by the county. These sirens have the capability of notifying 95% of Chatham County's population of impending hazards.

**FACTS AND FINDINGS:**

1. With some sirens still under warranty, in Fiscal Year 2013, CEMA paid \$40,291 for siren maintenance and repair.
2. In Fiscal Year 2014, the warranties expired on the remainder of the warning system sirens; therefore, maintenance and repair expenses became the responsibility of CEMA.

**ALTERNATIVES:**

1. Authorize CEMA to apply for the Emergency Management Performance Grant to assist with annual siren maintenance and repair costs.
2. Do not authorize CEMA to apply for the Emergency Management Performance Grant.

**FUNDING:**

This grant is a 50/50 match for expenses. In 2014 CEMA budgeted \$65,000 for siren maintenance and repairs; therefore, sufficient funds are available to fulfill the match requirement.

**POLICY ANALYSIS:**

It has been the policy of the Commission to support the County's emergency management programs and to allow for application of grant funding that alleviates budgeted public safety expenditures.

**RECOMMENDATION:**

That the Board adopt Alternative #1.

=====

**5. REQUEST BOARD APPROVAL OF A \$7,000 NON-MATCHING GRANT BY GEORGIA EMERGENCY MANAGEMENT AGENCY FROM THE DEPARTMENT OF HOMELAND SECURITY FOR FUNDS TO SUPPLEMENT THE VETERINARY CARE FOR THE EXPLOSIVE TRAINED CANINES, CANINE FOOD, VARIOUS CANINE SUPPLIES AND THREE (3) VEHICLE BACK-UP CAMERA SYSTEMS.**

**ACTION OF THE BOARD:**

Commissioner Center moved for Board approval of a non-matching grant by Georgia Emergency Management Agency from the Department of Homeland Security for funds to supplement the veterinary care for the explosive trained canines, canine food, various canine supplies and three (3) vehicle back-up camera systems. Commissioner Shabazz seconded the motion and it carried unanimously. [NOTE: Commissioners Holmes, Farrell and Thomas were not present.]

**AGENDA ITEM: X-5**

**AGENDA DATE: July 11, 2014**

**TO:** Board of Commissioners

**THRU:** Lee Smith, County Manager

**FROM:** Al St. Lawrence, Sheriff

**ISSUE:**

Request Commission acceptance of a non-matching grant for \$7,000.

**BACKGROUND:**

Chatham County has been awarded a non-matching grant by GA Emergency Management Agency (GEMA) from the Department of Homeland Security (DHS). This \$7,000 grant was awarded to provide the funds to supplement the veterinary care for the explosive trained canines, canine food, various canine supplies and three (3) vehicle back up camera systems.

**FACTS AND FINDINGS:**

N/A

**FUNDING:**

No matching funds are required.

**POLICY ANALYSIS:**

It is consistent with Board Policy to approve grants that will enhance the capabilities of a law enforcement agency.

**ALTERNATIVES:**

1. Board acceptance and approval of grant.
2. Board Deny acceptance of grant.

**RECOMMENDATION:**

Board approval of Alternative #1.

=====

**6. REQUEST BOARD APPROVAL TO ACCEPT A GRANT AWARD OF THE CRIMINAL JUSTICE COORDINATING COUNCIL'S (CJCC) 2014 JUVENILE**

**JUSTICE INCENTIVE GRANT (CONTINUATION GRANT) AND 2014 PROGRAM ENHANCEMENT PROPOSAL AWARDED ON BEHALF OF THE CHATHAM COUNTY JUVENILE COURT IN THE AMOUNT OF \$742,162. NO COUNTY MATCHING FUNDS REQUIRED.**

**ACTION OF THE BOARD:**

Commissioner Center moved for Board approval to accept a grant award of the Criminal Justice Coordinating Council's 2014 Juvenile Justice Incentive Grant and 2014 Program Enhancement Proposal awarded on behalf of the Chatham County Juvenile Court in the amount of \$742,162. Commissioner Shabazz seconded the motion and it carried unanimously. [NOTE: Commissioners Holmes, Farrell and Thomas were not present.]

**AGENDA ITEM: X-6**

**AGENDA DATE: July 11, 2014**

**TO:** Board of Commissioners  
**THRU:** Lee Smith, County Manager  
**FROM:** Adam Kennedy, Juvenile Court Administrator

**ISSUE:**

Request Authorization for Chairman to accept a grant award of the Criminal Justice Coordinating Council's 2014 Juvenile Justice Incentive Grant and 2014 Program Enhancement Proposal awarded on behalf of the Chatham County Juvenile Court in the amount of \$742,162.

**BACKGROUND:**

In 2011, the Special Council on Criminal Justice Reform was formed to study Georgia's criminal justice system and was charged by Governor Deal with recommending policy changes. In 2013, CJCC and the Juvenile Justice Incentive Funding Committees offered a request for proposals seeking local juvenile justice projects that aim to reduce the number of youth served out of home. Chatham County submitted a grant request and received an award of \$432,435 to implement Functional Family Therapy (FFT), Aggression Replacement Training (ART) with clients at the Juvenile Court. In 2014, Chatham County submitted a grant to continue and enhance the current services provided.

**FACTS AND FINDINGS:**

1. The Criminal Justice Coordinating Council has awarded a grant to Chatham County on behalf of the Juvenile Court in the amount of \$742,162.00.
2. The grant will allow the continuation and expansion of Functional Family Therapy (FFT), and Aggression Replacement Training (ART) for youth appropriate youth involved with the Juvenile Court. These programs were first offered in 2013-14 through an initial grant from CJCC.
3. The grants effective date is July 1, 2014 - June 30, 2015.

**ALTERNATIVES:**

1. Authorize Chairman to execute documents to accept the 2014 Juvenile Justice Incentive Grant Award in the amount of \$742,162.00.
2. Do not authorize Chairman to execute documents to accept the 2014 Juvenile Justice Incentive Grant Award in the amount of \$742,162.00.

**FUNDING:**

There is no County match required as part of the grant. All Funding would be from the grant.

**POLICY ANALYSIS:**

The Governor and the State legislature has provided funding to assist counties in implementing evidence based programs that are designed to reduce the number of youth being committed to the Department of Juvenile Justice. The County and its at risk families would benefit from the implementation of such programs in Chatham County.

**RECOMMENDATION:**

That the Board adopt Alternative #1.

=====

7. **REQUEST BOARD DECLARE THE PARCEL WITH PIN 6-003-01-025, WHICH IS OWNED BY CHATHAM COUNTY AND LOCATED AT 10 BRIARWOOD DRIVE, AS SURPLUS AND AUTHORIZE SALE OF THE PROPERTY. [DISTRICT 3.]**

**ACTION OF THE BOARD:**

Commissioner Center moved for Board declare the parcel with PIN 6-003-01-025, which is owned by Chatham County and located at 10 Briarwood Drive, as surplus and authorize the sale of the property. Commissioner Shabazz seconded the motion and it carried unanimously. [NOTE: Commissioners Holmes, Farrell and Thomas were not present.]

**AGENDA ITEM: X-7**

**AGENDA DATE: July 11, 2014**

**TO:** Board of Commissioners  
**THRU:** Lee Smith, County Manager  
**FROM:** Suzanne Cooler, P.E., Assistant County Engineer

**ISSUE:**

To declare the parcel with PIN 6-003-01-025, which is owned by Chatham County and located at 10 Briarwood Drive, as surplus and authorize the sale of the property.

**BACKGROUND:**

Chatham County maintains ownership of the parcel that was acquired for maintenance access to the Pipemakers Canal. Due to neighbor opposition, the County abandoned the plans to construct an access road across the property.

**FACTS AND FINDINGS:**

1. The subject property consists of a 0.262 acre (11,413 square feet) residential lot with 80 feet of frontage on Briarwood Drive and varying depth extending to the south existing right of way line of Pipemakers Canal. It is located with the 100 year flood zone (AE-11). It is improved with a 1786 square foot, 3 bedroom, 2 bath ranch style brick residence constructed in 1973, as well as a detached 2-car garage that includes kitchen facilities and independent HVAC system.
2. In accordance with O.C.G.A. §36-9-3, Chatham County must offer the property for sale after advertisement and notice. The successful bidder is responsible for the title work. The County's contractor, William Gordon, provided a property valuation summary and estimates the property value to be between \$134,000 and \$139,000.

**FUNDING:**

No funds are required.

**ALTERNATIVES:**

1. To declare the parcel with PIN 6-003-01-025, which is owned by Chatham County and located at 10 Briarwood Drive, as surplus and authorize the sale of the property.
2. To not declare the parcel surplus.

**POLICY ANALYSIS:**

The Board must declare County property surplus and approve disposition of property.

**RECOMMENDATION:**

Approval of Alternative #1.

District 3

Prepared by: Suzanne Cooler, P.E.

=====

8. **REQUEST BOARD APPROVAL TO EXECUTE A CONTRACT FOR THE ACQUISITION OF RIGHT OF WAY, STATE-AID OR FEDERAL-AID PROJECT, REIMBURSABLE BETWEEN THE GEORGIA DEPARTMENT OF TRANSPORTATION AND CHATHAM COUNTY FOR THE JIMMY DELOACH PARKWAY EXTENSION PROJECT. [DISTRICT 7.]**

**ACTION OF THE BOARD:**

Commissioner Center moved for Board approval to execute a contract for the acquisition of right of way, state-aid or federal-aid project, reimbursable between the Georgia Department of Transportation and Chatham County for the Jimmy Deloach Parkway Extension project. Commissioner Shabazz seconded the motion and it carried unanimously. [NOTE: Commissioners Holmes, Farrell and Thomas were not present.]

**AGENDA ITEM: X-8**

**AGENDA DATE: July 11, 2014**

**TO:** Board of Commissioners  
**THRU:** Lee Smith, County Manager  
**FROM:** Suzanne Cooler, P.E., Assistant County Attorney

**ISSUE:**

To approve and execute a contract for the Acquisition of Right of Way, State-Aid or Federal-Aid Project, reimbursable between the Georgia Department of Transportation and Chatham County for the Jimmy Deloach Parkway Extension project

**FACTS AND FINDINGS:**

1. This Contract specifies a total not to exceed reimbursement amount of \$3.9 million. It provides the County counter offer approval authority of up to 10% or \$10,000 above the appraised Fair Market Value (FMV), whichever is greater. On legal settlement authority for condemned parcels, the County authority level is 20% or \$20,000, whichever is greater. The County will file condemnations. The Contract expiration date is "the conclusion of FY 2017."
2. The ROW plans were approved by the FHWA on June 12, 2014. The Environmental Re-evaluation was approved by FHWA on June 19, 2014 and Funding was authorized by the GDOT on June 30, 2014.
3. Because there are sufficient funds in the SPLOST to "front" the entire right of way cost, this Contract provides for a one-time reimbursement after the County certifies the right of way to GDOT.

**ALTERNATIVES:**

1. To approve and execute a contract for the Acquisition of Right of Way, State-Aid or Federal-Aid Project, reimbursable between the Georgia Department of Transportation and Chatham County for the Jimmy Deloach Parkway Extension project, STP00-0218-01(001).
2. To not approve the Contract and place the project on hold.

**FUNDING:**

No funding is required to approve this agreement.

**POLICY ANALYSIS:**

The Board must approve intergovernmental agreements.

**RECOMMENDATION:**

To approve Alternative 1.

District 7

Prepared by: Nathaniel Panther, P.E.

=====

**9. REQUEST BOARD APPROVAL OF A MEMORANDUM OF UNDERSTANDING WITH ALL WALKS OF LIFE, INC. (AWOL).**

**ACTION OF THE BOARD:**

Commissioner Center moved for Board approval of a Memorandum of Understanding with All Walks of Life, Inc. Commissioner Shabazz seconded the motion and it carried unanimously. [NOTE: Commissioners Holmes, Farrell and Thomas were not present.]

**AGENDA ITEM: X-9**

**AGENDA DATE: July 11, 2014**

**TO:** Board of Commissioners  
**THRU:** Lee Smith, County Manager  
**FROM:** Amy Davis, Finance Director

**ISSUE:**

To request Board approval of a Memorandum of Understanding with All Walks of Life, Inc.

**FACTS AND FINDINGS:**

1. All Walks of Life, Inc. (AWOL) has submitted a request for funding in fiscal year 2015. The request is for \$50,000.00. This is equal to the prior year's funding.
2. The adopted FY2015 budget includes funding for this purpose in the General Fund M&O Special Appropriations. This is a continuing commitment.
3. The County Attorney has reviewed a Memorandum of Understanding with All Walks of Life, Inc. (AWOL) which is attached and submitted for Board approval.

**FUNDING:**

Funds are available in the General Fund M&O - Special Appropriations (1009975-57.3001).

**ALTERNATIVES:**

1. That the Board approve the contract and authorize the Chairman to sign.
2. Provide other direction.

**POLICY ANALYSIS:**

Approval is consistent with Board action requiring a contract or Memorandum of Understanding with agencies providing services.

**RECOMMENDATION:**

That the Board approve Alternative 1.

Prepared by: Read DeHaven

STATE OF GEORGIA            )  
   )  
 COUNTY OF CHATHAM        )

**CHATHAM COUNTY BOARD OF COMMISSIONERS' MEMORANDUM OF UNDERSTANDING  
 WITH AWOL (ALL WALKS OF LIFE, INC.)**

This Memorandum of Understanding is made and entered into this 11th day of July, 2014 by and between AWOL, All Walks of Life, Inc. (hereinafter called AWOL) and the Chatham County Board of Commissioners (hereinafter called the County).

W I T N E S S E T H :

WHEREAS, AWOL is a spoken word (poetry) and hip-hop based youth development organization that targets "at-risk" youth. AWOL focuses on youth who have been, or are, at-risk for involvement in the criminal justice system; and

WHEREAS, the AWOL's mission is to promote and provide self-awareness through the use of poetry, hip-hop and life. This mission is met by providing Savannah's youth with safe afternoon/night-time arts and technology programs. AWOL redirects youth towards more positive activities and forms of expression; and

WHEREAS, AWOL connects with neighborhoods the youth participants reside in through community improvement and involvement projects. AWOL's programming encompasses a variety of services that include: vocational training, mentoring, juvenile crime prevention, youth development, conflict resolution workshops, information and referrals to jobs; and

WHEREAS, AWOL's Arts and Technology programs include three disciplines of programming to include, Sound Design and Audio Editing, Film and Photography and Theater and Performing Arts. Each of these program disciplines fall under Savannah Economic Development Authority as Knowledge-Based Business markets generating more than \$3.4 million in annual wages. Youth enrolled will enter one or more of AWOL's vocational arts and technology based education programs to gain job ready skills, be engaged in group mentoring and conflict resolution training, and be kept out of trouble during the hours most relevant to them, after school and at night. The overall goal of all AWOL programs is to enhance youth abilities, employability and ultimately, self-sufficiency. Secondly, this project will serve to prevent and/or intervene in the lives of youth involved in the criminal justice system; and

WHEREAS, the Board is the governing authority of Chatham County; and

WHEREAS, the County has expressed that at-risk youth residing in Chatham County should have an equal opportunity to gain access to advanced training in Arts and Technology and the County desires to enter into the Memorandum of Understanding with AWOL to ensure at-risk youth population the opportunity to participate in job training, increase personal education, increase income capacity, and enhance their ability to contribute meaningfully to the community.

NOW, THEREFORE, AWOL and the County enter into this Memorandum of Understanding for Services and agree more particularly as follows:

**SECTION 1.** AWOL agrees that it shall provide, including, but not limited to, the following outcome based services:

**OUTCOME BASED DELIVERABLES:**

1. Provide Arts & Technology vocational training to a minimum of 80 out of 100 registered youth; thus preparing them for entry into local job market as entry level technicians by June 30, 2015.
2. A minimum of 80% out of 100 enrolled youth will complete the program with no new or repeat referrals to juvenile court by June 30, 2015.
3. You will experience a minimum of a 75% increase in knowledge and hands on skills as determined through pre/post testing and evaluation by June 30, 2015.
4. Document that a minimum of 80% out of 100 enrolled youth maintain satisfactory performance in school and/or GED/technical job training programs by June 30, 2015.
5. Provide conflict resolution training to a minimum of 80% of enrolled youth by June 30, 2015.
6. Provide a minimum of 1 professional hands on community production internship experience working with industry professionals to 80% of enrolled youth by June 30, 2015.
7. Provide such records, including but not limited to financial and programmatic activity reports as County staff require to assess effectiveness and compliance with this Memorandum of Understanding; Provide a mid-year report directly to Chatham County Chairman to assess program outcome specific progress no later than January 1, 2015.
8. By the end of programming, youth will demonstrate a 75% increase in knowledge as determined through pre/post testing;
9. Acknowledge the support of the Chatham County Commission in their advertisements and marketing initiatives; and
10. Document that a minimum of 6 (six) court referred youth have been able to avoid repeat court referrals and incarceration through their participation in the program. (Estimated cost savings to Chatham County = \$381,000.)

**SECTION 2.**

The County, for and in consideration of the delivery of the above-described services agrees more particularly as follows:

1. Provide \$50,000 in funding for operating costs;
2. Promote the AWOL Youth Arts & Technology Training program to key stakeholders and the community at-large;
3. Provide Commissioner and staff representatives to attend periodic events designed to bolster the self-esteem of graduating youth; and
4. Encourage the Chatham County Juvenile Court to refer those youth already involved in the juvenile justice system to the program in an effort to deter juvenile crime activity.

**SECTION 3. Terms of Memorandum of Understanding**

AWOL agrees that the subject appropriation by the County shall be used only for the purposes outlined within the Memorandum of Understanding. AWOL agrees to maintain in accordance with generally acceptable accounting principles, records of all expenditures pertaining to funds granted under this Memorandum of Understanding and shall allow County auditors complete access for purposes of verifying the appropriate expenditure of funds within the meaning of services to be provided.

This Memorandum of Understanding will remain in effect for a period of one year unless amended or terminated by the County or AWOL upon thirty (30) days written notice to the other party.

**AWOL ALL WALKS OF LIFE, INC.**

BY: \_\_\_\_\_  
 DAVENA JORDAN  
 Executive Director

Print Name: \_\_\_\_\_  
 Witness

**CHATHAM COUNTY, GEORGIA**

BY: \_\_\_\_\_  
 ALBERT J. SCOTT, Chairman  
 Board of Commissioners

ATTEST: \_\_\_\_\_  
 JANICE E. BOCOOK  
 Clerk of Commission

[SEAL]

REVIEWED AND APPROVED BY:

\_\_\_\_\_  
 R. Jonathan Hart  
 County Attorney

=====

**10. 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 Center moved for approval to award bids as follows: (Please note that new purchase thresholds of \$10,000 or more have been enacted; however, contracts and change orders of a lesser amount still will appear.) Commissioner Shabazz seconded the motion and it carried unanimously. [NOTE: Commissioners Holmes, Farrell and Thomas were not present.]

ITEM	DEPT.	SOURCE	AMOUNT	FUNDING
A. Change Order No. 1 to the contract for door mat rental services to add the Human Resources building, 123 Abercorn Street to the scope of services	Facilities Maintenance	Aramark Uniform Services	\$260	General Fund/M&O - Facilities Maintenance
B. Relocation agreement for the Turner's Creek Boat Ramp Improvements Project	Engineering	Georgia Power	\$16,565	CIP- Recreation
C. Construction contract for the construction of a parking lot and drop-off loop at the Jennifer Ross Soccer Complex	Engineering	Pioneer Construction, Inc. (MBE)	\$251,979	SPLOST (2003-2008) - Soccer Complex

<u>ITEM</u>	<u>DEPT.</u>	<u>SOURCE</u>	<u>AMOUNT</u>	<u>FUNDING</u>
D. Annual construction contract with the option to renew for four (4) additional one (1) year terms to provide On Call Concrete Construction Services	Engineering	Savannah Paving Company, Inc.	Not to exceed \$298,300	The costs will be charged to appropriate projects budgeted in the Sales Tax I, II, III, IV, & V SPLOSTs, Capital Improvement Program (CIP) and Special Service District (SSD)
E. Renewal of Workers' Compensation Excess Insurance	Risk Management	Safety National Casualty Corporation	\$172,936	Risk Management - Workers' Compensation
F. Renewal of Mosquito Control aircraft liability and hull (physical damage) insurance	Risk Management	ACE / Westchester	\$32,240	Risk Management - Premium Insurance
G. Change Order No. 3 to the professional design services contract for plaque design and securing Historical District Board Review approval of sign for sources building	Special Projects	Lott + Barber	\$1,250	SPLOST (2008-2014) - County Administrative Building project
H. Purchase of children's specialty shaped furniture at the two (2) new libraries	Special Projects	TenJam, Inc.	\$15,188	SPLOST (2003-2008) - Garden City and Island Libraries (Pending Board Approval of Budget Transfer)
I. Amendment No. 6 to the Construction Manager at Risk (CMR) agreement for two (2) new libraries to include children's area built in tiered seating, security desks with chain screen and browsing area tables for both libraries	Special Projects	J.E. Dunn Construction Company d/b/a R.J. Griffin and Company	\$163,683	SPLOST (2003-2008) - Garden City and Island Libraries (Pending Board Approval of Budget Transfer)
J. Contract for the Judicial Courthouse Courtroom E Gallery Seating expansion	Special Projects	J.T. Turner Construction Company, Inc.	\$14,750	CIP - Courtroom E project

**AGENDA ITEM: X-10 A thru F****AGENDA DATE: July 11, 2014**

**TO: BOARD OF COMMISSIONERS**

**THRU: LEE SMITH, COUNTY MANAGER**

**FROM: MICHAEL A. KAIGLER, ASSISTANT COUNTY MANAGER**

**SUBJECT: AWARD OF BIDS**

**ITEM A**

**ISSUE:** Request Board approval of a \$260 Change Order No. 1 to the contract for door mat rental services with Aramark Uniform Services, to add to the scope of services the Human Resources building, 123 Abercorn Street.

**BACKGROUND:** At their meeting on August 9, 2013, the Board awarded an annual contract with four (4) additional one (1) year terms, to Aramark Uniform Services to perform door mat rental services.

**FACTS AND FINDINGS:**

1. The new Human Resource building, 123 Abercorn Street, Savannah, GA 31401 is scheduled to open soon.
2. There are no door mats at the entrance located on President St., Abercorn St., or State St. The door mats will minimize the amount of dirt and debris entering the building.
3. Aramark will provide two (2) 4 X 6 mats at \$2.00 per week which equals \$208 per year and one (1) 3 X 5 mat at \$1.00 per week which equals \$52/year.
4. Contract history is as follows:

Original Contract Amount (08/09/13)	\$11,050/Year
Change Order No. 1 (pending)	\$ 260/Year
Revised Contract Amount	\$11,310/year

**FUNDING:** General Fund/M&O - Facilities Maintenance  
(1001565 - 52.23201)

**ALTERNATIVES:**

1. Board approval a \$260 annually Change Order No. 1 to the contract for door mat rental services with Aramark Uniform Services, to add to the scope of services the Human Resources building, 123 Abercorn Street.
2. Provide staff other directions.

**POLICY ANALYSIS:** It is the Board's policy to pay a fair price for services provided. Staff believes that the price proposed by Aramark Uniform Services is fair and reasonable.

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

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

**ITEM B**

**ISSUE:** Request Board approval to execute a \$16,565 relocation agreement with Georgia Power for the Turner's Creek Boat Ramp Improvements Project.

**BACKGROUND:** Georgia Power's facilities are in conflict with a proposed retaining wall that is a part of the Turner's Creek Boat Ramp Improvements Project along Johnny Mercer Boulevard. These facilities were placed in their present location at the request of the County. Georgia Power requested reimbursement for the additional work of relocating their facilities again.

**FACTS AND FINDINGS:**

1. A construction contract was awarded on March 28, 2014, to The Industrial Company (TIC) for the construction of the Turner Creek Boat Ramp Project. The notice to proceed has not been given.
2. Construction cannot commence until a relocation agreement is executed with Georgia Power and their facilities are relocated.

**FUNDING:** CIP- Recreation  
(3506100 - 54.14009 - 35030867)

**ALTERNATIVES:**

1. Board approval to execute a \$16,565 relocation agreement with Georgia Power for the Turner's Creek Boat Ramp Improvements Project.
2. Provide staff other direction.

**POLICY ANALYSIS:** It is consistent with Board policy to approve relocation agreements.

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

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

**ITEM C**

**ISSUE:** Request Board approval to award a \$251,979 construction contract to Pioneer Construction, Inc., for the construction of a parking lot and drop-off loop at the Jennifer Ross Soccer Complex.

**BACKGROUND:** The project includes grading, paving, storm drainage improvements and landscaping. Lack of parking and drop off resulted in conflicts and overlaps in the use of facilities at the Chatham County Health Department.

**FACTS AND FINDINGS:**

1. The bid was properly advertised and five bids were received and opened on June 19, 2014. The results are as follows:

*	Pioneer Construction, Inc. Savannah, GA	\$251,979
	Griffin Contracting, Inc. Pooler, GA	\$267,969
**	E&D Contracting Services, Inc. Savannah, GA	\$324,562
	Preferred Materials, Inc. Savannah, GA	\$326,084
	Coastal Heritage Society Savannah, GA	\$359,000

\* MBE firm    \*\* WBE firm

2. Staff believes the bid from Pioneer Construction, Inc. is fair and reasonable.
3. It is estimated construction will begin within approximately 30 days after award of the contract. The contract time for construction is 90 calendar days.

**FUNDING:** SPLOST (2003-2008) - Soccer Complex  
(3234981 - 52.12003 - 32370517 )

**ALTERNATIVES:**

1. Board approval to award a \$251,979 construction contract to Pioneer Construction, Inc., for the construction of a parking lot and drop-off loop at the Jennifer Ross Soccer Complex.
2. Provide staff other direction.

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

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

BUDGET APPROVAL \_\_\_\_\_  
MARK BUCALO

**ITEM D**

**ISSUE:** Request Board approval of a not to exceed \$298,300 annual construction contract with the option to renew for four (4) additional one (1) year terms with Savannah Paving Company, Inc., to provide On Call Concrete Construction Services.

**BACKGROUND:** The Department of Engineering used Task Order Contracts previously to complete small construction projects using "field" engineering. Staff directed contractor work without expenditures for design. An Invitation to Bid was issued to produce a competitive environment for unit prices for a variety of concrete construction and repair work.

**FACTS AND FINDINGS:**

1. The contract was properly advertised and five bids were received and opened June 25, 2014. The results are as follows:

	Savannah Paving Company, Inc. Ellabell, GA	\$298,300
**	E & D Contracting Services, Inc. Savannah, GA	\$325,950
*	S.A.B.E., Inc. Savannah, GA	\$471,199

Custom Concrete Construction \$618,500  
Pooler, GA

\* Satori Construction, LLC \$1,052,555  
Savannah, GA

\* MBE firm \*\* WBE firm

2. Construction projects will be scoped on an as needed basis. Engineering staff will direct the contractor to complete work from an estimate prepared prior to notice to proceed. The process will be similar to the Task Order Contracts approved by the Board of Commissioners in the past for construction services.

**FUNDING:** The costs will be charged to appropriate projects budgeted in the Sales Tax I, II, III, IV, & V SPLOSTs, Capital Improvement Program (CIP) and Special Service District (SSD).

**ALTERNATIVES:**

1. Board approval of a not to exceed \$298,300 annual construction contract with the option to renew for four (4) additional one (1) year terms with Savannah Paving Company, Inc., to provide On Call Concrete Construction Services.
2. Provide staff other direction.

**POLICY ANALYSIS:** It is consistent with Board policy to approve award of contracts to the lowest, responsible bidder.

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

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

**ITEM E**

**ISSUE:** Request Board approval of the \$172,936 renewal of Workers' Compensation Excess Insurance for the period July 1, 2014 through June 30, 2015.

**BACKGROUND:** Since 1990 specific excess insurance has been purchased to fund medical and indemnity (lost wage) expense that exceed annual per claim retention. The County self-funds Workers' Compensation with the assistance of a Third-Party Administrator, Underwriters Safety & Claims.

**FACTS AND FINDINGS:**

1. The current carrier, Safety National, is offering a renewal quotation with a \$750,000 per claim retention and an annual premium of \$172,936. The expiring annual premium is \$141,412 with a \$750,000 per claim retention. Quotations and marketing summary are attached.
2. The rate increase is based on increased costs associated with on-going large losses that have developed. The annual premium increase is consistent with increased medical costs; increase in claim severity; Excess Workers' Compensation is a very volatile line of business and there has been a decline in the number of insurers interested in underwriting government operations. All carriers are increasing rates this year average 12% for loss development and medical inflation. The County has 11 claims over \$150,000 in last 10 years, 6 are Public Works employees which is about 5% of total payroll. This adverse loss history impacted the rate for renewal. The County has 2 open claims over \$700,000 incurred, in order to keep the self-insured retention at \$750,000 the rate increased about 10%.
3. One insurance carrier declined to provide a quotation due to the County's claims experience. Two carriers provided quotations that were not economically competitive. Only one other carrier offered an indication of terms close to Safety National, about 5% higher in rate.
4. The State Workers' Compensation Rule 121 requires self-insured government entities purchase excess Workers' Compensation insurance.
5. Workers' Compensation Excess Renewal 2014 – 2015

**FUNDING:** Risk Management - Workers' Compensation  
(6259926 – 51.27008)

**ALTERNATIVES:**

1. Board approval of the \$172,936 renewal of Workers' Compensation Excess Insurance for the period July 1, 2014 through June 30, 2015.

2. Provide staff other direction.

**POLICY ANALYSIS:** The State Workers' Compensation Rule 121 requires self-funded governments purchase Excess Workers' Compensation insurance.

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

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

#### ITEM F

**ISSUE:** Request Board approval of the annual premium of \$32,240 for renewal of Mosquito Control aircraft liability and hull (physical damage) insurance coverage for a term of one year beginning July 11, 2014 from ACE/Westchester.

**BACKGROUND:** Mosquito Control purchases liability and hull insurance to protect highly valued aircraft, the public, and non-employee passengers in the event of an accident. Mosquito Control insures one fixed-wing aircraft and three helicopters with replacement values in excess of \$1.9 million.

#### **FACTS AND FINDINGS:**

1. The current carrier, ACE/Westchester is offering a renewal quotation of, which includes a "no claims bonus" of \$2,760. The renewal premium is the same as last year.
2. The renewal quotation includes Non-owned Aircraft Liability and Physical Damage coverage. These endorsements were included to protect the County's interests with regard to pilot training in non-owned aircraft.
3. The County's insurance broker, USI, previously Wells Fargo, solicited quotations from QBE North America and Global Aerospace who declined to quote as they were not competitive with our current carrier.
4. Staff does not recommend purchasing the War Risk/TRIA endorsement.

**FUNDING:** Risk Management - Premium Insurance  
(6259922 - 52.31021)

#### **ALTERNATIVES:**

1. Board approval of the annual premium of \$32,240 for renewal of Mosquito Control aircraft liability and hull (physical damage) insurance coverage for a term of one year beginning July 11, 2014 from ACE/Westchester.
2. Provide staff other direction.

**POLICY ANALYSIS:** The County has chosen to provide liability coverage for Mosquito Control operations and hull coverage to protect highly valued assets.

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

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

#### ITEM G

**ISSUE:** Request Board approval of a \$1,250 Change Order No. 3 to the professional/engineering services contract with Lott+Barber, for securing Historic District Review Board approval for a plaque dedicating the Chatham County Human Resources Building to former Director Beverly M. Whitehead.

**BACKGROUND:** At the April 11<sup>th</sup> meeting, the Board approved naming the Human Resources Building after former Director Beverly M. Whitehead.

#### **FACTS AND FINDINGS:**

1. The Board of Commissioners approved a professional design/engineering services contract with Lott+Barber for renovations of the new Human Resources Building (a.k.a. 123 Abercorn Street) on September 21, 2012.
2. Lott+Barber will provide the necessary aid for proper application submittal to the Historic District Review Board for a plaque dedicating the Human Resources Building to former Director Beverly M. Whitehead. Staff believes the price from Lott+Barber for this service to be fair and reasonable.

3. Lott+Barber will also assist with installation of the sign on the building.
4. The fee for the plaque will be paid directly to the vendor.
6. Contract history:

Original contract (9/21/2012)	\$67,000
Change Order No. 1 (12/21/2012)	39,750
Change Order No. 2 (11/08/2013)	20,000
Change Order No. 3 (pending)	1,250
Revised contract amount	\$128,000

**FUNDING:** SPLOST (2008-2014) - County Administration Building project  
(3244980 - 54.13001 - 32460657)

**ALTERNATIVES:**

1. Board approval of a \$1,250 Change Order No. 3 to the professional/engineering services contract with Lott+Barber, for securing Historic District Review Board approval for a plaque dedicating the Chatham County Human Resources Building to former Director Beverly M. Whitehead.
2. Provide staff with other direction.

**POLICY ANALYSIS:** It is consistent with Board policy to approve change orders to professional design/engineering contracts.

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

BUDGET APPROVAL \_\_\_\_\_  
MARK BUCALO

**ITEM H**

**ISSUE:** Request Board approval to award a \$15,188 purchase of 3-dimensional carved children's specialty shaped furniture in themes to TenJam, Inc., for the two (2) Live Oak Public Libraries - Garden City Branch (transportation theme) and Islands Branch (water theme) currently under construction.

**BACKGROUND:** The Live Oak Public Libraries of Chatham County has a requirement for children's specialty furniture shapes for the new Garden City Branch, 104 Sunshine Ave., Garden City, Ga.; and also for the Islands Branch at the corner of Whitemarsh Island Road, and Johnny Mercer Boulevard. The buildings will both be ready for occupancy in September 2014.

**FACTS AND FINDINGS:**

1. As this is a specialty item, manufacturers are limited. The quote was sent directly to the only two (2) known vendors. The quote responses are as follows:

TenJam, Inc. Atlanta, Georgia	\$15,188
Modern Business Furniture Savannah, Georgia	Non-responsive

2. TenJam, Inc., is located in Atlanta and is the manufacturer of this foam shaped furniture. Modern Business Furniture of Savannah is a dealer's representative for a similar manufacturer, located in the Netherlands named FEEK (Furniture). Modern Business did not quote required quantities or specified product and are therefore considered non-responsive. Since the manufacturer proposed by Modern Business is located in the Netherlands, there would also be concerns as to warranty issues and repairs.

**FUNDING:** SPLOST (2003-2008) - Garden City and Island Libraries  
(3234980 - 54.13011 - 32360217) (Pending Board Approval of Budget Transfer)

**ALTERNATIVES:**

1. Board approval to award a \$15,188 purchase of 3-dimensional carved children's specialty shaped furniture in themes to TenJam, Inc., for the two (2) Live Oak Public Libraries - Garden City Branch (transportation theme) and Islands Branch (water theme) currently under construction.
2. Provide staff other direction.

**POLICY ANALYSIS:** It is consistent with Board policy to approve purchases necessary for the operation of the new Live Oak Public Library Branches - Garden City Branch, and Islands Branch.

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

BUDGET APPROVAL \_\_\_\_\_  
MARK BUCALO

#### ITEM I

**ISSUE:** Request Board approval of a \$163,683 Amendment No. 6 to Construction Manager at Risks (CMR) agreement for two (2) new libraries with J.E. Dunn Construction Company d/b/a R.J. Griffin and Company to include children's area built in tiered seating, security desks with chain screen and browsing area tables for both libraries.

**BACKGROUND:** On June 10, 2011, the Board of Commissioners approved a Construction Manager at Risk (CMR) agreement to R.J. Griffin and Company for the new Garden City and Islands Branch Libraries. On August 9, 2013, the Board of Commissioners approved the guaranteed maximum price for the project. The children's tiered seating, security desk with chain screen and browsing area tables were not included in the guaranteed maximum price.

#### FACTS AND FINDINGS:

1. Prior to the furniture bid, it was discovered that it would be more economical to build the children's tiered seating rather than procure individual pieces.
2. The security desk with chain screen and browsing tables are customized furniture pieces which were not designed at the time of the guaranteed maximum price.
3. Agreement history:

Original Agreement	(06-10-11)	
Amendment No. 1	(08-09-13)	\$ 8,600,000
Amendment No. 2	(11-22-13)	\$ 139,000
Amendment No. 3	(12-20-13)	\$ 346,468
Amendment No. 4	(01-17-14)	\$ 59,869
Amendment No. 5	(06-13-14)	\$ 240,359
Amendment No. 6 (Pending)		\$ 163,683
		\$ 9,549,379

**FUNDING:** SPLOST (2003 - 2008) - Garden City and Islands Libraries  
(3234980 - 54.13011 - 32360217) (Pending Board Approval of Budget Transfer)

#### ALTERNATIVES:

1. Board approval of a \$163,683 Amendment No. 6 to Construction Manager at Risk (CMR) agreement for two (2) new libraries with J.E. Dunn Construction Company d/b/a R.J. Griffin and Company to include children's area built in tiered seating, security desks with chain screen and browsing area tables for both libraries.
2. Provide staff other direction.

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

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

BUDGET APPROVAL \_\_\_\_\_  
MARC BUCALO

#### ITEM J

**ISSUE:** Request Board approval to award a \$14,750 contract to J.T. Turner Construction Company, Inc., for the Judicial Courthouse Courtroom E Gallery Seating Expansion.

**BACKGROUND:** The State of Georgia has determined that more seating is required for the Judicial Courthouse Courtroom E to allow the public to observe on-going court activity. To accomplish this objective, the Media Room will be removed from the courtroom and additional seating will be installed in the renovated space.

**FACTS AND FINDINGS:**

- 1. The project is for the seating expansion of Courtroom E on the Second Floor of the Chatham County Judicial Courthouse. The work includes demolition, drywall, wall coverings, carpet, conduit and ceiling work.
- 2. Quotes from several local contractors were requested with two firms submitting quotes. The quotes are as follows:

J.T. Turner Construction Co., Inc. Savannah, GA	\$ 14,750
* Pioneer Construction, Inc. Savannah, GA	\$ 15,624
* MBE firm	

- 3. Staff finds the quote from J. T. Turner Construction Company, Inc. to be fair and reasonable and within the construction estimate.

**FUNDING:** CIP - Courtroom E project  
(3502180 - 52.22001 - 35037107)

**ALTERNATIVES:**

- 1. Board approval to award a \$14,750 contract to J.T. Turner Construction Company, Inc., for the Judicial Courthouse Courtroom E Gallery Seating Expansion.
- 2. Provide staff with other direction.

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

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

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

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.

Chairman Scott said, there are no First Readers.

=====

**XII. SECOND READINGS**

Chairman Scott said, there are no Second Readers.

=====

**XIII. INFORMATION ITEMS**

Chairman Scott said, everything else is informational item.

- 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: JULY 11, 2014**

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>
Fabricate and install new facility sign at Rodney Hall boat ramp	Public Works and Park Services	Speedi-Sign of South Georgia, Inc.	\$4,989	CIP-Parks and Recreation
Hardware maintenance agreement for wireless network analysis device	I.C.S.	Fluke Networks	\$4,896	General Fund/M&O - I.C.S.
Information technology continuing education training class for I.C.S. Director	I.C.S.	Gartner, Inc.	\$3,995	General Fund/M&O - I.C.S.
Website/web application developer software maintenance agreement	I.C.S.	CDW Government, Inc.	\$8,721	General Fund/M&O - I.C.S.
Repairs to satellite office at 109 Park of Commerce Drive	Engineering	Pioneer Construction, Inc.	\$9,412	SPLOST (1998-2003) - Right-of-way Admin Roads
Six (6) tablet computers for I.C.S. staff	I.C.S.	CDW Government, Inc.	\$7,164	General Fund/M&O - I.C.S.
Provide and install seven (7) monitors at new Human Resources building	I.C.S.	Quality Communications, Inc.	\$3,354	General Fund/M&O - Human Resources
Renovations to satellite office at 109 Park of Commerce Drive	Engineering	Pioneer Construction, Inc.	\$5,832	SPLOST (1998-2003) - Right-of-way Admin Roads
Renewal of annual maintenance contract for fingerprint scanners	Sheriff's Department	Dataworks Plus, LLC	\$4,320	•General Fund/M&O - Sheriff's •General Fund/M&O - Detention Center
Two (2) standard user conference registrations for Engineering	I.C.S.	ESRI	\$3,190	SSD-Engineering

<u>ITEM</u>	<u>DEPT.</u>	<u>SOURCE</u>	<u>AMOUNT</u>	<u>FUNDING</u>
Hydraulic system repair on unit #3 - Public Works dozer	Fleet Operations	Yancey Brothers Company, Inc.	\$5,893	General Fund/M&O - Fleeer Operations
Four (4) stacking chairs, two (2) desk chairs and four (4) pneumatic stools	I.C.S.	Office Services, LLC	\$2,978	General Fund/M&O - I.C.S.
One (1) - 24 port network switch	I.C.S.	Centrics IT, LLC	\$2,925	General Fund/M&O - I.C.S.
Mailing of prebills for month of July	Tax Commissioner	World Marketing	\$6,055	General Fund/M&O - Tax Commissioner
Video inspection system for utility pipes	Detention Center	Atlas Inspection Technologies, LLC	\$8,999	General Fund/M&O - Detention Center

=====

### **EXECUTIVE SESSION**

Chairman Scott said, we do have a number of Board appointments. I'm going to ask that we postpone consideration of Board appointments until our next meeting due to the fact that we have three members of the Commission who is not here. So there won't be a need for an Executive Session unless there's objection. Hearing none. The Commission stand adjourned.

=====

### **ADJOURNMENT**

There being no further business to be brought before the Commissioners, the Chairman declared the meeting adjourned at 11:05 a.m.

=====

APPROVED: THIS \_\_\_\_\_ DAY OF JULY, 2014.

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

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