MINUTES OF THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF CHATHAM COUNTY, GEORGIA, HELD ON FRIDAY, NOVEMBER 7, 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 9:30 a.m. on Friday, November 7, 2014.

Chairman Scott said, good morning and welcome. You may be seated. I'm going to ask that you be seated now and once Pastor Hall has completed his message and indicate it's time for prayer, I will ask that you re-stand and remain standing while we are led in the Pledge of Allegiance by Commissioner Holmes of the 2nd District. At this time I will recognize Commissioner Holmes for the purpose of introducing our devotional leader for this morning. Commissioner Holmes.

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II. INVOCATION

Commissioner Holmes said, thank you, Mr. Chairman. Thank you and good morning. It is always a pleasure, privilege and a honor to bring before us today someone that you had a hand in developing. This gentleman I know since a little lad, and I remember the church became vacant on 37th Street, and when the church became vacant, the community was concerned of who was going purchase this church, and when this church was purchased, it was purchased on 37th but it's -- it's original site was in the Old Fort on Arnold Street. A couple of leaders went through that church, and a couple of years later, a young man came through, and when I heard that he was the leader of Second Arnold Baptist Church on 37th, it brought a smile to my face simply because I had a hand of developing, mentoring him, and helping him become the man he are today. And Second Arnold -- since he took charge of Second Arnold, every door on that church was opened to the community. Every time you go by that church, there's something going on. There's activity keeping that community alive. There is youth movement in that church, and if anybody ever been around Second Arnold on 37th, there ain't a day that you go by, you look over there, and you see some activity going on. So when I was asked to present this young man who was going to bring us the message for today, as I stated, it's an honor and a privilege knowing that -- how he have grown Second Arnold to where it is today, and I know it's going to even grow further as the future present itself. So with no further adieu, I would like to present to you one of my leader spiritually, Pastor Richard Hall from Second Arnold Baptist Church. Thank you.

Reverend Richard Hall said, thank you Commissioner Holmes. To the County Commission Chairman Scott, the Vice Chairman, Dr. Thomas, and to the entire Board of Commissioners, and to all of my fellow brothers and sisters of Chatham County, we're certainly privileged and honored to have been asked to come and to share this morning. One of my fondest memories as a little boy was my first bicycle. My parents could not afford a new bicycle. It was put together from old, unwanted bicycle parts, but it was painted blue and silver, and I loved that bicycle. My problem was learning how to ride it. It didn't have training wheels, and I had trouble maintaining balance. I would fall and scratch it, run into things and wreck it, and I was destroying what I loved. Balance is crucial in every aspect of our lives. In God's plan and creation, things are made to balance out. If we focus on only one side of the coin, we do not have the whole picture, and we begin to create unbalanced thinking, unbalanced behavior, and unbalanced decisions.

Reverend Hall said, we are living in a day when extremism is clearly evident, and one reason why there has been so much division and disunity and fighting in our communities throughout history is because an individual or a group took a truth and stretched it to the extreme and left out the other side of the story. They forgot that the coin has two sides. Over and over again we see this balance in scripture. God's thrown is built on the foundation of mercy and justice. It is not built on mercy alone or justice alone. There is balance. He is the God of Jacob, who was a crook, a deceiver and a liar, yet he's also the God of Israel, which mean a prince of God. In all of our maturing and growing and understanding and living as a community, we need to be continually called back to balanced thinking, and the proper balance is given to us through the word of God. You have heard that it has been said that though shall love thy neighbor and hate thine enemy, but I say unto you love your enemies. Bless them that curse you, do good to them that hate you, and pray for them which despitefully use you and persecute you that ye may be the children of your Father which is in Heaven for he makes his son to rise on the evil and the good. He sends the rain on the just and the unjust. God is the God of both sides of the coin. God is the God of balance. May we pray.

Reverend Hall gave the invocation as follows:

> Merciful and Almighty God our Father, we come now in the precious and holy name of Jesus, and we thank You for life, health and strength. We thank You for affording us the privilege of another day. And God we ask now that You would guide us into balanced living. We ask God that You would help us to be balanced in our thoughts; to be balanced in our behavior; and to be balanced

in the decisions that we make that affect others. We pray now that You would bless these our leaders, that You would give them the wisdom, the knowledge and the understanding that they might be able to lead your people in the right direction. We ask your blessings upon Chatham County and all of the surrounding counties. We pray now God that You would keep us inspired by Your ever present spirit. Through Jesus Christ our Lord we do pray. Amen.

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

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III. PLEDGE OF ALLEGIANCE

Commissioner Holmes said, will you join me in the Pledge of Allegiance.

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

Chairman Scott said, you may be seated.

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CERTIFICATE OF APPRECIATION

Chairman Scott presented Pastor Hall with a Certificate of Appreciation for sharing his invocation.

Chairman Scott said, if you want to say thank you, I'll recognize you for that.

Commissioner Shabazz said, okay.

Chairman Scott said, Commissioner from the 5th District, Commissioner Shabazz.

Commissioner Shabazz said, the Chairman has already reminded me -- good morning, Pastor Hall. The Chairman has already reminded me we have already had a message so I won't say much, but I want to let you know that I really enjoyed your invocation this morning, and I think it was timely, and the idea of balance is what we need. You're absolutely right. Thank you, sir.

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IV. ROLL CALL

Chairman Scott said, the Clerk will call the roll.

The Clerk called the roll.

Present: Albert J. Scott, Chairman
Dr. Priscilla D. Thomas, Vice Chairman, District Eight
James J. Holmes, District Two
Tony Center, District Three
Patrick K. Farrell, District Four
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: Helen L. Stone, Chairman Pro Tem, District One

Commissioner Holmes said, I ask that Commissioner Stone be absent [sic] due to her personal matters.

Commissioner Center said, excused.

Commissioner Thomas said, second.

Chairman Scott said, it's been properly moved and second that we excuse Commissioner -- Commissioner Stone our pro tem from the proceedings today. All in favor of that motion indicate by voting yes, opposed no.

Commissioner Stone is excused. Madam Clerk, please continue.

ACTION OF THE BOARD:

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

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CHATHAM COUNTY YOUTH COMMISSION

Chairman Scott said, at this time I will recognize our vice Chair for the purpose of introducing our members of the Youth Commissioners who's present today.

Commissioner Thomas said, thank you, Mr. Chairman, members of the Commission, ladies and gentlemen. It is my pleasure to introduce to you the Youth Commissioners serving today.

Chairman Scott said, Madam --

Commissioner Thomas said, I'm sorry. The Youth Commissioners attending -- in attendance today are Dominique Bolds, senior at Memorial Day School; Shakayla Bush, junior, Groves High School; and I'm going to ask this young man to say his name again because I always mess it up. He's a sophomore at Savannah Arts Academy. Say your name loud and clear for me.

Youth Commissioner Uchenna Chukwukere said, my name is Uchenna Chukwukere.

Commissioner Thomas said, all right. I'm going to get it right. All right.

Chairman Scott said, good luck.

Commissioner Thomas said, thank you. All right.

Commissioner Shabazz said, yes, sir.

Commissioner Thomas said, thank you.

Chairman Scott said, thank you Madam Vice Chair.

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V. PROCLAMATIONS AND SPECIAL PRESENTATIONS

1. PRESENTATION OF CHECK TO PUBLIC WORKS AND PARK SERVICES FOR McQUEEN'S TRAIL FROM SOUTHERN LNG.

Chairman Scott said, we're on the agenda now where we have proclamations and special presentations, and I see at least one person I recognize that's associated with this firm, but I'm going to ask that Steve Proper, is he here? Chatham County Park Service Manager to come forth and introduce his guests from LNG who wants to make a contributions to the county's efforts to maintain McQueen's Trail.

Mr. Stephen Proper said, yes. Thank you. I'm Steve Proper. I'm the Park and Recreation Services Manager. We always try to -- in -- in my division we always try to -- to do a community outreach and -- and make partners within the community, whether it's individuals or -- or businesses. So I was introduced to Stephen Heard, who's the Director of the L-- LNG division at Kinder Morgan by Amy Holmes [sic], and he expressed an interest in -- in helping us with the McQueen's Island Trail. We went out there, and we -- we rode around and -- and showed him some of the problem spots, and we -- we have one bridge that's on the east side which is real near the Fort Pulaski entrance, and he expressed interest in helping us with that bridge, replacing it as it's -- it has some erosion problems around that area due to the -- just due to the erosion, so I would like to introduce Stephen Heard, and I would like to also introduce Scott Walden, who's from -- compliance manager at Kinder Morgan.

Mr. Stephen Heard said, good morning.

Commissioner Thomas said, good morning.

Members of the Board collectively said, good morning.

Mr. Heard said, it's a great opportunity here, and it's a -- a pleasure of mine on -- and Scott Walden on behalf of Kinder Morgan and -- and Southern LNG to -- to partner with the county and -- and provide some funding to --

to help restore McQueen's Trail, and we look forward to continuing to partner with the county on opportunities like this in the future to help be a good -- good corporate citizen and -- and community involvement. So on behalf of Kinder Morgan, presenting this check to Mr. Proper and the county.

Mr. Proper said, thank you, sir. [Applause.]

Chairman Scott said, Commissioner Pat Farrell of the 4th District.

Commissioner Farrell said, good morning Steve, Scott, Amy. Good to see you all again. You're -- if y'all don't know, they're the -- some of the key people on Elba Island, which is in the 4th District. We appreciate y'all coming today and -- and expressing an interest in the well-being of the surrounding community, and I understand you've got a rather large construction project in the -- in the -- in the wings. Do you care to share anything about how that's going? It should have quite -- we hear a lot from -- from our high profile corporate citizens like Gulfstream, and -- and the International Paper, but very quietly there's -- there's quite a bit going on at Elba as I understand, if you'd like to share any of that today with -- with everyone.

Mr. Heard said, sure, Mr. Farrell. Yeah. We've got an exciting project on Elba Island. With the amount of natural gas that is being discovered and produced in the United States, we have an opportunity to turn Elba Island around and turning it into an exporting facility, as well as an importing facility, and we're in the middle of the -- the FERC filing process, which we hope to receive our certificate to begin construction some time around the May 2015 time frame, and once we receive that authorization to construct, we'll be investing about one and a half billion dollars at the facility that will include, approximately 800 construction jobs at -- at -- at peak construction that will last for a couple of years. It will also provide about 100 additional permanent jobs at the facility. Jobs from professional engineers to controllers, operators, maintenance technicians, the -- the -- the full range of -- of vocations, and we've already actually started the hiring process. We're -- we're starting to hire some engineers and some management and leadership on -- on the facility. We're in the process of -- of -- of hiring a third-party recruiting firm to help us find the talent that we're going to need to -- to fill these highly skilled jobs. So it's exciting -- exciting time in the energy industry. It's an exciting time for Elba Island, and we look forward to -- to what we have ahead of us and -- and engaging with the county as -- as we proceed going forward.

Commissioner Farrell said, all right, Steve. Well, appreciate you sharing that with us, and, you know we've -- on a -- this -- this has a international implication in my opinion in that when Europe is dependent on Russia for the vast majority of their natural gas --

Commissioner Thomas said, right.

Commissioner Farrell said, -- in the years to come, we can take an American product and -- and help calm international tensions by being a additional supplier to an entire friendly continent. So I think it has very big implications. There's very little that's being said about it, but it's happening right here in Chatham County, and -- and I -- I'm very hopeful that everything turns out very well. So. Thank you.

Commissioner Thomas said, Mr. Chairman, may I say something?

Chairman Scott said, our Vice Chair, Commissioner Thomas from the 8th District.

Commissioner Thomas said, thank you, Mr. Chairman. I -- I just want to say -- concur with what my fellow Commissioner have just said. We just really want to thank you. I mean this is going to be a great impact here in Savannah. Particularly I am excited about the fact that you are now hiring, you know, and this gives our local people an opportunity, those who have the skills, and -- and you're ready, you have an opportunity here, and so, this opens the door for a lot of people, and also, it's a challenge to some of the other companies to step in and do some of the things like what you're doing to help us with some other projects. So I just want to say thank you so very much, and I'm just so proud of the fact that there's going to be a lot of job creations here in the various disciplines that you're going to be dealing with. Thank you.

Chairman Scott said, okay. Again, thank you for the contribution. We appreciate you being part of our meeting this morning.

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2. MOSQUITO CONTROL SPRAYING INCIDENT. MR. IVAN COHEN HAS ASKED TO APPEAR BEFORE THE COMMISSION.

Chairman Scott said, the next item on the agenda under special presentation, we have a -- three representatives from the group of citizens who were marching in west Savannah in regards to the shooting incident that occurred out there, and -- during our routine scheduled Mosquito Control spraying occurred during the time of the March, and these individuals contacted me and asked if they could come before the Commission to make a presentation at our last meeting, and the request was not in time because we were -- had already published our agenda and was pretty much scheduled for that event. So at this time I -- I'm going to ask that three individuals, and you'll be limited to five minutes in terms of your presentation. Members of the Commission who may ask you

questions may extend your time before us. That time is not part of your five minutes, and I don't know who want to lead off, but we got Mr. Ivan Cohen, and Mr. Cohen, Ms. Jackson, and Reverend Smalls. And who -- who wants to go first?

Reverend Leonard Smalls said, I'll go first. Y'all can come and stand if you want to.

Chairman Scott said, again, Mrs. Jackson, Reverend Smalls and Mr. Cohen are the only presenters because those were the three that Mr. Cohen had indicated in his request to come before the Commission who wanted to speak.

Reverend Smalls said, let me say this. I'm -- I'm a bit bothered by the limitation. I've heard presentations here before that didn't start out with a limitation, but having heard that, and we'll -- we'll discuss this properly a little privately after a while, but, I'm -- I'm a little bit bothered that we're limited as we come. I haven't heard this type of statement when others have come before for general presentations. But be that -- that being said, we're here for a specific purpose, and that specific purpose is the fact that on a given evening in west Savannah after we had observed the Mosquito Control seemingly to fly over us day after day after day, that evening and night in concentrations that I know based on the fact that we've taken time to get under the helicopter in its tracks after that and the last time being on day before yesterday, Wednesday, knowing that what they did on that night was extreme. The helicopter came in too low, stayed too long, people have continuing respiratory problems and vision problems. Then the treatment that they were advised to get was not in keeping with what it would take to cure their maladies. We've still got complaints to this day of people having problems from having this intense spray.

Reverend Smalls said, now, there are people that were -- public officials that were actually there that night on site, and Alder -- Alderman Van Johnson came and started helping people wash their eyes out. Babies with asthma problems suffered severely, and what we're going to basically say to you today is we would like a small committee to be formed, including myself as part of that committee to represent the community, and this is at their request, so as to look further into this matter. Now the idea that this was a regular spray or that it was sprayed like they normally do is preposterous because no regular time spraying ever has caused this much difficulty for the citizens of Chatham County. Two of the victims, well one of the victims is here right now, Ms. Marilyn Jackson, and she did some research on the chemical. I also have -- if you look up Trumpet insecticide, it will tell you that what was done, and how these people were advised was woefully inadequate. These are our citizens, and they need to be treated better. Marilyn Jackson.

Chairman Scott said, Ms. Jackson.

Ms. Marilyn Jackson said, good morning.

Chairman Scott said, good morning.

Members of the Board collectively said, good morning.

Ms. Jackson said, I am responding to the letter that we received from the Chairman, Mr. Scott, and members of the Chatham County Commissioner dated October the 3rd, 2014, which was ten days after a Chatham County pilot sprayed over 150 people with a deadly chemical called Trumpet. The letter stated that they sprayed on given days, which was August the 27th, which is a Thursday; September the 3rd, which is also a Wednesday; September the 11th, another Thursday; and September the 18, which was the day the young man, Charles Smith, was killed by a Chatham County policeman; and September the 23rd, which was the only day -- which was Tuesday, that Mosquito Control sprayed in the West Savannah area. Now the reason why I am quoting those dates is because Mr. Lewandowski, who is director of Chatham County Mosquito Control, and Mr. Johnson, who is also a part of City Council, to -- stated to us that the only days that Mosquito Control sprays that area is on a Tuesday. So the days that I just quoted to you all is not a Tuesday. There was Thursdays and Wednesdays, never on a Tuesday.

Ms. Jackson said, so we are led to believe that the pilot actually deliberately used chemicals to stop the people from pro -- protesting that day, and it was a direct violation of our First Amendment right, which is the right to a peaceful protest and the Fourteenth Amendment which was -- which is equal protection under the law. Now on the bottom page of page one and the top of page two, the letter states that the pilot did not spray directly over the group, but the spray may have naturally drifted towards the crowd. Further it stated that the spray can cause eye irritation, but will go away quickly. It stated that the spray can cause eye irritation, which I just said, and will go away quickly. Now if the County Manager would have investigated the people, which they did not do, he would have discovered that we were directly sprayed. One of the chemicals, Trumpet, have a continuous effect on people if the proper precaution is not taken. According to Amvac Chemical Corporation, the chemical Trumpet is very dangerous if it is absorbed through the eyes, skin or inhaled. We were overexposed to these chemicals because we absorbed the poison through our skin and our eyes, and we inhaled them. This is one reason why our symptoms lasted so long.

Ms. Jackson said, the other -- the other reason why our symptoms persisted were because we didn't -- we -- we were not told to expose [sic] of our infected clothes which contain hazical [sic] chemicals. We were -- we were supposed to either wash our clothes in a special solution or properly burn them. Most people, including myself, placed our clothes in a clothes hamper in our bedrooms. We were unaware that we were constantly

inhaling the fumes from our infected clothes. We experienced runny nose, red and itchy eyes, which I am still experiencing, diarrhea and asthma-like symptoms. The chemical Trumpet also came -- contains the substance Dibrom, and carcinogen. These are all cancerous substance and are very dangerous to the people. If the State of California recognize that Trumpet is hazardous then why is Chatham County still using it on the people?

Ms. Jackson said, the protestors in west Savannah did not have the proper first aid protection after the chemical disaster according to the Amvac handbook, EPA or the nearest state pesticide -- pest -- pesticide should have been called. Also a eye in -- station and information booth should have been set up. The affected area should have been declared a disaster area by EPA or health department until authority deem it safe for people to enter back into the area. We witnessed a city official pouring water into the eyes of people who was affected by the chemicals. Anyone that was designate to give first aid to the people should have had on gloves and other protective garment which -- which was not done. A phys -- a physician should have been called immediately. We are the ones that called 9-1-1, and a ambulance was sent to the area but they stated they was unable to help the people because they did not have the right eye wash for our eyes. They abandoned the children who eyes was burning, older people who was crying, and people who was running to nearby stores with their babies to seek shelter.

Ms. Jackson said, the im -- the chemical also aggravates any existing medical condition a person may have. Also Trumpet is so dangerous because of the added ingredient which is Dibrom and Naled, a doctor should be contacted in all cases of exposure and this formation because this product is corrosive to the eyes and can cause pancreatic cancer. In conclusion improper use of Trumpet is a violation of the federal regulation law. The pilot who is -- who is employed by Chatham -- Chatham County violate the federal law because he used a deadly chemical to stop the people from protesting against a white police officer. In addition he had violated our First Amendment right to have a peaceful protest. Furthermore, we were not protected under the Fourteenth Amendment. We want the pilot name to be released to the press, and we want action taken against the pilot immediately. It is important for Chatham County to take action against this pilot because -- because if he is not punished, this form of retaliation will continue and the civil liberties of black people will turn back the clock to the Jim Crow era. So we are asking you all to please form the committee as Reverend Smalls stated and have this problem resolved immediately. Thank you.

Chairman Scott said, Madam Clerk, would you correct a couple statements Ms. Jackson made. I did not write the letter, the letter came from the County Manager.

County Manager Smith said, correct.

Chairman Scott said, and secondly, it wasn't the Chatham County Police, it's the Savannah Chatham Metro Police.

Commissioner Thomas said, exactly.

Chairman Scott said, okay. Thank you, Ms. Jackson. I appreciate that. Mr. Cohen.

Mr. Ivan Cohen said, thank you Mr. Chairman, to the vice Chairman and to the Chatham County Commission. I am a resident and tax payer of Chatham County a total of 69 years. Fifty-six of those years spent as a resident who grew up in this county, starting like Reverend Hall as a small lad to adulthood, 13 years as a property owner. On September 23rd, I was attending a rally and a protest with other city -- citizens of Chatham County. Their zip code places them -- placed them in west Savannah. I as a tax payer did not expect my county tax dollars to be redirected toward me by way of spray from a Mosquito Control helicopter. I contacted Mosquito Control the next day, and I did receive a letter from the County Manager stating that personnel within the Department were contacted and how all the information related to the incident was reviewed by him. The letter also informed me that he concluded his investigation. However, for me the investigation is incomplete. He got statements from people in the department. He got statement from the person in the air flying the helicopter, but he did not get statements from the people on the ground.

Ms. Jackson said, right.

Mr. Cohen said, so nobody connected with his office extended any efforts to contact these people. This fact alone gives me no more confidence in Chatham County government. So to paraphrase an old blues song of B.B. King, the trust is gone.

Ms. Jackson said, that's right.

Chairman Scott said, okay. Thank you all, and I will take your request under advisement.

Commissioner Kicklighter said, Mr. Chairman, I have a question.

Chairman Scott said, okay.

Commissioner Kicklighter said, I'm --

Chairman Scott said, who do you have a question of?

Commissioner Kicklighter said, I'm curious --

Chairman Scott said, who do you have a question of, Commissioner?

Commissioner Kicklighter said, anybody that wants to answer it, Mr. Chairman.

Chairman Scott said, okay. Thank you.

Commissioner Kicklighter said, Mr. -- he would be fine.

Chairman Scott said, Commissioner Kicklighter of the 7th District has a question.

Commissioner Kicklighter said, did the helicopter hover directly over y'all and just spraying, hovering just right above you and stayed there?

Reverend Smalls said, yes, sir. The --

Ms. Jackson said, exactly.

Reverend Smalls said, -- the statements was to the effect that he came down so low they could see him handling the controls, and he stayed there for an intense amount of time. We have -- we have over and over since that time purposely gotten in the path of the helicopter, basically by calling and saying which way it was going to get in the head -- ahead of it, and he's normally spraying and flying so fast that it can't affect anything. On day before yesterday, he flew directly over me, right off Stiles Avenue, and the speed and the distribution -- the distribution of the spray was so thin you couldn't smell it. You couldn't see it. So he -- he --

Commissioner Kicklighter said, how long did it hover in one place is my question? Spraying?

Ms. Jackson said, yes.

Reverend Smalls said, one of the -- one of the witnesses can say so.

Ms. Solana Plaines said, let me -- let me answer. Let me answer that. We were out there protesting -- good evening counsel.

Commissioner Thomas said, good evening.

Ms. Plaines said, everyone. We were out there on the 23rd. The helicopter came over the trees, it went down, came back up, and by that time the whole community was running and crying because they had -- was hit by the spray.

Commissioner Kicklighter said, okay. But it didn't stop above your heads and just -- just stop there and let stuff fall on you, right?

Ms. Plaines said, long enough to drop the spray and go back up, sir.

Commissioner Kicklighter said, but the --

Ms. Plaines said, by that time the spray was in everybody's face.

Reverend Smalls said, let Marilyn answer that.

Commissioner Kicklighter said, thank you.

Reverend Smalls said, let -- Commissioner Kicklighter, I think --

Ms. Jackson said, yeah, it was -- to concur what Mrs. Plaines said, the helicopter, it was around 6:30 to 7:00 o'clock. The helicopter came be -- almost below the tree level, and it stayed there for a some -- some -- about three to five minutes, and it dropped the chemicals on the people. So it did hover right there. It stayed right there long enough to drop the chemicals on the people.

Commissioner Kicklighter said, right. But -- but it wasn't like spraying the whole three minutes it was hovering, right?

Ms. Jackson said, hovering and -- hovering and -- no, it wasn't just there. It was hovering and spraying. It stayed there and released the chemicals.

Commissioner Kicklighter said, okay. Next question is --

Chairman Scott said, Commissioner Thomas, do you have your hand up for a question?

Commissioner Thomas said, yeah, following -- after he's finished.

Chairman Scott said, okay. Go ahead.

Commissioner Kicklighter said, thank you. Ms. Jackson, you stated the people were there protesting against a white police officer.

Ms. Jackson said, mm-hmm.

Commissioner Kicklighter said, and that the civil liberties -- liberties of black people could turn back to the Jim -- Jim Crow days.

Ms. Jackson said, mm-hmm.

Commissioner Kicklighter said, are you aware that the elected Chairman of the Chatham County Commission which oversees Mosquito Control is a black man?

Ms. Jackson said, yes, I am.

Chairman Scott said, you are out -- you are out -- you are out of order Commissioner Kicklighter. That's not -- that's not --

Commissioner Kicklighter said, Mr. Chairman, race was brought into the issue, and I'm just asking a racial question back.

Chairman Scott said, I -- I recognized you for the purpose of asking questions.

Commissioner Kicklighter said, that was a question.

Chairman Scott said, and -- are --

Commissioner Kicklighter said, it -- it's fine. I release the floor then. I -- it's -- it's a simple question because race was brought into that.

Reverend Smalls said, Chairman -- Chairman, can -- can I -- can I try to give some balance?

Chairman Scott said, no, sir. I have a question from -- now from our Vice Chair, Commissioner Thomas, and then Commissioner Holmes.

Commissioner Thomas said, thank you, Mr. Chairman. First of all --

Chairman Scott said, please -- please a question if you have it.

Commissioner Thomas said, thank you, Mr. Chairman. First of all, again, I want to say to those who were affected by any of the chemicals at all that I'm deeply sorry. I was there among the crowd. When the accident -- when -- when the shooting took place I was in the doctor's office. I got a call saying that someone was shot and killed. I told my doctor I've got to go. He said you don't need to go nowhere I haven't finished, I said, well I got to go. So I came straight, you know, to the area, and I was with the victim's mother the whole time trying to console her.

Reverend Small said, that's right.

Commissioner Thomas said, and then after that I began to move around the crowd to kind of, you know, cool them down to -- so that we can have some kind of, you know, coalition of sensibility there to know exactly where we were going. I want to know this. I want to say this first of all, yes, we do have sprayings all the time. The Mosquito Control sprays different areas, but I heard you say specifically that 6:30 to 7:00 o'clock, I believe it was. Someone mentioned 6:30 to 7:00 o'clock.

Ms. Jackson said, I did.

Commissioner Thomas said, that the helicopter actually came down, did some spraying, went back up and came back down again and sprayed, or did I miss?

Ms. Jackson said, you missed that.

Commissioner Thomas said, okay.

Ms. Jackson said, he -- he came down -- the helicopter came down and sprayed for about three to five minutes and then --

Commissioner Thomas said, what spot was this in -- in --

Ms. Jackson said, we was right there on the corner of Augusta Avenue and Eagle Street.

Commissioner Thomas said, and Eagle, okay.

Ms. Jackson said, right there.

Commissioner Thomas said, I know exactly where you're talking about.

Ms. Jackson said, right. We was right there, and he came down. He scooped down almost below the tree level and then he start spraying, and once he sprayed for that length of time, then he went back up.

Commissioner Thomas said, okay. Thank you. We just want to make sure that we are factual.

Ms. Jackson said, right.

Commissioner Thomas said, in -- in what we do and what we say.

Ms. Jackson said, mm-hmm.

Commissioner Thomas said, and I'm sure that this Commissioner -- Commission will take in account to the request of the committee, but I want to say that when we meet, we want to be sensible. We want to be courteous to each other, and we want to get to the bottom of whatever needs to be gotten to, and let's work it out. There is nothing that we cannot work out.

Ms. Jackson said, yes, ma'am.

Commissioner Thomas said, so I'm asking you, Reverend Smalls, and to each of you, 'cause I know everyone of you, to work with us. We will work it out. We will get to the bottom of it, and if changes needs to be made, we will make those changes, okay?

Reverend Smalls said, we simply came to ask --

Chairman Scott said, Commissioner --

Reverend Smalls said, -- that there be a committee.

Chairman Scott said, Commissioner Holmes from the 2nd District has a question.

Reverend Smalls said, yes, sir.

Commissioner Holmes said, thank you, Mr. Chairman. I know we all aware that this group came before us from a issue that's created out there from the beginning. This discussion today can get very touchy.

Commissioner Thomas said, mm-hmm.

Commissioner Holmes said, if -- if we all not handling this in a professional way.

Commissioner Thomas said, right.

Reverend Smalls said, that's true.

Commissioner Holmes said, what I would like to do -- because I don't like discussing people that is not present in defense. There are several names was called, such as the pilot, and that pilot is not here, but he represent the mosquito department in which we operate. So what I would like to ask is that we grant the request of this group. But I do know this, from what I've heard and what I'm hearing, this discussion need to continue an investigation to see who was right and who was wrong because I don't -- I -- I -- I'm not a lawyer, I'm not a jury, and I can't judge anyone from what I'm hearing, but I do know this, that something happened out there that day. I got documentation here the schedule of what was going on, why it was going on, and in that area it's still going on because of the condition of West Nile. So -- so I -- I'm quite sure the Chairman and the rest of this Board is listening to you all very attentively, and I reassure you all of us up here, and -- and I'm not speaking only for me. I worked with this Board over the years and I know the mind set of all of us. This Board will do what is right and correct, not only for you but for the county. So we'll hear you, and it will be handled in such a way that you will be justified and we will be pleased to how we do it. So you're request -- your request is very much taken, and if we have to put together a group, a committee to further investigate this, this is my promise, and this is what I would wish. Thank you.

Chairman Scott said, Commissioner Brady of the 6th District has a question.

Commissioner Brady said, my question is not of anyone in this group, it would be of our County Manager and his staff.

Chairman Scott said, anybody else have a question for the group? No. Thank you all so much.

Reverend Smalls said, thank you, sir, for your indulgence.

Ms. Jackson said, thank you.

Commissioner Thomas said, thank you, Mr. Chairman.

Chairman Scott said, and let me just -- let me just say to -- to the presenters and to folk who refer to Jim Crow, that's a phrase that's used, I would assume with a lack of understanding what Jim Crow means, and -- and this is not a forum in which that I will tolerate the mis-use of a phrase that reflect the suffrage of black folk in a bygone era, and that's all I'm going to say about that. Commissioner Smalls, you're not recognized.

Reverend Smalls said, don't assume that we're ignorant as to any term we use.

Chairman Scott said, Commissioner -- Commissioner Center.

County Attorney R. Jonathan Hart said, you're out of order.

Commissioner Center said, yeah, well I did want to ask --

Chairman Scott said, and you're out of order Mr. Smalls.

Commissioner Center said, I'm sorry. I did want to ask a question. I heard a lot of requests, and I -- I guess I'm asking Reverend Smalls if I may.

Chairman Scott said, we've already asked for questions of the group, Mr. Center, and you did not raise your hand.

Commissioner Center said, I know, but it just -- it just occurred to me.

Chairman Scott said, and, I'm sorry, we have moved on once I've made my statement. I was going to ask the last question. I'm sorry. At -- at this time, you may -- you may continue your questions when I recognize the Manager for any response --

Commissioner Shabazz said, I've got a question for the Manager too.

Chairman Scott said, -- that he might want to present. Mr. Manager, you have anything you wanted to add or respond to?

County Manager Lee Smith said, no, I mean we'll respond to questions from the Board.

Commissioner Shabazz said, I -- I have one.

Commissioner Brady said, I do too.

Chairman Scott said, Commissioner Center, you want to ask a question to the Manager?

Commissioner Center said, yeah. I'll ask this. It will be hard, I mean -- let me preface my question.

Chairman Scott said, hold on a second. I'm -- I'm out of order. Commissioner --

Commissioner Brady said, thank you, Mr. Chairman.

Chairman Scott said, -- Brady of the 6th District.

Commissioner Center said, okay. Go ahead.

Commissioner Brady said, I thought you were ignoring me.

Chairman Scott said, do you have a question for the Manager? And then Commissioner Center.

Commissioner Center said, thank you.

Chairman Scott said, then Commissioner Shabazz from the 5th District. In that order.

Commissioner Brady said, what I want to ask of the County Manager is -- is there has been a full-blown investigation already performed in reference to this incident. Was that accurate?

County Manager Smith said, yes.

Commissioner Brady said, and what were the results of -- of the investigation?

County Manager Smith said, results were first of all we went out -- Assistant County Manger Michael Kaigler, myself, we were out there right after the incident, within an hour or so. We actually, I think there were some names taken of individuals. I've talked to maybe 10 or 15 individuals who have called the office. I think the Chairman has -- made sure that we made contact with all, you know, the folks who may have been involved. So we actually asked those 15 were there, you know, other medical issues moving forward, but within 30 minutes of the incident, I had Dr. Henry Lewandowski to come in. We began gathering the data. The helicopter when it flies actually has GPS data that tells you where it is at all times, at what speed and at what height, when it's spraying and when it's not spraying, so I asked for that data the next morning. I wanted that from the helicopter computer. Pulled that. I met with the pilot. Talked with the police chief, assistant police chief. Talked to other folks who were at the incident, including the Alderman and looked at, you know, did we spray overhead. According to our data we did not. We sprayed to the -- I think it was really to the west or the south of it near Agate Street, where we were having a lot of West Nile. Once the incident was called upon because this had not been reported to us and to Mosquito Control that there was any issue or a march or a gathering, that is normal protocol. We would be called within 24 hours. We were not. Once police notified us, we pulled out and actually changed our trajectory and our path and avoided that area, but we were to the south of that area, and based on the winds, you know, spray can go in that area. So -- but there was no direct over spray.

County Manager Smith said, now, I will say that that area is the direct flight path back and forth to the helicopter pad where we take off and land. We will go over that area almost every time and then go for trajectories in different parts of the county. So they see that helicopter multiple times a day, and the typ -- that night we were flying at just over 100 and -- or just under a couple hundred feet and at 126 miles an hour, and a spray rate of less than .6 ounces per acre is what we were spraying Trumpet, and that is what Georgia, Florida, Louisiana, there's about six states use for the adult mosquitos carrying West Nile virus. So, it's all -- and we also spray within the labeling. A lot of what you read when you get the MSDS, the -- the data sheets on the chemical is for the handling of the chemical because as any chemical in an environment where it is concentrated can be harmful, but obviously we disburse that for the adult mosquitos. It is actually disbursed in microbes so that it is absorbed by the mosquitos to kill those that may carry deadly diseases. So.

Commissioner Brady said, and --

County Manager Smith said, but we completed that within about four days to get all the data because I was very serious about -- obviously if this happened we took that serious, but I pulled the GPS data and cannot find data substantiating, and I would need that to take action against the pilot, and I couldn't find that data.

Commissioner Brady said, but -- but now, I know that there's discussions about -- and -- and I knew all that I just wanted it to be public and --

County Manager Smith said, sure.

Commissioner Brady said, -- you know, the public to be able to see it or hear it. But now what we do when we spray, we -- we contact Savannah Metro to say we're going to go out and spray? I mean what are we doing with Savannah Metro Police Department in reference to -- to anything like this happening in the future?

County Manager Smith said, there is a daily coordination now. Before it was just very -- you know, if anything was going on they called us, now we make a daily connection to say are there any gatherings as we know of in the community -- in the county? Some people don't report. Some things Metro won't know, but we try to tell the public also, if you've got an event going on like a church event, we -- we have those on record where we actually -- let's say they're having an outdoor gathering, we avoid those areas at times. So -- as best we can. We get the information and we avoid the area, and we look at where the wind is blowing from, but -- for instance, had we had the data, we would have changed the --

Chairman Scott said, excuse me, Mr. Manager -- excuse me, Mr. Manager. Commissioners, your mikes are on, and when you're carrying on a conversation, it's being picked up in the audience. Mr. Manager, please carry on.

County Manager Smith said, yeah, so anyway, that, I hope --

Commissioner Brady said, and -- and -- would it be accurate to say that we had no idea that this -- this -- this protest was -- was going on?

County Manager Smith said, Mosquito Control was not given official record by Metro or anyone else. They were not notified. I actually had their computers, their fax data, everything checked to see if they had received. They did not receive notification. Since then, we have had a conversation -- I had a conversation with Chief Tolbert that night at the police station because when the -- the folks gathered at the police station, I was there with Chief Tolbert and Michael Kaigler, Assistant County Manager, and we talked about notification, said, that's got to be perfected. We've got to make sure that we get better information, so we try to, you know, do better. I mean that's what we needed to do, and we understand that.

Commissioner Brady said, okay. Thank you.

County Manager Smith said, yes.

Commissioner Shabazz said, I'm after --

Chairman Scott said, Commissioner Center.

Commissioner Center said, thank you. Do we disagree with the intensity of the danger of this chemical as -- as -- as Reverend Smalls and the group talked about? I mean Ms. Jackson said -- I believe did some research and was talking about this Trumpet chemical.

County Manager Smith said, mm-hmm,

Commissioner Center said, do we disagree with her description of how dangerous this chemical is?

County Manager Smith said, well, what I will say is it's -- when you look at the MSDS sheets, you know, those are very complicated items, but when you look at that in detail, when you really get into the severity of any chemical is when it is concentrated. When you spray this chemical of .6 ounces per acre, so (demonstrating with a cup), about this much is what was sprayed over an acre.

Commissioner Farrell said, way less than that.

County Manager Smith said, yeah, I'm saying --

Commissioner Farrell said, six tenths of an ounce.

County Manager Smith said, -- yeah, I'm just saying, it's -- it's -- it's a very small amount.

Commissioner Center said, I understand. Is there any sort of black box or anything -- anything in the helicopter that shows whether or not it dipped down and hovered the way they --

County Manager Smith said, it doesn't show that. I looked at all the GPS data. It does not show that.

Commissioner Center said, all right. So -- so you looked at the --

County Manager Smith said, I looked at the -- continuously. It doesn't show that.

Commissioner Center said, that's -- that's what I mean. You looked at the actual data from the helicopter --

County Manager Smith said, while it's spraying. We've got that data. It does not show that.

Commissioner Center said, and so it does not meet their description.

County Manager Smith said, no.

Commissioner Center said, has -- now, I assume there were more people out there than Mr. Smalls, Mr. Cohen, Ms. Jackson's group.

County Manager Smith said, sure.

Commissioner Center said, has anyone outside this group of protestors complained to the county about chemical damage from the spray?

County Manager Smith said, I've talked to approximately 15 folks who were there, who said they were there, and asked -- when they -- and this was within about a week and a half. They have told me, I said, first of all are you having any continuing issues? The answer was always no, I am not, however, I had eye irritation, some skin irritation that evening. That's understandable. What did you do? Most said they rinsed our eyes with water or some said they used milk, whatever, but rinsing eyes of water at the time, if you have immediate, is the quickest thing to do when you have that, but --

Commissioner Center said, none of our -- none of the policemen have complained through workers' comp or anything, have they?

Commissioner Center said, no, policemen. No other -- I -- I don't have any other reports.

Commissioner Center said, so only people within this protesting group have suffered damage?

County Manager Smith said, that's correct. Or have complained. I -- I don't have any reports from anyone else.

Commissioner Center said, Mr. -- thank you. And -- and Mr. Chairman, let me say, I have worked personally with this particular pilot. One of the first things I did when I came on was toured county property. I went out and toured Mosquito Control, met Dr. Lewandowski. I have traveled, and -- and -- and worked with this particular

pilot. We could form a committee. I would find it extremely difficult to believe, and Leonard Smalls, you know you've worked with me, we've been on the same side of issues before, that -- that this pilot or anybody in this county would purposely spray a group. I just cannot in anyway fathom that. I know you want a committee to look into it, but this -- this is a good man, this pilot. He has gone to Washington, D.C., to work on behalf of this county at my request, got the federal communications commission --

Chairman Scott said, (Inaudible).

Commissioner Center said, well if I may have a moment of -- a minute of personal privilege to make my statement. But this pilot's a good man. He -- I just cannot believe. Dr. Lewandowski runs a great department. I -- I talk with these people. I see them individually, and I don't reach the same conclusions as everybody on every single person. I -- I -- it's -- I just -- there's no way in my mind that they sprayed y'all purposely. Thank you.

Chairman Scott said, Commissioner -- Commissioner Shabazz from the 5th District.

Commissioner Shabazz said, good morning --

County Manager Smith said, good morning.

Commissioner Shabazz said, County Manager. I'm -- I'm going to be very careful what I say because oftentimes I'm misunderstood, but I will say this, that what they did not -- what Mosquito Control or those who sprayed that chemical that night, what they didn't calculate was that I was out there as a County Commissioner. I was out there.

County Manager Smith said, mm-hmm. Yes, sir. We talked that evening.

Commissioner Shabazz said, and I -- I agree -- and I'm going to say it again, I agree with everything that was said, and also, the Mayor was out there. My wife was out there as a city official. That chemical was sprayed on those -- the gathering out there, and it came down low enough to be effective. Now he said something about the pilot he is a good man. I know all these people out here, everyone of them that came up here, they're good people too, and I can vouch for them. And that's all I have to say.

Chairman Scott said, okay. Anybody else have anything? For those of you who may not know what Jim Crow means, Jim Crow and the United States were laws -- laws enacted between 1877 and 1954 to enforce -- to enforce racial segregation. That's Jim Crow. That's what Jim Crow is in reference to. So when I call people out of order it's because this isn't -- your reference to Jim Crow in this situation does not meet the definition.

Commissioner Kicklighter said, I didn't reference Jim Crow.

Chairman Scott said, so -- so I just wanted to make clear what the term Jim Crow means, and that's it in a nutshell, and -- and I -- I don't have a high appreciation for that term being used improperly.

Commissioner Thomas said, Mr. Chairman, may I make one statement?

Chairman Scott said, not after -- my statement closes out -- I asked if anybody else have any --

Commissioner Kicklighter said, point -- point of personal privilege.

Chairman Scott said, you're not recognized for a point of personal privilege.

Commissioner Kicklighter said, well, you have to recognize me according -- according to our very own policies, you have to recognize me, sir.

Chairman Scott said, Commissioner Thomas, you wanted --

Commissioner Thomas said, I just wanted to make a -- make a statement to the fact in -- in -- in reference to my colleague here. The question that he was referring to to Jim Crow at -- at the time I don't think that he was emphasizing the fact, you know, that it was Jim Crow, he was just trying to mention the fact that someone who was at the podium stated about Jim Crow, and he was trying to clarify that particular point. So I think he was in his right, you know, rightful place to make a statement, whatever he needed to make in reference to what was made from what was stated out there, and I -- and -- and that's all that is to it. You know, we don't need to -- to -- to go back and forth with all of this. The -- the minister talked about this morning having balance. How are we ever going to get balance? How are we going to ever get balance if we are not willing, each of us, to work towards that balance. I challenge each and every one of you -- I was going to be kind of quiet, but I challenge each and every one of you here today if you want balance, then let us work it out in the proper manner. We will get to the facts. I was in the midst of it too, but I didn't get sick, and I -- I mean you didn't hear me going on and on and on. But, that doesn't mean somebody else didn't, you know, wasn't affected, but let's work towards a balance of this situation. If there needs to be some corrections, let's make the corrections and let's move on. Now that's what I'm going to work towards. Anything else, I'm going to give a deaf ear to it. So I'm making that publicly clear right now.

Commissioner Brady said, thank you, Dr. Thomas.

Commissioner Kicklighter said, I agree wholeheartedly.

Chairman Scott said, thank you.

Commissioner Kicklighter said, beautiful.

Commissioner Shabazz said, you have your Youth -- Youth Commission.

Chairman Scott said, member of the Youth Commission, Commissioner Bush.

Youth Commissioner Shakayla Bush said, I want to counter what Dr. Thomas said, and I do believe that personal discretion should not contradict the logical facts of either side of the story if it was to head into another investigation. That's all I wanted to say.

Commissioner Thomas said, thank you, ma'am.

Chairman Scott said, thank you.

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3. VETERAN'S DAY EMPLOYEE RECOGNITION

Chairman Scott said, the next item on the agenda under presentation is that we wanted this Friday before Veterans' Day, we wanted to acknowledge the nearly 15 percent of the Chatham County employees who are veterans. We have 115 employees who served in the Army; 35 employees who served in the Navy; 34 who served in the Air Force; 25 who served in the Marines; and 11 who have served in the Coast Guard, which represents almost 15 percent of our total work force are veterans or members of the armed forces who have served our country, and on this Veterans' Day, we just wanted to salute them, and we're going to post their names, all 220 of them on the website, for those who are interested, may take a look at it, and I thank HR, Ms. Smalls and Mr. Johnson, for pulling this information together. I will also acknowledge in the back, we have an elected official who's here, Mr. Dan Massey, who is also a veteran, and I just wanted to acknowledge the service of so many who are involved in county government for their service to their country. And I would also at this time, I saw him come in, and -- and I just wanted to say hello to our former Mayor, Mayor Johnson.

Former Mayor Otis Johnson said, I am a veteran too.

Chairman Scott said, I -- that's -- that's the reason I waited until this time to acknowledge you.

Commissioner Center said, thank you.

Chairman Scott said, Mr. Mayor, thank you.

VI. CHAIRMAN'S ITEMS

Chairman Scott said, we have no Chairman's Items.

VII. COMMISSIONER'S ITEMS

Chairman Scott said, no Commissioner's Items.

VIII. TABLED/RECONSIDERED ITEMS

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

None.

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IX. ITEMS FOR *INDIVIDUAL* ACTION

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

1. TO REQUEST APPROVAL OF THE FOLLOWING BUDGET AMENDMENTS AND TRANSFERS: 1) IN THE GENERAL FUND M&O INCREASE REVENUES AND EXPENDITURES $84,515 FROM BOND PROCEEDS, and 2) IN THE MULTIPLE GRANT FUND INCREASE REVENUES AND EXPENDITURES $6,000 FOR A GRANT AWARD BY THE GEORGIA EMERGENCY MANAGEMENT AGENCY (GEMA) FROM THE DEPARTMENT OF HOMELAND SECURITY (DHS).

Chairman Scott said, now we're ready for items for Individual Action. The first item is to request approval of the following budget amendments and transfers in the General Fund and M&O increase revenues and expenditures by $84,515 from bond proceeds, and 2) in the Multiple Grant Fund increase revenues and expenditures by $6,000 for a grant awarded by the Georgia Emergency Management Agency (GEMA) for the Department of Homeland Security. Is there a motion?

Commissioner Brady said, so moved for approval.

Commissioner Center said, second.

Chairman Scott said, properly moved and second that we approve this transfer. All in favor indicate by voting yes, opposed no. The motion carries.

ACTION OF THE BOARD:

Commissioner Brady moved for approval of the request following budget amendments and transfers: in the General Fund M&O increase revenues and expenditures $84,515 from bond proceeds and 2) in the Multiple Grant Fund increase revenues and expenditures $6,000 for a grant award by the Georgia Emergency Management Agency from the Department of Homeland Security. Commissioner Center seconded the motion and it carried unanimously. [NOTE: Commissioners Holmes, Shabazz and Thomas were not present to vote; Commissioner Stone was not present.]

AGENDA ITEM: ***IX-1***
AGENDA DATE: November 7, 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: 1) in the General Fund M&O increase revenues and expenditures $84,515 from bond proceeds and 2) in the Multiple Grant Fund increase revenues and expenditures $6,000 for a grant award by the Georgia Emergency Management Agency (GEMA) from the Department of Homeland Security. (DHS)

FACTS AND FINDINGS:

1. The Board of Commissioners approved an $84,515 transfer from contingency to pay issuance costs for the refunding of the 2005 MSA bonds. The issuance cost were included in the bond issue. This action will place the funds back into the contingency account. Correspondence and a resolution are attached (to the original staff report in the Clerk of Commission's meeting file).

2. Chatham County has been awarded a $6,000 grant from the Georgia Emergency Management Agency (GEMA) from the Department of Homeland Security (DHS). Correspondence and a resolution to amend the Multiple Grant Fund are attached (to the original staff report in the Clerk of Commission's meeting file).

FUNDING:
The budget amendment will establish funding in the General Fund M&O and the Multiple Grant Fund.

ALTERNATIVES:

1. That the Board approve the following:

GENERAL FUND M&O

a) Increase miscellaneous revenues $84,515 bond proceeds.
b) Increase contingency $84,515.

MULTIPLE GRANT FUND

Increase revenues and expenditures $6,000 for a grant award.

2. Amend or deny the request.

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

RECOMMENDATION:
That the Board approve Alternative 1. Prepared by: Estelle Brown

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2. TO PRESENT THE FISCAL YEAR 2015 FIRST QUARTER REPORT DATED SEPTEMBER 30, 2014, TO THE BOARD FOR INFORMATION.

Chairman Scott said, the next item on the agenda is to present the fiscal year 2015 first quarter report dated September the 30th, 2014 to the Board for information. Ms. Davis.

Finance Director Amy Davis said, Mr. Chairman, Commissioners, this is for the -- the quarter ending September 30th. All is where it should be for the most part. Our general fund saw revenues of 15.7 million, expenditures of 38.7 million, which is a slight increase over last year as far as the revenues goes, decrease in the expenditure side. Taxes were up just slightly. Tax collections were at 7.9 million, and as far as all of the departments that were over at this point in the budget, it was prime -- primarily due to one time expenditures, and we expect them to be fully within budget by the end of the year.

Ms. Davis said, on the SSD side, we had revenues of 2.5 million, which is also slightly ahead of where we were last year, and our taxes are also -- the correction rate is also a little bit higher than last year. Of note in the Special Services District is Recorder's Court. We have overages in our indigent defense costs, which if it continues where we're at right now, we may have to adjust the budget by $300,000. Water and sewer fund, 142,000 for revenues and 360,000 in expenses. Solid waste management 1.2 million in revenues, 849,000 in expenditures, and that includes -- the revenues includes 32,000 of the TAVT taxes that we diverted from SPLOST this last year, and in our Capital Projects Fund. We have two projects that are slightly over our budget, but we are fixing that to reallocate those to the departments. Any questions?

Chairman Scott said, any questions of Ms. Davis? Hearing none. Thank you.

AGENDA ITEM: ***IX-2***
AGENDA DATE: November 7, 2014

TO: Board of Commissioners

THRU: Lee Smith, County Manager

FROM: Amy Davis, Finance Director

ISSUE:
To present the Fiscal Year 2015 First Quarter Report dated September 30, 2014 to the Board for information.

BACKGROUND:
Financial reporting conveys information concerning the position and activities of the County to its citizens and other interested parties. Interim financial reports generally are prepared for use by professional government managers and board members. Such reports monitor levels of year-to-date operations and determine compliance with budgetary limitations.

FACTS AND FINDINGS:

1. The First Quarter Report covers the County's funds and activities, presenting budget-to-actual comparisons. Adopted and amended fund budgets are shown as well as variance data. Comparative prior year numbers are presented on the General Fund and Special Service District summary reports.

2. The amended budgets shown herein represent budget transfers approved through

September 30, 2013. In some cases, subsequent adjustments have occurred. Year-to-date expenditure and project balances are presented. Open purchase orders and outstanding contractual obligations are not included in the year-to-date expenditure amounts.

3. Notable items include the following:

General Fund M&O

- The General Fund received revenues of $15.7 million through September 30, 2014 and expended $38.9 million. This represented 9.37% and 23.79% of budgeted amounts respectively. Expenditures exceeded revenues by $24.1 million. Cash balances in the fund were positive at the end of the quarter.
- General property tax collections were $7.9 million or 6.2% of annual budget estimates. Property tax revenue is billed in the first quarter of the year, but not due until the second quarter. Therefore, a low collection rate at this point in the year is expected.
- Sales and use taxes were just over $4 million, or 28.93% of budget. This represents an increase over FY 2014 year to date collections of more than $600,000.
- Unusual expenditure variances for the following departments and function categories are explained below:
    - Communications has expended $273,930 or 36.09%. An annual contract to Motorola for radio maintenance in the amount of $199,920 has skewed the expenditures. The annual expenditures should be within budget.
    - Public Defender has expended $871,083 or 32.1%. The overages are due to replacement of equipment and increased costs for court reporting.
    - Panel of Attorney's has expended $76,457 or 75.04%. This full budget was transferred to 1002820 - Indigent Defense unit. Initial expenses remained within 1002810. There will be no more expenditures in this department.
    - Public Works has expended $234,214 or 30.36%. $347,609 was spent for Canal Maintenance of which $173,804 has been charged back to the SSD fund from July-September leaving the additional $234,473 to be charged back in the upcoming months.
    - Tybee Pier has expended $7,088 or 29.42%. These are utility charges payable to Georgia Power and the City of Tybee. These are for the months July-September - the busiest time at the Pier. The following quarters should be significantly less.
    - Georgia Forestry has expended $15,256 or 31.07%. The Georgia Forestry variance is mainly due to an annual payment to the state that has put the Other Purchased Services account at 94% of budget. This is a one time expense that will not repeat. Materials and supplies are slightly over, we cut them off when they run out. Overall, they are okay.
    - Debt service variances are caused by the timing of required debt service payments.
    - Other financing uses - 62.51% - Most budgeted interfund transfers occur during the first quarter annually. This includes transfers to the Solid Waste Fund, Child Support and Risk Management.

Special Service District (SSD)

- Through September 30, 2014, the SSD Fund had received revenues of $2.5 million, 7.06% of budgeted amounts. This exceeds FY 2014 year to date revenues by almost $500,000. Expenditures of $7.5 million were recorded or 23.94% of budgeted amounts. Expenditures exceeded revenues by $4.9 million and the fund's cash balances were positive.
- General property tax collections were $1.5 million or 7.5% of budgeted revenues. When compared to the prior year, property tax collections were ahead by $400,000. As with the General Fund, property taxes are billed in the first quarter, but not due until the second quarter.
- Unusual expenditure variances for the following departments and function categories are explained below:
    - Finance expended $12,977 or 32.09%. This overage is due to annual maintenance fees for the Cry Wolf software used to track false alarms.
    - Recorders Court expended $596,329 or 29.04%. Recorders Court has over $312,000 in Indigent Defense costs YTD. In the first quarter these costs averages $71,000 a month. YTD average has increased to $78,000. If these costs continue to rise or even remain stagnant we will see Indigent Defense costs of over $900,000, which will be $300,000 over the $590,000 budget for this account.
- As a result of transfers to other funds, including CIP, BSRS and Risk Management occur at the beginning of the year, other financing uses reflect 65.13% of budget spent.

Water and Sewer Fund

- Operating revenues were $142,710 and expenses were $360,347 for a net expenditure over revenues was $217,637. The fund uses cycle billing which delays the recording of

revenue.

Solid Waste Management Fund

- Revenues at September 30, 2014 were $1,243,437 (26.83%) and expenses were $849,165 for net income of $394,272. TAVT revenues were $32,058 (5.26%) which is based on the SPLOST V allocation. With the SPLOST VI allocation beginning in the second quarter it is expected to reach budget amounts.

Building Safety & Regulatory Services

- Revenues were $544,291, which includes a transfer from SSD fund of $366,291. Permit and fee revenues were $178,372 or 22% of budget.

Capital Project Funds

- There are two CIP projects that are over, Recreation and Health Department Maintenance. These charges will be charged back to the Recreation operating budget. For the Health Department Maintenance, this is prior year expense. There is rent coming in for maintenance, but is not enough to cover the entire charge. Therefore, this will be cleaned up with the carry-forwards, and then close the project.

Health Insurance Fund

- Revenues for the first quarter were $5.3 million while expenditures were $3.8 million. This represents 22.07% and 15.73 % of budget respectively.
- The reinsurance fee has been calculated in the second quarter in the amount of $205,849, which is $5,849 above the amount budgeted.
- The Health Insurance Fund reflects health insurance costs for active employees and their spouses and dependents. Retiree claims are shown in the OPEB Trust Fund. Retiree health care claims and administrative costs of $1.1 million were recorded in the OPEB Trust Fund.

FUNDING:
N/A

POLICY ANALYSIS:
Interim financial reports provide revenue and budgetary oversight by comparing actual receipts or expenditures against budgeted amounts.

ALTERNATIVES:
N/A

RECOMMENDATIONS:
For information only.

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3. BOARD CONSIDERATION OF AN INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF SAVANNAH TO ALLOCATE THE COSTS OF THE RECORDER'S COURT OF CHATHAM COUNTY.

Chairman Scott said, the next item is Board consideration of an intergovernmental agreement with the City of Savannah to allocate the cost of Recorder's Court of Chatham County.

Assistant County Manager Linda Cramer said, good -- I'm sorry.

Chairman Scott said, this item was initially pulled frm the October 24th agenda -- this item was originally pulled from the October 24th agenda, and we will now ask our Assistant County Manager, Ms. Cramer, if she would just sort of walk us through it.

Assistant County Manager Cramer said, good morning. Where we are right now, we have a proposed agreement with the City. We have -- we're really close, I think, on finalizing the agreement. They did come back with some requested changes, and I think we have incorporated one, and that's about it.

Chairman Scott said, Commissioner Center.

Commissioner Center said, yes. Good morning, Linda. Okay. I have some questions. Let me back up -- well, let me just ask this. I'm going to -- you know I'm going to move to -- that we continue this for two weeks, but I'm -- I want to ask questions. Where do the appointment of judges come in? As I understand Georgia law, the County Commission and the City Council fill vacancies and the public elects judges, but this agreement, proposes a committee to appoint judges. I've told you, I can't agree with that no matter what the rest of the language says. I'd like that out, but there did that come from?

County Attorney Hart said, well originally the Recorder's Court as it is now is a conglomeration of the old municipal court and the county court, and by local act of the legis -- legislature, they were merged, and it is the only court of its kind in the State of Georgia, and it -- and we have often reckoned it to being a hybrid court in that it is got duel jurisdiction with duel bodies that can appoint judges, and what we have traditionally done is in the appointment of a judge is that there has been somebody nominated either through a committee or by the bodies themselves, and it has generally been accepted that the judge will have to receive the approval of appointment from both City Council and the County Commission, and that is what we have done I believe the last three appointments, and fortunately, we've been able all to come together and agree on somebody. After they are initially appointed, they fill out generally, it's been an unexpired term, and there is a rule that says they can finish out the term -- where there's actually a statute saying how long if -- if it's too far out, in other words, you got to wait three years, you're going to have to run in a special election, but if you're filling out a term and I -- I -- I haven't got the statute in front of me.

Commissioner Center said, I -- I know that statute. Yeah.

County Attorney Hart said, usually it's -- it's usually a year and a half, something like that. Then you can fill that unexpired term without a special election, and then you stand for a general election in the next term.

Commissioner Center said, right, but that's only when there's a vacancy. I mean these judges are elected at -- at a regular election but if there's a vacancy someone has to fill it.

County Attorney Hart said, correct. Correct.

Commissioner Center said, okay. I'll just tell you I just want you to know I oppose taking a power that belongs to the Commission and the Council and giving that to a committee particularly when two members of the committee are not elected officials, and I also don't think that the Chief Judge ought to have a say so in who the judges on that court should be. That's my position.

County Attorney Hart said, well that -- that's stuff that can be changed if you can get the bodies to agree.

Commissioner Center said, okay. Another question I have, in reading through it, and you know -- we name particular judges and who's going to pay their salaries, it's -- it's my belief these positions don't belong to the individual judges, they belong to the public, and I think it would be better to say, if -- whatever agreement we reach, and, you know I have my individual differences on compensation, but whatever agreement we reach should not have an individual judge's name in an intergovernmental agreement. It should say we'll pay for one, they'll pay for two or however it's done.

County Attorney Hart said, I -- I don't disagree with you at all.

Commissioner Center said, because, you know, if something happens to that judge, then you've got an agreement that's -- says nothing.

County Attorney Hart said, I think that's primarily there for this body's deliberative clarity, but in -- insofar as doing something official, I agree with you wholeheartedly.

Commissioner Center said, all right. And how did it come about that the county would pay 100 percent of one judge and the City would pay 100 percent of two when at present we're paying 20 percent of three?

County Attorney Hart said, the -- the 20 percent of three, nobody knows how that came about because if you read the agreement, you -- you talk about 40/60. I -- I -- we just don't have an answer to that, and that was the negotiate -- the -- the second question -- part of that question you asked was something you could reach consensus with at the working meeting of the staff. That obviously -- the staff level for the City and the County generally requires the scrutiny of the County Manger/City Manager and the ultimately the two deliberative bodies, so that's a percentage there that was reached to reach a -- an -- an agreement. I don't think that's got a lot of science involved in it.

Commissioner Center said, okay. And -- and then I think this is going to be my last question, but as I understand Recorder's Court, cases come in that were either begun by some kind of citation within the City of Savannah or some citation within the unincorporated area.

County Attorney Hart said, or they can be a -- a -- a misdemeanor -- criminal misdemeanor or felony.

Commissioner Center said, okay. But it occurred at particular location, had to come either from the incorporated area or the unincorporated area to get in our court.

County Attorney Hart said, correct. Correct.

Commissioner Center said, all right. And when the -- when the people are appearing -- when -- when citizens are brought before the Court and there's an ultimate resolution, some have to pay a fine. As I understand it, it would seem logical to me the City of Savannah gets 100 percent of the money for what's ever generated within the jurisdiction of the Savannah, the county gets 100 percent what's ever generated in the jurisdiction in the

county, and -- but what -- not everybody pays that fine. Not everyone pays fines out there. So if a person is brought before the court, it costs money to try that person, hear their case, whether they pay a fine, are found innocent, no matter what? Right. Why don't we just divide the cost between the percentages of what's brought

in from the unincorporated area as opposed to what's brought in from the -- from the City? How did we get these 30 percents, 50 percents, 35 percents?

County Attorney Hart said, well, what we tried to do was do a cost allocation system that reflected the true cost of the operation of the court. There are some things that are common to each other, for example, if you've got a sheriff or three deputies or four deputies or however many deputies in the courtroom, they're functioning on behalf of everyone, and that's a cost that probably ought to be split 50/50. On the other hand, if we're talking about code enforcement matters, the city does 24, 2500 code enforcement matters a -- a -- a year, and -- and that's not -- that's unique to them from the standpoint that a) it's a very urban area so you expect to see it more; b) they have historic review boards, and -- and it's -- that they enforce, whereas the county as a -- as a more rural area, has less code enforcement problems, 20 some, 30 some a year. So why should the county pay 50 percent of a code enforcement situation when in fact, you know, the -- the other side's got 2400 and do the fraction. I don't know what fraction it is, but it's a pretty small fraction, and -- and there are other factors. How -- where do the -- where do the percentage of tickets get written? More tickets get written in the City of Savannah than they get written in the county. Why is that? I'll let you conjecture about that. So should the county bare half the cost if most of the revenue being generated by tickets is in the city?

County Attorney Hart said, so what we did was thankfully and to their credit, Recorder's Court has kept up in the last four -- four years, five years pretty good with the percentages of data on where tickets are sent, how many arrests there are made, how many felony arrests, how many misdemeanor arrests in the various jurisdictions. So we tried to take historic data that -- that really didn't -- on an annualized basis didn't fluctuate that much and used that to try to draw some distinctions as to where's the court spending it's time and what kind of allocation of resources are being spent for that? And then we arrived at these percentages based on that. We looked at this probably using six or seven different sets of matrix to try to determine whether one was particularly unfair to one -- one of the parties. Outside of revenue, most of the matrix came in with the same type of percentages that you're seeing here plus or minus one or two percent in either direction. So when you approach the problem with five or six different approaches and you all end up in the same area, and you realize that this is flexible enough that it can be adjusted over a long period of time, then it was the county's position or the county staff's position I should say that this appeared to be a -- a -- a fairer way to split up the cost, and it also included items such as indigent defense, which as a practical matter the county's bore the burden of that over the years, which has only become more and more substantial when in fact the misdemeanor level of criminal defense for indigent defense is -- is -- is -- it substantially occurs in one of the two jurisdictions.

Commissioner Center said, I think that's -- that's -- I'm glad you brought that up because we just had the budget report that said that we may have to amend our budget because indigent defense went $300,000 more than we budgeted, and I've noticed in the city's proposals that they cap it at 400,000.

County Attorney Hart said, that -- that does not --

Commissioner Center said, does that cap mean we pay the extra if it goes over?

County Attorney Hart said, if -- if we were to agree like that, yes, and -- and quite frankly $400,000 won't touch it.

Commissioner Center said, okay. So y'all -- y'all are still discussing that cap proposal of the city because it -- the way I read it, okay, we'll pay this much and anything more no matter what it is, the county's on the hook for it.

County Attorney Hart said, well, we'd love a cap too, you know, and -- I mean if we could figure out a number and cap it at that, that would be a wonderful world, but it doesn't work that way.

Commissioner Center said, well, other forces, other jurisdictions, the U.S. Supreme Court and Georgia Supreme Court have told us we're going to pay for it regardless, so if the city caps it, we have to pay the difference, correct?

County Attorney Hart said, well, I don't -- no. In -- in a lot of cases you do.

Commissioner Center said, you don't know or N-O?

County Attorney Hart said, no as in N-O --

Commissioner Center said, okay.

County Attorney Hart said, -- from the standpoint of yes -- yes you've got to fund it, and yes, the court can order it funded because that's the law, okay, but -- but like I -- I -- I liken back to the fact that this is a hybrid court and it's a City of Savannah court and it's a County court. The City of Savannah has just as much obligation insofar as to cover the court expense as the County does, and that would be our viewpoint of that.

Commissioner Center said, but -- but we would have to fight with them to get it. We'd have to write the initial check.

County Attorney Hart said, oh, yeah. There would be -- there would be discussions --

Commissioner Center said, okay.

County Attorney Hart said, -- amongst us as -- as to that. I don't think hopefully that it would never come to that.

Commissioner Center said, better work it out in advance at this point.

County Attorney Hart said, yeah.

Commissioner Center said, and I saw that we were going to grant the City in our original proposal, I think a $500,000 credit to help ease it in, and now they've come back and they want 900,000. How did that come about and -- do you have any idea?

County Attorney Hart said, sure. It did not matter which set of matrix you chose, other than picking arbitrary percentage, if you tied it to anything that had a reasonable or logical nexus to what the court does and it's cost, the percentages fell within a very narrow margin. There wasn't much variance. Under any of those terms, the City of Savannah was going to have to pick up a substantially greater share in order to pay for the cost of court because there had been disproportionate funding by the county to that court. That's just the bottom line. We were mindful of budget impacts on people. Originally the City wanted to phase it in over five years. Well I've never heard of a five-year phase in on a five-year agreement. That just doesn't -- you don't see that very often. So ultimately, a decision was made that perhaps a one time adjustment so that they could be within a budget year and have a budget and a half before they had to make the adjustment. That was sent to the City. This is a counter proposal by the County Manager coming back for -- basically the difference over three years and what we offered is 500,000 versus 900,000 as I recall, and it's a number. That's what that is. It's -- it's a number. It's a number you can either say that sounds good to me or reasonable to me or no it doesn't, and I guess reasonable people could have a difference of opinion about that.

Commissioner Center said, all right. So when -- so when we change, their -- the City's portion is going to be so much greater they want us to just eat a part of that portion to make it easier for them.

County Manager Smith said, that's correct.

County Attorney Hart said, that's correct. Now their reasoning and logic on that is in the original police merger there was a ramp of cost between the county and city over I don't know ten, twelve years. Of course, you know, the logic there seems consistent but it's somewhat inconsistent in that they are going to get the benefit of that payment, and it was never intended under the police merger agreement to have a 12-year ramp up.

Commissioner Center said, I understand that.

County Attorney Hart said, it was intended for three years and then negotiate a new deal, which didn't happen.

Commissioner Center said, thank you. Appreciate your patience with me Mr. Chairman and staff.

Chairman Scott said, Commissioner Holmes.

Commissioner Holmes said, I pass, Mr. Chairman.

Chairman Scott said, Commissioner Farrell.

Commissioner Farrell said, so, in this agreement before us today, there's a $500,000 present from the unincorporated citizens to the City of Savannah?

County Attorney Hart said, I believe those are your words not mine, but I understand what you're saying.

Commissioner Farrell said, well, that seems a bit much to ask, but it is near Christmas. We'll leave it at that.

Chairman Scott said, anybody else have any questions?

Commissioner Center said, motion.

Chairman Scott said, let me -- let me just say something about the 500, when -- when I saw that and my reaction is that we've had in the past some agreements where we've had the City to forgive debt that the County owed them, and what I thought that -- that we would absorb that the first year and then be able to save $1 million a year going forward, and that's -- that's really -- was the trade-off on it in -- in terms of thinking. But the issues that have been raised by members of the Commission are legitimate and I think staff heard them, and we will be governed. At this time I'll --

Commissioner Center said, for a motion.

Chairman Scott said, for purposes of a motion.

Commissioner Center said, I would move that we table this for two weeks so that staff can take our individual voices to it, maybe make some changes.

Commissioner Farrell said, second.

Chairman Scott said, properly moved and second that we table it for two weeks. Any unreadiness or any discussion? Hearing none, all in favor of the motion indicate by voting yes, opposed no. It's tabled for two weeks. The motion carries.

ACTION OF THE BOARD:

Commissioner Center moved to table the Recorder's Court Intergovernmental Agreement for two weeks. Commissioner Farrell seconded the motion and it carried unanimously. [NOTE: Commissioner Kicklighter was not present for the vote; Commissioner Stone was not present.]

AGENDA ITEM: *IX-3*
AGENDA DATE: November 7, 2014

October 27, 2014

Stephanie Cutter, City Manager
City of Savannah
P. O. Box 1027
Savannah, Georgia 31402

Dear Stephanie:

Per your letter dated October 12, 2014, regarding the Recorder's Court Agreement, please accept this letter as the County's official response. The County agrees to City's methodology and verbiage below reference Section 7.2 through 7.4.

- The felony cost center will include the following Court costs:
  - 50 percent of all costs of the District Attorney and VWAP as specified in Section 4.5; and
  - 100 percent of costs of felony indigent defense as specified in section 4.1; and
  - 35 percent of the cost of the Sheriff as specified in Section 4.3; and
  - 35 percent of all other costs of the Court
- The misdemeanor cost center will include the following Court costs:
  - 50 percent of all costs of the District Attorney and VWAP as specified in Section 4.5; and
  - 57 percent of the cost of the Sheriff as specified in Section 4.3; and
  - 100 percent of the total cost of non-felony indigent defense as specified in Section 4.5; and
  - 57 percent of all other costs of the Court
- The code enforcement cost center will include the following Court costs:
  - 8 percent of the cost of the Sheriff as specified in Section 4.3; and
  - 8 percent of all other costs of the Court

The County does not agree with any of the other changes recommended for Sections 4.1, 5.1, or 7.6(a)(iv).

We will present this document to the County Commissioners for consideration on November 7th with the changes to Sections 7.2 through 7.4 as recommended by the City.

Sincerely,

Lee Smith

WLS:fqr

cc: Chairman Albert J. Scott
R. Jonathan Hart, County Attorney
Linda B. Cramer, Assistant County Manager

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X. ACTION CALENDAR

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

Chairman Scott said, next is the Individual Action Calendar. We had no expression in the -- in the Green Room of anybody wanting to vote on anything individually, so at this time I will entertain a motion to approve the action calendar in its entirety.

Commissioner Center said, so moved.

Commissioner Thomas said, second.

Chairman Scott said, properly moved and second. Any unreadiness? Any discussion? Hearing none, all in favor of the motion indicate by voting yes, opposed no. The Action Calendar is approved and all of its content.

ACTION OF THE BOARD:

Commissioner Center moved to approve all items on the Action Calendar, Items 1 through 8 and under Item 8, Items A through F. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Kicklighter was not present for the vote; Commissioner Thomas did not cast a vote; Commissioner Stone was not present.]

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

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1. APPROVAL OF THE MINUTES FOR THE REGULAR MEETING OF OCTOBER 24, 2014, AS MAILED.

ACTION OF THE BOARD:

Commissioner Center moved to approve the minutes of the regular meeting of October 24, 2014, as mailed. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Kicklighter was not present for the vote; Commissioner Thomas did not cast a vote; Commissioner Stone was not present.]

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2. CLAIMS VS. CHATHAM COUNTY FOR THE PERIOD OCTOBER 16, 2014 THROUGH OCTOBER 29, 2014.

ACTION OF THE BOARD:

Commissioner Center moved to authorize the Finance Director to pay the claims against the County for the period of October 16, 2014 through October 29, 2014, in the amount of $8,536,882. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Kicklighter was not present for the vote; Commissioner Thomas did not cast a vote; Commissioner Stone was not present.]

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3. REQUEST BOARD ACCEPT A NON-MATCHING GRANT FOR $6,000 AWARDED BY GEORGIA EMERGENCY MANAGEMENT AGENCY FROM THE DEPARTMENT OF HOMELAND SECURITY TO PROVIDE THE FUNDS TO SUPPLEMENT THE COSTS ASSOCIATED WITH EXPLOSIVE TRAINED CANINES TO INCLUDE THEIR VETERINARY CARE, FOOD AND VARIOUS SUPPLIES.

ACTION OF THE BOARD:

Commissioner Center moved to accept a non-matching grant for $6,000 awarded by Georgia Emergency Management Agency from the Department of Homeland Security to provide the funds to supplement the costs associated with explosive trained canines to include their veterinary care, food and various supplies. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Kicklighter was not present for the vote; Commissioner Thomas did not cast a vote; Commissioner Stone was not present.]

AGENDA ITEM: *X-3*
AGENDA DATE: November 7, 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 $6,000.

BACKGROUND:
Chatham County has been awarded a non-matching grant by Georgia Emergency Management Agency (GEMA) from the Department of Homeland Security (DHS). This $6,000 grant was awarded to provide the funds to supplement the costs associated with explosive trained canines to include their veterinary care, food and various supplies.

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.

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4. REQUEST BOARD APPROVAL TO EXECUTE A CONTRACT FOR ACQUISITION OF RIGHT OF WAY, STATE-AID OR FEDERAL-AID PROJECT, REIMBURSABLE BETWEEN THE GEORGIA DEPARTMENT OF TRANSPORTATION (GDOT) AND CHATHAM COUNTY FOR THE JIMMY DELOACH PARKWAY AT SR 17-INTERCHANGE, CSSTP-0007-00(259). [DISTRICT 7.]

ACTION OF THE BOARD:

Commissioner Center moved for approval to execute a contract for 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 at SR 17-Interchange, CSSTP-0007-00(259). Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Kicklighter was not present for the vote; Commissioner Thomas did not cast a vote; Commissioner Stone was not present.]

AGENDA ITEM: *X-4*
AGENDA DATE: November 7, 2014

TO: Board of Commissioners

THRU: Lee Smith, County Manager

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

ISSUE:
To approve and execute a Contract for Acquisition of Right of Way, State-aid or Federal-aid Project, Reimbursable between the Georgia Department of Transportation (GDOT) and Chatham County for the Jimmy Deloach Parkway at SR 17-Interchange, CSSTP-0007-00(259).

BACKGROUND:

1. The project will construct a grade-separated interchange at the intersection of Jimmy Deloach Parkway and US 80/SR 17.

2. The Project Framework Agreement (PFA) for the project between the GDOT and the County was approved by the Board of Commissioners on March 8, 2013.

FACTS AND FINDINGS:

1. The detailed ROW cost estimate approved by GDOT is $8,830,000. The GDOT will reimburse the County a not to exceed amount of $5,900,000.

2. This Contract specifies Chatham County is responsible for funding $2,930,000 of the costs associated with the right of way (ROW) acquisition.

3. FHWA approved the ROW plans on June 12, 2014. The Environment Document was approved on May 16, 2014. Staff anticipates ROW funding authorization in 2014.

ALTERNATIVES:

1. To approve and execute a Contract for Acquisition of Right of Way, State-aid or Federal-aid Project, Reimbursable between the Georgia Department of Transportation (GDOT) and Chatham County for the Jimmy Deloach Parkway at SR 17-Interchange, CSSTP-0007-00(259).

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.

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5. REQUEST BOARD ADOPT A RESOLUTION IN SUPPORT OF RESTORING STATE FUNDING FOR THE SLIP 1 RIVERWALK EXTENSION ON HUTCHINSON ISLAND.

ACTION OF THE BOARD:

Commissioner Center moved to adopt a resolution in support of restoring state funding for the Slip 1 Riverwalk Extension on Hutchinson Island. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Kicklighter was not present for the vote; Commissioner Thomas did not cast a vote; Commissioner Stone was not present.]

AGENDA ITEM: *X-5*
AGENDA DATE: November 7, 2014

TO: Board of Commissioners

THRU: Lee Smith, County Manager

FROM: Michael A. Kaigler, Assistant County Manager

ISSUE:
To adopt a resolution in support of restoring state funding for the Slip 1 Riverwalk Extension on Hutchinson Island.

BACKGROUND:
The Board has previously adopted resolutions in support of the State of Georgia's funding for the Riverwalk Extension project along the land-based perimeter of Slip 1 on Hutchinson Island. The Board

last adopted a resolution at the February 10, 2012 meeting, but the deadline to begin construction nears because the needed environmental permits will expire December 2016. Because of the time constraint to start the 12-18 months of construction soon, and a protracted time to obtain new permits if the current ones expire, the time clock may be running out on the project.

FACTS AND FINDINGS:

1. The draft resolution is attached (see Attachment 1). In summary, the riverwalk extension would provide a 1,850 linear-foot increase around the land-based perimeter of Slip 1 on Hutchinson Island. Besides increasing the pedestrian walkway along Slip 1, the extension would also provide a display of historical interpretation of Savannah's maritime heritage. The project would also enable development of a 5-acre yacht basin, which would be privately funded and developed and add to the area's tourism by providing a marina with proximity to the Historic District for traveling vessels on the intracoastal waterway mid-way between Charleston and Jacksonville.

2. The riverwalk extension would also provide a catalyst to the development of more than 300 acres of highly-valued land on the eastern end of Hutchinson Island. Plans call for a major investment for a riverfront development and marina village on Parcel 5, adjoining Slip 1. The development would also increase the value of more than 90 acres of land, owned by Georgia Ports Authority, east of Slip 1.

3. Chatham County has completed all work needed to make the project "shovel-ready." With all permits finally in hand (due to expire December 2016), except minor modifications, funding remains the main hold up. In 2000, the County received notice of an $8M grant from GDOT through a U.S. Federal Highway Administration demonstrations grant. It took six years to obtain all of the necessary permits -- in part due to finding acceptable mitigation for marsh impact and in part to meet South Carolina's restrictions, because the dredging material goes to Jasper County disposal sites owned by the State of Georgia. After receiving all necessary approvals and completing design on construction plans, the project encountered funding problems when the projected cost totaled $14M. GDOT de-authorized the project in 2008. Despite attempts to find another grant source, GDOT could not identify alternative funding due to reductions in federal transportation funds. While identified as a project within the Long-Range Plan, the Slip 1 riverwalk extension remains on hold until funding can be identified.

4. In addition to the project meeting state and local tourism and economic goals, the Slip 1 riverwalk would also serve as a catalyst to the private investment/development of adjoining parcels. Just Parcel 5's development, adjoining Slip 1, would generate more than $12 million in new tax revenues, including $5 million in property tax revenue, $1 million in sales tax revenue and $700,000 in hotel-motel tax revenue. The City of Savannah will also be considering a similar resolution.

FUNDING:

The approved 1998-2003 SPLOST Project, Hutchinson Island Riverwalk Extension, includes $1,050,000 in county funds for any required match.

ALTERNATIVES:

1. That the Board adopt the resolution in support of restoring state funding for the Slip 1 riverwalk extension on Hutchinson Island.

2. That the Board not approve the resolution.

3. That the Board amend the resolution as presented.

POLICY ANALYSIS:

The investment of infrastructure improvements alone the Savannah River also boosts the economic engine of tourism, which bolsters the State of Georgia in increased sales tax and income. For this reason, the state has partnered to fund other projects on Hutchinson Island, including the Trade Center and Slip 3 Riverwalk (west of Trade Center). As with these projects, the State of Georgia, as well as Chatham County and the City of Savannah, would also receive increased economic benefits from the extension of the Slip 1 Riverwalk.

RECOMMENDATION:

That the Board adopt Alternative 1.

A RESOLUTION BY THE BOARD OF COMMISSIONERS OF CHATHAM COUNTY AND THE MAYOR AND ALDERMEN OF THE CITY OF SAVANNAH TO RESTORE STATE FUNDING FOR THE SLIP 1 RIVERWALK ON HUTCHINSON ISLAND FOR PURPOSES OF FURTHERING STATE AND LOCAL ECONOMIC DEVELOPMENT AND TOURISM GOALS

WHEREAS, THE State of Georgia, Chatham County and City of Savannah have partnered during

the past 15 years to fund capital projects on the Savannah River, which have met state and local

economic development and tourism goals to boost spending and earnings by more than $300 million annually and serving as a catalyst for more than $1 billion in private capital investment; and

WHEREAS, in 2008, the Georgia Department of Transportation de-authorized a Federal Highway Administration grant to Chatham County for the extension of the riverwalk around the land-based perimeter of Slip 1 on Hutchinson Island and dredging to develop a marina within Slip 1 due to delays in environmental permits and inadequate funding to complete the project; and

WHEREAS, the Slip 1 riverwalk extension would also boost state tourism goals by creating an interpretive history of Savannah's maritime heritage which relates the port's importance from the settlement of Georgia through its emergence as major southeastern port and its rise during the modern era to become the Georgia Ports of Savannah, an economic engine for the entire state and southeastern United States; and

WHEREAS, the Slip 1 project would also serve as a catalyst on the neighboring parcel for $360 million in private investment, which would create sustained employment of 1,304 jobs and on an annual basis generate more than $10 million in local and state tax revenues, and thereby increase the value of the adjoining 90 acres owned by the Georgia Ports Authority.

NOW, THEREFORE, the Board of Commissioners of Chatham County and the Mayor and Aldermen of the City of Savannah request that the Georgia General Assembly in 2015 continue its partnership in the development of riverfront improvements in Savannah, Chatham County, by restoring funding for the riverwalk extension along Slip 1 on Hutchinson Island, which will further state and local economic development and tourism goals and encourage private commercial investment, as follows:

1. Funding from the State of Georgia would total $14 million project to extend the riverwalk along the land-based perimeter of Slip 1 and develop a marina on Hutchinson Island, Savannah, Georgia. Besides the public investment, the project would promote new visitor spending and encourage private investment in commercial improvements which would not only increase local and state revenues by $10 million annually but create 1,304 sustainable jobs in construction and employment.

2. Chatham County holds fee simple title or easements to the property where the riverwalk extension would be situated and could transfer title to the State of Georgia for purposes of finding, including for issuance of bonds.

3. The Slip 1 riverwalk project stands "shovel ready." Chatham County has completed design and engineering and has obtained all necessary permits and received approval from the U.S. Army Corps of Engineers to proceed. The Georgia Department of Transportation has reviewed and approved the design and engineering and executed a Local Project Agreement.

FURTHERMORE, a copy of this resolution shall be provided to members of the Chatham County Legislative Delegation.

FOR THE BOARD OF COMMISSIONERS OF CHATHAM COUNTY	FOR THE MAYOR AND ALDERMEN OF THE CITY OF SAVANNAH
_____	_____
By: Albert J. Scott, Chairman	By Stephanie Cutter, City Manager
ATTEST:	ATTEST:
_____	_____
Janice Bocook, Clerk to Commission	Diane Reese, City Clerk

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6. REQUEST BOARD APPROVAL OF A MEMORANDUM OF UNDERSTANDING WITH THE COASTAL GEORGIA INDICATORS COALITION FOR STRATEGIC PLANNING SERVICES.

ACTION OF THE BOARD:

Commissioner Center moved for approval of a Memorandum of Understanding with the Coastal Georgia Indicators Coalition for Strategic Planning Services. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Kicklighter was not present for the vote; Commissioner Thomas did not cast a vote; Commissioner Stone was not present.]

AGENDA ITEM: ***X-6***
AGENDA DATE: November 7, 2014

TO: Board of Commissioners

THRU: Lee Smith, County Manager

FROM: Linda B. Cramer, Assistant County Manager

ISSUE:
Board approval of a memorandum of understanding with the Coastal Georgia Indicators Coalition for strategic planning services.

BACKGROUND:
The Board has expressed interest in the development of a community-wide strategic plan. This process will require involvement from all facets of the community. Through conversations and interviews, the County Manager has been evaluating organizations that could best lead this project. On October 24, 2014, the County Manager provided a project update to the Board and proposed that the Coastal Georgia Indicators Coalition lead the project.

FACTS AND FINDINGS:

1. The County Manager has met with a number of organizations to determine their capability to guide development of a community-wide strategic plan, and has identified the Coastal Georgia Indicators Coalition as the preferred organization for this project.
2. The Coastal Georgia Indicators Coalition has submitted a strategic planning proposal outlining the scope of work and timeline for the strategic planning process. The first step will be the establishment of a Steering Committee to guide the planning process. In addition the Coalition has provided a draft memorandum of understanding. Both documents are attached (to the original staff report in the Clerk of Commission's meeting file).
3. The goal of the Coastal Georgia Indicators Coalition is improved community well-being. As a 501-(c)(3), this group represents community members and advocates working to develop a comprehensive, coordinated approach for planning and accountability. The organization was formerly known as the Community Indicators Coalition. Since 2008 the County has supported the activities of the Coalition which initially focused on gathering social service type data about the community. The data is housed on the Coalition's website where it can be easily accessed by interested parties.
4. Now that the data has been cataloged, it is natural for the Coalition to turn its efforts to the community-wide strategic plan. The Coalition will leverage its resources and partners to engage and lead the community toward the development of strategic priorities. Ultimately, these priorities should guide policy, programs and resource allocation.

FUNDING:
The Board has already established about 75% of the funding ($240,000) as required under the contract. These funds are budgeted in the CIP Fund, Strategic Plan Project 350910. The remaining funds would need to be established during the fiscal year 2016 budget process.

POLICY ANALYSIS:
A community-wide strategic plan will be an effective tool to guide future program/project prioritizations and resource allocations. This plan will augment other plans already in existence such as the Vision 20/20 Plan from 1992 and the Chatham County Tri-centennial Plan.

ALTERNATIVES:

1. Board approval of a memorandum of understanding with the Coastal Georgia Indicators Coalition for strategic planning services, or

2. Provide other direction.

RECOMMENDATION:
Alternative 1 is recommended.

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7. REQUEST BOARD APPROVAL OF A CONTRACT WITH THE CLERK OF SUPERIOR COURT TO UTILIZE FUNDS FROM THE GEORGIA SUPERIOR COURT CLERK'S COOPERATIVE AUTHORITY FOR DIGITAL IMAGING AND OTHER TECHNOLOGICAL IMPROVEMENTS.

ACTION OF THE BOARD:

Commissioner Center moved for approval of a contract with the Clerk of Superior Court to utilize funds from the Georgia Superior Court Clerk's Cooperative Authority for digital imaging and other technological improvements. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Kicklighter was not present for the vote; Commissioner Thomas did not cast a vote; Commissioner Stone was not present.]

AGENDA ITEM: *X-7*
AGENDA DATE: November 7, 2014

TO: Board of Commissioners

THRU: Lee Smith, County Manager

FROM: Daniel W. Massey, Clerk of Superior Court

ISSUE:
To request renewal of a contract with the Clerk of Superior Court to utilize funds from the Georgia Superior Court Clerk's Cooperative Authority for digital imaging and other technological improvements.

BACKGROUND:
The Chatham County Commissioners approved the renewal of the contract with the Clerk of Superior Court at their meeting held October 8, 2010. The contract is due to be renewed.

FACTS AND FINDINGS:

1. The Superior Court Clerk's office creates digital images of real estate records and transmits the images to the Georgia Superior Court Clerks' Cooperative Authority in accordance with state laws. The Clerks' Authority provides public access via the internet. With each document transmission and each time a user prints an image, the Clerks' Authority provides funding to the Office of the Superior Court in accordance with State Laws, Clerks' Authority Resolutions and contracts with the individual Superior Court Clerks.
2. These funds are used locally to help maintain real estate records and the technology requirements of the court. All software cost for the real estate software vendor are paid from these funds. In addition the proceeds provides the funding for other hardware and software needs such as microfilm reader printers, scanners, etc.
3. The attached contract continues the agreement approved by the Board in 2003 and 2006 and allows this program to continue. This program has saved the taxpayers money by providing funds for technology in the courts.

FUNDING:
Funds are generated by the program and make it self-sustaining.

POLICY ANALYSIS:
The attached contract is consistent with a policy of using recurring revenue for recurring programs.

ALTERNATIVES:

1. That the Board approves the attached contract.
2. That the Board denies the attached contract.

RECOMMENDATION:
Staff recommends approval of alternative 1.

STATE OF GEORGIA)
COUNTY OF CHATHAM)

AGREEMENT

This contract is entered into this _____ day of November, 2014, between Chatham County, a political subdivision of the State of Georgia (hereinafter referred to as "County"), and the Clerk of Superior Court of Chatham County (hereinafter referred to as the "Clerk"), a constitutional county officer of Chatham County, GA.

RECITALS

WHEREAS, the Clerk is duly authorized by law to enter into and participate in various projects with the Georgia Superior Court Clerks' Cooperative Authority (hereinafter referred to as the "Authority") an authority of the State of Georgia, for the purpose of effectuating statutory provisions required of the Authority of electronic delivery of data filed of record in the Clerk's office (including, but not limited to, real estate, personal property, liens, maps, plats and notary public records); and

WHEREAS, the Clerk desires to provide to the Authority digital images of such records; and

WHEREAS, the Authority has extended an offer to the Clerk to enter into a contract with the Clerk for such purposes and to remunerate the Clerk for such data and services provided by the Clerk; and

WHEREAS, the County and the Clerk desire to earmark such funds and other proceeds from the Authority for on-going funding of technological improvements within the Clerk's Office.

NOW, THEREFORE, in consideration of the mutual agreements herein set forth, the County desires to enter into this agreement with the Clerk upon the terms, covenants and agreements set forth herein.

The County and the Clerk agree to the following terms and conditions:

1. (a) The Authority is authorized and hereby directed to make payable to the Clerk any proceeds, sums, reimbursements, payments, grants, or awards otherwise payable to the County for the above-described data and services which are provided to the Authority by the Clerk.

   (b) Upon contracting with the Authority to provide the above-described data and services, the Clerk shall be authorized to expend such proceeds, sums, reimbursements, payments, grants or awards for technological and record management projects within the Office of the Clerk of Superior Court or as otherwise deemed necessary by the Clerk for the purposes of establishing, maintaining or improving networks and/or systems essential or desirable for providing and/or improving access to data within the Clerk's office.

   (c) The funds shall be deposited into a restricted account entitled "Superior Court Clerk Technology Fund". Such fund may be audited each year by Chatham County internal and external auditors who will provide the Board of Commissioners a full accounting of fund activity.

   (d) Proceeds of the fund may be used in the year received or carried over year to year for the purpose of funding projects requiring the accumulation of funds for more than one year at the discretion of the Clerk.

2. This Agreement shall terminate on December 31, 2007. However, because of Article 9, Section 3, Paragraph 1, of the Constitution of Georgia, this Agreement will be from year to year, but will automatically renew itself unless and until the County or the Clerk takes affirmative action not to renew.

3. The foregoing constitutes the entire agreement between the parties and supersedes any agreements heretofore made. This Agreement shall be governed by the laws of the state of Georgia and may be amended only by a document in writing signed by a duly authorized representative of the County and the Clerk.

IN WITNESS WHEREOF, the parties have caused this agreement to be executed in the manner prescribed by law on the day and year first above written.

CHATHAM COUNTY, GEORGIA

BY: _____
Albert J. Scott, Chairman

ATTEST: _____
Janice E. Bocook, Clerk of Commission

SUPERIOR COURT OF CHATHAM COUNTY

BY: _____
Daniel W. Massey, Clerk of Superior Court

ATTEST: _____
Brenda D. Kennedy, Chief Deputy Clerk

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8. 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 Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Kicklighter was not present for the vote; Commissioner Thomas did not cast a vote; Commissioner Stone was not present.]

AGENDA ITEM: ***X-8 A thru F***
AGENDA DATE: November 7, 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 $24,099 sole source annual maintenance agreement for two (2) APC Service Chillers and six (6) UPS systems in the data center at the Pete Liakakis Government Building from Critical Components, Inc., for the I.C.S. Department.

BACKGROUND: The Chatham County Datacenter houses most of the hardware and software required for the operation of the Chatham County data network and telecommunications infrastructure and relies on a controlled environment for the network infrastructure to function properly. It also requires the use of UPS units, uninterruptible power supplies, in the event of power surges and power outages.

FACTS AND FINDINGS:

1. Critical Components, Inc., is the original installer of the hardware and software for this new datacenter solution in the Pete Liakakis Government Building. As an APC certified vendor, Critical Components also maintained the services agreement following the installation of the datacenter solution.

2. This agreement covers all 7x24 hr tech support for all APC Symmertra UPS equipment, 5x8 PM visit, next business day (NBD) 5x8 hr response time. Quarterly maintenance of the 6 (six) APC in row units with one (1) annual inspection and three (3) quarterly inspection during normal business hours on the APC hardware and on the two (2) Carrier Chillers.

3. Staff believes the total cost of $24,099 to be fair and reasonable.

FUNDING: General Fund/M&O - I.C.S.
(1001535 - 52.22001)

ALTERNATIVE:

1. Board approval of a $24,099 sole source annual maintenance agreement for two (2) APC Service Chillers and six (6) UPS systems in the data center at the Pete Liakakis Government Building from Critical Components, Inc., for the I.C.S. Department.

2. Provide staff other direction.

POLICY ANALYSIS: It is consistent with Board policy to approve the purchase of preventive maintenance contracts.

RECOMMENDATION: Staff recommends approval of Alternative 1.

I.C.S. APPROVAL_____
NICK BATEY

BUDGET APPROVAL_____
CHRIS MORRIS

ITEM B

ISSUE: Request Board approval of a $61,000 construction contract with Warner Construction Services, Inc., for the Pipemakers Canal Golf Cart Bridge Improvement project.

BACKGROUND: The Pipemakers Canal is the primary drainage outfall for a substantial portion of Chatham County. The channel is wide and has maintenance paths on both sides. An elevated wooden bridge was constructed over the canal and its approaches during development of the Crosswinds Golf

Course to provide access from the clubhouse area. The bridge is elevated over the north maintenance road, blocking maintenance access on to the west. Lack of maintenance access in turn hinders efforts to maximize flow in the canal.

FACTS AND FINDINGS:

1. The cart bridge is located approximately half of a mile from I-95.

2. The project will replace a section of the wood cart bridge with a concrete slab capable of supporting maintenance equipment. Earth ramps will provide access from the existing maintenance path to the elevated concrete pad, which will also be supported on earth.

3. The project lies within existing drainage right-of-way.

4. The project was properly advertised and (3) three bids were received and opened on October 23, 2014. The bid results are as follows:

*	Warner Construction Services, Inc. Bloomingdale, GA	$ 61,000
**	E & D Contracting Services, Inc. Savannah, GA	$ 84,846
**	First City Utilities, LLC Savannah, GA	$135,790

*MBE firm **WBE firm

FUNDING: SPLOST (1998-2003) - Drainage, Pipemakers Canal Drainage (3224250 - 54.14021 - 32280217)

ALTERNATIVES:

1. Board approval of a $61,000 construction contract with Warner Construction Services, Inc., for the Pipemakers Canal Golf Cart Bridge Improvement project.

2. Provide staff other direction.

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

RECOMMENDATION: Staff recommends approval of Alternative 1.

BUDGET APPROVAL _____
ESTELLE BROWN

ITEM C

ISSUE: Request Board approval of the purchase of one (1) used non-typical replacement vehicle for CNT, from Grainger Nissan, and authorize the disposal of three (3) vehicles to be used as trade-ins. The total purchase cost, using the trade-ins, will be zero dollars.

BACKGROUND: CNT has approved funding to replace vehicles through the CIP Police Merger. These vehicles are no longer suitable for department operations. The trade-ins will simplify the purchase of the vehicle.

FACTS AND FINDINGS:

1. A standing request for “good” used vehicles is in place with local dealers and they are encouraged to let us know when they have a vehicle they feel we should consider.

2. Staff checked with local car dealers that normally respond to bids and came back with this proposal. This proposal provides CNT with maximum flexibility.

3. The Fleet Manager and a representative from CNT selected the following vehicle based on utility and value.

4. The vehicle selected is:

One vehicle	$ 23,900
Less Trade of three (3) units -	
(Unit 3911 - 2008 Chevrolet Silverado - VIN #188827)	($15,000)
(Unit 3914 - 2006 Chevrolet Impala - VIN #142123)	($ 2,900)
(Unit 3921 - 2003 Nissan 350Z - VIN #020844)	($ 6,000)

Total purchase price $ 0

5. Staff researched the trade-in valued being offered by Grainger Nissan and compared them to the Kelley Blue Book trade-in value. In every instance, Grainger Nissan is offering a higher trade-in allowance.

FUNDING: CIP - Fleet Replacement
(3503222 - 54.22001 - 3503065Z)

ALTERNATIVES:
1. Board approval of the purchase of one (1) used non-typical replacement vehicle for CNT, from Grainger Nissan, and authorize the disposal of three (3) vehicles to be used as trade-ins. The total purchase cost, using the trade-ins, will be zero dollars.

2. Provide staff other direction.

POLICY ANALYSIS: It is consistent with Board policy to provide the necessary vehicles for the using departments.

RECOMMENDATION: Staff recommends approval of Alternative 1.

BUDGET APPROVAL _____
CHRIS MORRIS

ITEM D

ISSUE: Request Board approval of an $81 Change Order No. 5 to the annual contract with Pye Barker Fire and Safety, Inc., to provide fire extinguisher services at the Ralph Mark Gilbert Civil Rights Museum.

BACKGROUND: On May 10, 2013, the Board approved an annual contract to Pye Barker Fire and Safety, Inc., to provide fire extinguisher services in various County facilities.

FACTS AND FINDINGS:
1. Maintenance at the Ralph Mark Gilbert Civil Rights Museum has recently become the responsibility of Facilities Maintenance and Operations. As such, the 18 fire extinguishers within the museum are required to be inspected and serviced.

2. All fire extinguishers require an annual inspection, hydrostatic testing, recharging and six (6) years service and maintenance as required by National Fire Protection Agency (NFPA).

3. Staff reviewed the quote from Pye Barker Fire and Safety, Inc., to extend the scope of services in the contract and staff believes their quote to be fair and reasonable.

FUNDING: General Fund/M&O - Facilities Maintenance and Operations
(1001565 - 52.22001)

ALTERNATIVES:
1. Board approval of an $81 Change Order No. 5 to the annual contract with Pye Barker Fire and Safety, Inc., to provide fire extinguisher services at the Ralph Mark Gilbert Civil Rights Museum.

2. Provide staff other directions

POLICY ANALYSIS: It is consistent with Board policy to issue change orders to essential service contracts to recognize changes in scope of services.

RECOMMENDATION: Staff recommends approval of Alternative 1.

BUDGET APPROVAL_____
MELVA SHARPE

ITEM E

ISSUE: Request Board approval of the $76,942 purchase of one (1) Rapid Deployment Vehicle (RDV) from J.C. Lewis Ford for CNT.

BACKGROUND: The Board approved the use of confiscated funds at their January 25, 2013, meeting for the purchase of the RDV.

FACTS AND FINDINGS:
1. This RDV is a non-armored, stealth 12 passenger vehicle which will be utilized to transport personnel and equipment to tactical narcotics operations. It is specifically designed for tactical

response.

2. Bids were publicly advertised and opened on September 11, 2014. Responses are as follows:

LDV, Inc. Burlington, WI	$76,942
Supreme Armored, Inc. Cleburne, TX	$79,139
J.C. Lewis Ford Savannah, GA	$95,937

3. On March 27, 1998, the Board approved a "local preference" policy which, when a firm from outside Chatham County submits the "lowest bid" the policy allows the lowest local vendor to match the "lowest" bid. If the local firm does match the "lowest" bid, the local firm is awarded the purchase. As indicated above, a non-Chatham County firm offered the "lowest low" bid. J.C. Lewis Ford was asked if they would match the outside firm's low bid, they agreed.

FUNDING: Confiscated Funds - CNT
(2103222 - 54.25001)

ALTERNATIVES:

1. Board approval of the $76,942 purchase of one (1) Rapid Deployment Vehicle (RDV) from J.C. Lewis Ford for CNT.

2. Provide staff other direction.

POLICY ANALYSIS: It is consistent with Board policy to provide the necessary vehicles for law enforcement activities.

BUDGET APPROVAL_____
MARK BUCALO

PREPARED BY _____
PURCHASING AGENT

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XI. FIRST READINGS

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

Chairman Scott said, we don't have any First Readers.

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XII. SECOND READINGS

1. THE PETITIONER IS REQUESTING AN AMENDMENT TO SECTION 7-3.C.(5)(c)(9) OF THE CHATHAM COUNTY ZONING ORDINANCE TO REMOVE THE REQUIREMENT THAT A NEW DIGITAL BILLBOARD SIGN FACE CAN BE ALLOWED, IN PART, ONLY WHEN A SPECIFIED RATIO OF NONCONFORMING BILLBOARD SIGNAGE IS REMOVED. MPC RECOMMENDS APPROVAL OF AN ALTERNATE TEXT AMENDMENT TO ALLOW CONFORMING BILLBOARD OWNERS THE ABILITY TO ERECT DIGITAL SIGN FACE.
MPC FILE NO. Z-140814-00073-1
TEXT AMENDMENT.

Chairman Scott said, we are now into Second Readers. We have a Second Reader. The Petitioner's requesting an amendment to Section 7-3.C(5)(c)(9) of the Chatham County Zoning Ordinance to remove the requirements that a new digital billboard sign face can be allowed, in part, only when a specific ratio of nonconforming

billboard signage is removed. MPC is recommending approval of an alternative text amendment to allow

conforming billboard owners the ability to erect digital face signs. At this time, Marcus [Lotson.]

Mr. Marcus Lotson said, thank you, Mr. Chairman. Marcus Lotson, Metropolitan Planning Commission, and as you mentioned this is a requested amendment to the text of the Zoning Ordinance and before I go into the Petitioner's specific request, I just wanted to go over a couple of things for clarity. I know the city -- the County Manager has briefed you on -- on these items, but I wanted to discuss a little bit about what's not on the table as it -- as it relates to digital billboards. The proposed amendment would not change any of the zoning districts in which billboards are currently allowed. It wouldn't change any of the street classifications or the size or height or maintenance standards that currently exist or -- nor the separation standards that exist in the ordinance now or any of the design or development standards associated with billboards.

Mr. Lotson said, the -- in the ordinance there's -- in a couple of sections there's probably 30 or 35 pages that deal with the requirements associated with billboards and what the Petitioner's requesting is an amendment to some language that was adopted when billboards were first allowed in the unincorporated area. That language essentially says that in order to erect a digital billboard that you have to remove a certain percentage of existing, nonconforming billboards. The Petitioner's position and -- and staff in the MPC agreed with this is that that eliminates the ability of a -- a potential billboard owner that doesn't own current nonconforming boards. Billboards in the ordinance are also known as separate use signs and in the unincorporated area --

Chairman Scott said, but technically -- technically -- technically what you're really doing is just removing the ordinance for that -- for anybody who wants to come in and erect billboards if they can comply with everything else in the zoning.

Mr. Lotson said, that's correct. If they can comply with the rest of the standards --

Chairman Scott said, yeah.

Mr. Lotson said, -- if they don't have nonconforming billboard space, they would be allowed to -- to erect a board as long as their meeting the standards of the rest of the ordinance.

Chairman Scott said, yeah.

Commissioner Shabazz said, question. I have a question.

Chairman Scott said, we got a couple questions for you, and -- do you have anything else in your presentation?

Mr. Lotson said, I did just want to add a few things --

Chairman Scott said, okay.

Mr. Lotson said, -- just for a little bit of background.

Chairman Scott said, go ahead and add those and then we'll entertain the questions.

Mr. Lotson said, okay. The -- you know, billboards were -- were allowed in the unincorporated are -- area start -- beginning in 2011. There was an amendment adopted and during that time the amendment was very similar to the ordinance that had been adopted in the City of Savannah in '07, and as I mentioned that amendment did include the provision that nonconforming boards need to be removed prior to the establishment of a new digital board. In 2013 the City of Savannah revoked that language and essentially that's what the Petitioner is bringing forth today.

Chairman Scott said, not essentially, we want to be exact.

Mr. Lotson said, and I will -- I will -- I will share that with you exactly. The exact language that the Petitioner is proposing is as follows: should an applicant for a digital billboard not own or operate any existing non-conforming billboards within unincorporated Chatham County, this provision, meaning that which I just described, shall not apply. Such applicant shall be required, as a prerequisite -- prerequisite to the issuance of a permit, to submit an affidavit that certifies that the applicant does not have any interest in an existing nonconforming billboards within unincorporated Chatham County. The affidavit -- affidavit shall be submitted to the Zoning Administrator with a copy to the County Manager and the County Attorney. And in our recommendation, we made a -- just a couple of small changes to that proposed text and our changes include the addition of the section number from the ordinance, as well as a removal of the necessity to copy that Affidavit to the County Manager and County Attorney due to the fact that the Zoning Administrator is the permitting authority and they maintain the files for the county regarding building permit applications.

Chairman Scott said, okay. Commissioner Shabazz from the 5th District and then Commissioner Farrell from the 4th District, in that order, please.

Commissioner Shabazz said, what -- what is meant by nonconforming billboards?

Mr. Lotson said, a nonconforming billboard would be any board that does not meet the current standards of the ordinance. Throughout, primarily the City of Savannah and as well as in the unincorporated area, there were a number of billboards that were constructed prior to the current ordinances so any board that does not meet those standards is considered nonconforming.

Commissioner Shabazz said, for example.

Mr. Lotson said, a -- a board that for example is lower in height than the minimum height that's required above ground or that may be for example in a zoning district that does not allow billboards.

Commissioner Shabazz said, okay.

Chairman Scott said, boards that was grand-fathered in.

Mr. Lotson said, yes, sir.

County Attorney Hart said, Commissioner -- Commissioner Shabazz, when this thing -- when this ordinance first came up before the City and then the County subsequently adopted it --

Commissioner Shabazz said, yes, sir.

County Attorney Hart said, -- they were going from your standard billboard that all of us think about when we were kids with the lights on the front, and some of those were -- were going to -- all of those just about except for the newer ones are going to be nonconforming, couldn't comply with the new ordinance because the new ordinance was going to be stricter, okay? So what they said was if you want to put up an electronic billboard, then you are going to have to take down so much of the nonconforming older billboards to match that, and the idea was that instead of create -- creating more and more billboards that as these new electronic billboards went up, some of the older billboards would go down, and that worked pretty well at that time because you had an agreement among all the people in the business. As time wore on, people realized that that provision was a barrier to entry if you wanted to have a billboard. In other words, if you wanted to start a billboard company, and you wanted to put up billboards that were electronic, you couldn't do it because you didn't own any nonconforming billboards. So the idea is to remove this provision so as to keep that from being a barrier to entry. That's the philosophy behind it.

Chairman Scott said, Commissioner Farrell.

Commissioner Farrell said, yeah, basically, that's what I was -- just wanted to get a quick recap. I recall when the county started using the digital billboards that, you know, for each one that came on a certain amount went off line. So this provision doesn't change any of the criteria for having a digital billboard but it does only eliminate the requirement that once you are out of inventory of nonconforming billboards you could move forward if you met all the other criteria. Is that a fair statement?

Mr. Lotson said, that's exactly right. Yes. Mm-hmm.

Commissioner Farrell said, okay. So that's the only change is --

Chairman Scott said, yeah.

Commissioner Farrell said, is that we're just recognizing the fact that at some point the inventory of nonconforming billboards will disappear.

Mr. Lotson said, as well as the fact that a -- a billboard -- potential digital billboard owner coming into our market may not own nonconforming boards, therefore, they couldn't meet the requirement of the ordinance.

Commissioner Farrell said, okay. Thank you.

Chairman Scott said, Commissioner Center of the 2nd.

Commissioner Center said, if a person came in and just wanted to put in an old-fashioned billboard, they can't do that either?

Mr. Lotson said, they can do that. This is only --

Commissioner Center said, but if they --

Mr. Lotson said, -- regarding digital boards.

Commissioner Center said, all right. So if a person came in and wanted to put up a brand new digital billboard, they can't do that.

Mr. Lotson said, if -- currently, if they do not own nonconforming space, they could not erect a digital billboard.

Commissioner Center said, why can't we write the ordinances so if they're putting up the new one, and they fit the requirements, they can be -- digital or nonconforming, why are we requiring a person who wants a digital board to own a nonconforming board first?

Mr. Lotson said, well that's the -- that's the issue with the ordinance.

Commissioner Farrell said, that's what it is right now.

Mr. Lotson said, so what we would change with this proposed amendment is that that requirement would go away so whether you own a nonconforming board or not, you'd have the opportunity to establish a digital board.

Commissioner Center said, yeah. I just don't understand it to read that way. It's very confusing. Thank you.

Chairman Scott said, we have -- we have Commissioner Brady of the 6th and Commissioner Farrell of the 4th.

Commissioner Brady said, would it be accurate to say that we -- we do have criteria that we have to meet in order to put up a digital billboard?

Mr. Lotson said, yeah, there are criteria for both digital and traditional billboards that they have to meet anyway and would still have to meet if this amendment is -- is adopted.

Commissioner Brady said, okay. Thank you.

Chairman Scott said, Commissioner Farrell.

Commissioner Farrell said, one more point of clarification. If a -- if a person or company had a nonconforming -- if we pass this today as it's written and tomorrow somebody came up that still owned two nonconforming billboards would they not be obligated to remove one to put the digital up or does it completely go away or does it just apply to folks that don't have conforming billboards, but the folks that do have conform -- nonconforming billboards would still have to remove one to put up a digital?

Mr. Lotson said, for clarity, the -- the owner of a nonconforming billboard would still have to take down the required amount of square footage to -- to put up a conforming digital board.

Commissioner Farrell said, okay. So that doesn't go away.

Mr. Lotson said, it -- it would only apply to people who do not own nonconforming billboards.

Commissioner Farrell said, so this only applies to people that have no inventory of nonconforming boards.

Mr. Lotson said, yes, sir.

Commissioner Farrell said, thank you. Got it.

Commissioner Brady said, I'm prepared for a motion.

Chairman Scott said, do you -- can you tell us the exact -- when I read this it's not -- it doesn't read the same as the City of Savannah. What is the difference?

Mr. Lotson said, the only difference in the -- the amend -- the proposed alternate amendment is the addition of the language that specific -- that specifies the -- the section of the ordinance which is addressed and the fact that the affidavit has to be submitted to the Zoning Administrator in the -- in the unincorporated county.

Chairman Scott said, okay. All right. Any other questions? And this -- this question will probably have to come from the Petitioners, but I would like to know how many boards are we in reference to? How many boards qualify? How many locations that the Petitioner has in mind? And is there a list of locations that he would want to erect digital boards?

Mr. Lotson said, I believe he may have some locations in mind, and just to put a little more emphasis on the answer that he may provide, the -- the zoning districts in which billboards, digital billboards excuse me because there's -- it's different. The zoning districts in which digital billboards are currently allowed are our B districts, which is our business districts, B-N and B-1 and B-C, as well as our heavy and light industrial districts, as well. So if a board can be placed in a district, meet the separation standards for digital billboards and -- and meet the -- the -- the zoning separation and -- and the other requirements, then a board can be placed, and I think the Petitioner may have some proposed locations of future boards.

Commissioner Center said, can I ask one additional question?

Chairman Scott said, we have a question from the 2nd District -- 3rd District.

Commissioner Center said, again -- thank you. Again to understand, if a billboard is in a certain location, let's just use the eastside, and it's a -- it's a non-digital billboard and they want to change it to a digital billboard, do they have to change that board or could they take one down on the westside?

Mr. Lotson said, they could take one down from a different location.

Commissioner Center said, so we could --

Mr. Lotson said, that was the intent.

Commissioner Center said, so we could cram one location by taking them down of another location.

Mr. Lotson said, well, no, because there are separation standards for billboards.

Commissioner Center said, thank you.

Chairman Scott said, yeah. Is the Petitioner present? Mr. Estes? Commissioner Holmes of the 2nd.

Commissioner Holmes said, couple of -- couple of questions. Do these boards come in different sizes?

Mr. Lotson said, they do, yes, but there are -- there are maximum size standards for billboards in the ordinance as well.

Commissioner Holmes said, do -- do you have the sizes with you?

Mr. Lotson said, yes. I do. There are essentially -- I believe there are two sizes that are allowed. I have that here. It depends on the -- on the zoning district, but the maximum sizes are either 12 by 25 or 14 by 48, which are similar to what you've seen around town already.

Commissioner Holmes said, 12 by 25 -- okay. And you mentioned heavy lighting.

Mr. Lotson said, oh no. I said heavy or light industrial, those zoning districts where billboards are allowed.

Commissioner Holmes said, okay.

Mr. Lotson said, that's what I was referring to.

Commissioner Holmes said, okay. Okay. Now is some of these boards going to be -- the decibel of lighting on it? How -- how bright are they going to get?

Mr. Lotson said, there are lighting standards that currently exist, and none of that would change based on -- on this proposed ordinance.

Commissioner Holmes said, okay. And if we can get the locations --

Chairman Scott said, we got somebody going to speak to that in a few minutes

Commissioner Holmes said, -- that tentatively -- okay then.

Chairman Scott said, any further question of staff? If not, we'll hear from the Petitioners on locations.

Commissioner Center said, thank you.

Mr. Phillip McCorkle said, Mr. Chairman, my name is Phillip McCorkle. It's good to see y'all again. Hadn't been a lot of zoning work and hadn't seen you guys in a long time, and I'll point out that I'm a veteran too, just in case anybody cares. The -- I represent Golden Isles Outdoor Advertising. Very small company. Has about six billboards in the entire county. Lamar Outdoor Advertising has about 95 percent of the billboards. You'll see a few other names, Adams and -- has a couple. There's very few. Lamar has all of the nonconforming billboards, and these are old billboards like in neighborhoods that you couldn't put there now because you can't have a billboard in a -- in a residential zone, so the trade off that the city worked out and the county adopted was when Lamar came in and proposed to have digital billboards was that, okay, we'll take down two and a half feet of nonconforming boards out of neighborhoods, and -- for every digital board we'll put up, and that was, you know, Lamar could care less. You make so much more revenue on digital billboards, those old nonconforming boards are not very useful to them. Many of them you couldn't even rent, so -- so that was all passed, and that was all wonderful except for people like my client who don't have any nonconforming boards. All their boards are -- conform to the -- the ordinance, and so what you end up giving, unintentionally I'm sure, maybe -- maybe intentionally by Lamar but unintentionally by the City and the County was a -- a monopoly on who could have the new digital billboard technology.

Chairman Scott said, Mr. McCorkle, are you going to speak to locations and number of boards? Which is what the question was.

Mr. McCorkle said, I will. I'd also like to point out -- the -- the number of locations is going to be very small. They have two specific locations they're thinking of now, which is 95 and 204 and on President Street. Two -- excuse me, I'm sorry, two locations, and the number of locations is controlled by the ordinance itself, but only B, which is the heavy business zone, B-C, not even B-N, no residential zones, and then the industrial zone is the only place you can put them. And additionally, you can only put a digital billboard on a road that's four-lane arterial or more. So if -- if you think about the four-lane arterial roads in those four zones, very limited number of locations are even possible, and my client has two in mind. So that's the answer to the question, and that's how it's limited for future use for all the companies.

Chairman Scott said, and who are you representing?

Mr. McCorkle said, Golden Isles Outdoor, which is Mr. Estes and Mr. Jones.

Commissioner Center said, can I ask where on President Street?

Commissioner Holmes said, what part of President Street are you speaking of ?

Mr. McCorkle said, well, it's unincorporated so it would have to get passed the city and head toward the islands somewhere in that area. Is that The Store Room? The Store Room. There's a mini warehouse facility out there on President Street.

Chairman Scott said, any further questions? Thank you. I'm --

Commissioner Brady said, I'm prepared --

Chairman Scott said, anybody prepared to make a motion?

Commissioner Brady said, I am.

Chairman Scott said, I recognize the Commissioner from the 6th District for the purpose of making a motion.

Commissioner Brady said, I -- I move for approval.

Commissioner Kicklighter said, second.

Commissioner Shabazz said, second.

Chairman Scott said, properly moved and second that we approve. All in favor of the -- any unreadiness? Any further discussion? All in favor vote yes, opposed no. Motion carries.

ACTION OF THE BOARD:

Commissioner Brady moved to approve the Petitioner's request. Commissioner Kicklighter seconded the motion and it carried in a 6-2 vote, with Commissioners Holmes, Farrell, Shabazz, Brady, Kicklighter and Thomas voting yes and Chairman Scott and Commissioner Center voting no. [NOTE: Commissioner Stone was not present.]

~~**AGENDA ITEM:** *XI-1*~~
~~**AGENDA DATE: October 24, 2014**~~
AGENDA ITEM: ***XII-1***
AGENDA DATE: November 7, 2014

CHATHAM COUNTY - SAVANNAH
METROPOLITAN PLANNING COMMISSION

110 EAST STATE STREET PO BOX 8246 SAVANNAH GEORGIA 31412-8246 PHONE 912-651-1440 FACSIMILE 912-651-1480

TO: **BOARD OF COMMISSIONERS**

THRU: **LEE SMITH, COUNTY MANAGER**

FROM: **THOMAS L. THOMSON, EXECUTIVE DIRECTOR**

LEGAL NOTICE/AGENDA HEADING:

The petitioner is requesting an amendment to Section 7-3.C.(5)(c)(9) of the Chatham County Zoning Ordinance to remove the requirement that a new digital billboard sign face can be allowed, in part, only when a specified ratio of nonconforming billboard signage is removed. MPC recommends **approval** of an alternate text

amendment to allow conforming billboard owners the ability to erect a digital sign face. **File No. Z-140814-00073-1**

ISSUE:
The petitioner is requesting an amendment to Section 7-3.C.(5)(c)(9) of the Chatham County Zoning Ordinance to remove the requirement that a new digital billboard sign face can be allowed, in part, only when a specified ratio of nonconforming billboard signage is removed.

BACKGROUND:

1. Billboard signs are referred to as "separate use signs" in the Chatham County Zoning Ordinance. This type of signage is regulated by Sec. 7-3.L. Electronically controlled signage, which includes digital sign faces, is regulated by Sec. 7-3.C, the restricted sign section.

2. Digital sign faces were first allowed in the unincorporated county in 2011 following the adoption of a privately-initialed amendment by The Lamar Company. This amendment mirrored text that the City of Savannah adopted in 2007, also requested by The Lamar Company. At this time, digital sign faces were approved subject to conditions, including allowing them only in exchange for the removal of a nonconforming billboard sign under the same ownership. This amendment did not include an opportunity for companies without nonconforming billboard signs to have digital signage.

3. In 2013, the City of Savannah approved a text amendment that allowed companies without nonconforming billboards to be able to have a digital sign face provided that all applicable sign standards could be met. The Chatham County Zoning Ordinance was not amended at that same time.

4. The petitioner cites that the inability to have digital signage due to a lack of ownership of nonconforming billboard "promotes unfair trade practices" and denies them "equal protection of the law." See Exhibit "B."

5. To rectify this, the petitioner proposes the below text (5.b), which is underlined (and also provided in the attached Exhibit "A"). The proposed text would become the second paragraph to the existing text.

   a. **Existing Text** (Sec. 7-3.C.(5)(c)(9))

   "One (1) new digital billboard face will be permitted within unincorporated Chatham County when a number of existing nonconforming billboards within unincorporated Chatham County that correspond to a ratio is removed. The ratio shall be two and one-half (2.5) square feet of existing nonconforming billboard face space for every one (1) square foot of digital billboard face to be erected. Nonconformity shall be determined by applicable sections of this Ordinance. Final approval for new billboard faces shall not be granted until the number of nonconforming billboard faces are removed and certified by the County Manager or his/her designee. The petitioner shall be required to meet all other requirements of the Chatham Code, unless otherwise permitted herein."

   b. **Petitioner's Proposed Text**

   "Should an applicant for a digital billboard not own or operate any existing non-conforming billboards within unincorporated Chatham County, this provision shall not apply. Such applicant shall be required, as a prerequisite to the issuance of a permit, to submit an affidavit that certifies that the applicant does not have any interest in any existing non-conforming billboards within unincorporated Chatham County. The affidavit shall be submitted to the Zoning Administrator with a copy to the County Manager and the County Attorney."

FINDINGS

1. The applicant's proposed text is similar to the text amendment the City of Savannah adopted in 2011 to allow sign companies without nonconforming billboards to be able to apply for digital signage. The difference is that the petitioner's language excludes the requirement to "convert an existing conforming billboard to a digital billboard provided the applicant meets all other requirements and development standards of this ordinance."

   Staff believes that the exclusion of this requirement is appropriate. It is unclear why only an existing conforming billboard could have a digital sign face but not a proposed billboard.

2. Though not proposed by the applicant, staff recommends two other changes to the desired text:

   The first is to clarify the provisions referenced by inserting the section number (i.e., "Should an applicant for a digital billboard not own or operate any existing non-conforming billboards within

unincorporated Chatham County, ~~this provision~~ Sec. 7-3.C.(5)(c)(9) shall not apply.")

The second is to eliminate the requirement that the affidavit affirming no interest in a nonconforming billboard be sent to the County Manager and County Attorney in addition to the County Zoning Administrator (i.e., "The affidavit shall be submitted to the Zoning Administrator, ~~with a copy to the County Manager and the County Attorney~~."

POLICY ANALYSIS:
Digital billboard signs were approved by both the City of Savannah and Chatham County with the condition that nonconforming billboard signage was to be removed. Rightly, the City amended its ordinance in 2013 to recognize that signage companies without nonconforming signage should also have an opportunity to erect digital sign faces. As with the City amendment, however, adoption of the proposed text makes digital signage more difficult to erect for nonconforming billboard owners than for those owners who have no such billboards. Perhaps the digital sign requirements should be reconsidered altogether since the adopted text was specific to the needs of one organization.

ALTERNATIVES:

1. Approve the petitioner's proposed text amendment.

2. Approve the alternate text amendment suggested by staff.

3. Approve another alternative text amendment.

4. Deny any text amendment.

RECOMMENDATION:
The Planning Commission recommends **approval** of the alternate text amendment suggested by staff, which supports the petitioner's request. (See next page.)

PREPARED BY: Charlotte Moore, Director
Special Projects

September 16, 2014

Gregori Anderson, Director
BUILDING SAFETY AND REGULATORY SERVICES

Section 7-3.C.(5(c)(9)
Text proposed to be enacted shown underlined.

ENACT

One (1) new digital billboard face will be permitted within unincorporated Chatham County when a number of existing nonconforming billboards within unincorporated Chatham County that correspond to a ratio is removed. The ratio shall be two and one-half (2.5) square feet of existing nonconforming billboard face space for every one (1) square foot of digital billboard face to be erected. Nonconformity shall be determined by applicable sections of this Ordinance. Final approval for new billboard faces shall not be granted until the number of nonconforming billboard faces are removed and certified by the County Manager or his/her designee. The petitioner shall be required to meet all other requirements of the County Code, unless otherwise permitted herein.

"Should an applicant for a digital billboard not own or operate any existing non-conforming billboards within unincorporated Chatham County, Sec. 7-3.C.(5(c)(9) shall not apply. Such applicant shall be required, as a prerequisite to the issuance of a permit, to submit an affidavit that certifies that the applicant does not have any interest in any existing non-conforming billboards within unincorporated Chatham County. The affidavit shall be submitted to the Zoning Administrator."

CHATHAM COUNTY - SAVANNAH
METROPOLITAN PLANNING COMMISSION
"Planning the Future – Respecting the Past"

---------- M E M O R A N D U M ----------

DATE: SEPTEMBER 16, 2014

TO: **BOARD OF COMMISSIONERS**

FROM: **METROPOLITAN PLANNING COMMISSION**

SUBJECT: **MPC RECOMMENDATION**

PETITION REFERENCED:
Text Amendment to the Chatham County Zoning Ordinance
RE: Amendment to Section 7 (Signs), Sec. 7-3 (Sign Standard)
.C (Restricted Sign), (5)(c)(9)
Petitioner: Golden Isles Outdoor, LLC
Agent: Phillip R. McCorkle
File No.: Z-140814-00074-1

MPC ACTION: **Approval** of an alternate text amendment to allow conforming billboard owners the ability to erect digital sign face.

MPC STAFF RECOMMENDATION: **Approval** of an alternate text amendment to allow conforming billboard owners the ability to erect digital sign face.

MEMBERS PRESENT: 9 + Chairman

Shedrick Coleman, Chairman
James B. Blackburn, Jr., Secretary
Ellis Cook
Tanya Milton
Adam Ragsdale
Murray Marshall, Vice-Chairman
Lacy Manigault, Treasurer
Ben Farmer
James Overton
Joseph Welsh

VOTING FOR MOTION	VOTING AGAINST MOTION	*ABSENT OR **FAILING TO VOTE
Shedrick Coleman	James Blackburn, Jr.	*Stephanie Cutter
Ellis Cook		*Timothy Mackey
Ben Farmer		*Susan Myers
Lacy Manigault		*Lee Smith
Murray Marshall		
Tanya Milton		
James Overton		
Adam Ragsdale		
Joseph Welsh		

FOR APPROVAL: 9 FOR DENIAL: 1 ABSTAINING: 1

Respectfully submitted,

Thomas L. Thomson
Executive Director

EXHIBIT "A"

Should an applicant for a digital billboard not own or operate any existing non-conforming billboards within unincorporated Chatham County this provision shall not apply. Such applicant shall be required, as a prerequisite to the issuance of a permit, to submit an affidavit that certifies that the applicant does not have any interest in any existing non-conforming billboards, within unincorporated Chatham County. The affidavit shall be submitted to the Zoning Administrator with a copy to the County Manager and the County Attorney.

EXHIBIT "B"

The ordinance governing digital billboards, as written, discriminates against small, independent sign companies. It was originally adopted in 2011 at the request of Lamar Outdoor Advertising ("Lamar"), a publicly-traded, multi-million dollar company that controls more than 90% of the billboards in Chatham County.

In 2011, Lamar owned scores of non-conforming, unprofitable signs. Lamar offered to remove 2.5 square feet of existing non-producing, non-conforming billboards for every 1 square foot of electronic/digital billboard face to be erected.

This requirement discriminates against the small, privately-owned billboard companies, including the Petitioner herein, because Petitioner does not own any non-conforming billboards.

The ordinance, as currently written, promotes unfair trade practices and denies the Petitioner equal protection of the law. It is also a violation of Petitioner's civil rights under the §1983 of the United States Code.

The remedy is both simple and fair. Please adopt the language proposed and give the small, independent companies an opportunity to complete and survive.

CHATHAM COUNTY - SAVANNAH
METROPOLITAN PLANNING COMMISSION

"Planning the Future – Respecting the Past"

----------MEMORANDUM----------

DATE: **SEPTEMBER 24, 2014**

TO: **LEE SMITH, COUNTY MANAGER**

FROM: **THOMAS L. THOMSON, EXECUTIVE DIRECTOR**

SUBJECT: **MPC RECOMMENDATION**

We are forwarding the original copy of the MPC's recommendation on the following:

TEXT AMENDMENT

Text Amendment to the Chatham County Zoning Ordinance
RE: Amendment to Section 7 (Signs), Sec. 7-3 (Sign Standard), .C (Restricted Sign), (5)(c)(9)
Petitioner: Golden Isles Outdoor, LLC
Agent: Phillip R. McCorkle
File No.: Z-140814-00074-1

In addition, we have sent a copy of this letter, four copies of the recommendation to Mr. Robert Sebek, Chatham County Zoning Administrator.

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XIII. INFORMATION ITEMS

The next item on the agenda is informational updates. At this time I will recognize the County Manager just to give us a brief update on the police merger, as to where we stand, and anything else that he may have that he wish to brief us on.

County Manager Smith said, yes, sir. Thank you. Since we met last the City Manager, myself, the City Attorney, County Attorney and some of the County staff met on the 28th of October, and we actually went over the agreement, the new agreement that you have a copy of, word for word. We had a couple of areas that were in dispute. The areas, just so you will know -- one of the things that we have, upon the really conversation I had with the City Manager, she talked to me a few weeks ago about giving the County more authority or control of the precincts that would be in the unincorporated area. She thought that sounded fair, so we incorporated the comments to that effect. We spent a lot of time on that. There was some reservation by the city representatives that it appeared that we had too much control in our precinct, and we would have a couple of those out in the unincorporated areas, but we told them that we thought it was the wishes of the Board that we had control of cost, of -- not personnel, but personnel as to the number, coverage, where the precincts are, that type of thing. So we had a lot of discussion about that.

County Manager Smith said, we talked about assets. We talked about take home policies, and there were things that we think we can resolve, but we have asked them to go back. We are due today from the City Manager and -- and the City Attorney would be a redraft of that document, so I'm waiting for that today, and as soon as we have that, we will take a look. We will convene as a staff. My recommendation moving forward is if we intend to keep negotiations as staff, that instead of going back and forth, this last meeting we sat down, I thought we made a lot of headway, that we continue to sit down together as a group and go word for word because back and forth it's very confusing, things get changed, and we lose understanding and what the spirit of the agreement is. So that is our intent on the police agreement.

County Manager Smith said, now, I will also tell you I've been questioned by Board members about what if we decided to de-merge. I will tell you we continue to look at our options, and there are a number of options that we could use, and I'll use the term to stand up our own police department. This won't happen over night. It will

take time, so we would have to figure out how to phase that in. You know, we've got a new police chief, I believe, taking his -- his position next Monday --

Commissioner Brady said, Monday at 2:30.

County Manager Smith said, -- I believe, or tomorrow -- this weekend.

Commissioner Thomas said, yeah. Monday.

Commissioner Brady said, Monday.

County Manager Smith said, so there's a -- a -- I believe -- I will not be in town. I will be out of town for my father's 75th birthday this weekend, so I will not be back Monday, but, anyway, there is an event on Monday, I believe for the new police chief coming in, and what I intend to do is have a discussion with the new chief about the unincorporated area and how things are being conducted. So no matter what we do today, we've got to talk about -- or the future, we've got to talk about today. How we're being serviced. So there's been a -- a lot of discussion.

County Manager Smith said, I will tell you one of the things without stepping out -- too much out of bounds is the discussion of the beats. Our idea is that the precincts and -- the beats will not cross precincts. When you have the unincorporated area precinct and beats, they stay outside. They stay in our precincts. If officers are needed to come inside for a special event long term, they have to have permission from the county. Now if there's a -- something happens, they need them in a matter of seconds, sure. I mean, that's just mutual aid. So we're -- really are asking that we -- we have that kind of understanding, and the County Attorney was in that meeting. There seems to be some misgivings about that, but we are -- we are standing strong on that, that we have to have some control and control the costs, and we -- we are standing strong on that.

County Manager Smith said, so, as part of that we have been looking at some times whereby we could sit down with the Board, you know. We are -- I can't believe it, December will be here before we know it. Just got to November. We have been looking at some dates where we could actually have maybe a half a day to a full day on things like police, issues -- Recorder's Court, and also maybe some SPLOST projects. I had promised you early in the summer that we would be bringing you an executive summary of SPLOST projects, where we are, previous years, and we would love to bring it to you and talk about moving forward, but we're shooting for December 17th. It seems far out, but to look at all of your calendars, that is the next full day that everybody's here, that there's no conflict. So, I -- I do have on concern though. If there's an expectation of the staff on Recorder's Court in two weeks, we will not have your thoughts on Recorder's Court within two weeks. So, you know, any thoughts you have on it, I -- I -- Mr. Chairman, I'll kind of leave that with you as a Board, but --

Chairman Scott said, I -- I think many of the thoughts on Recorder's Court was expressed here today.

County Manager Smith said, okay. Well, if there's anything, we would like to have those so we can be talking about it as a staff because we will do the thing -- same thing as we were doing with the police agreement, meeting with the City on that as quickly as we can get that scheduled. So, that's the --

Chairman Scott said, and -- and we -- and -- and the other thing on the SPLOST list, this is not a new list because --

County Manager Smith said, no.

Chairman Scott said, -- when we -- we went to the voters, we provided them with a list.

County Manager Smith said, this is the standing list.

Chairman Scott said, yeah.

County Manager Smith said, yeah. All we want to do is explain where we are, where we are on the projects, what monies have been used, what monies have been used, what is not used -- if things have been repurposed. We just want to have a good, clean explanation. I had a meeting this week with Linda Cramer and Michael Kaigler and myself. We formed a -- are reforming the municipal and county managers group. We met this week at the new Garden City library, and it was terrific. All the managers met in the county, and I think we only had one that was not able to attend. We had a great meeting, and that's one of the things that they want to talk about, you know, about the projects, where they are, to get rid of misconception. That's why I was really -- good to hear about good, clean communication. We need to make sure that we do that better with them, so that was a good thing this week.

County Manager Smith said, I do want to mention also too on the libraries. We do have our openings. If you've not been by those, those are fantastic. I held a first meeting over at the Garden -- at the Liggert Library over at the Garden City. We've got a couple of dedications. One is the 25th of November for the Islands library. So please put that on your calendar, and you'll get reminders. And then November 18th we have the Garden City library, and we would love to have all of you attend for those openings. Those are beautiful facilities, and you should be extremely proud of them. The managers were very excited and very impressed by the work you've

done in -- in putting those together. Very, very nice. So be glad to answer any questions about any projects we're working on.

Chairman Scott said, you have three so far.

County Manager Smith said, okay.

Chairman Scott said, Commissioner Holmes, Commissioner Farrell and Commissioner Brady in that order.

Commissioner Holmes said, Mr. Lee.

County Manager Smith said, yes.

Commissioner Holmes said, how much time y'all put into responsive time?

County Manager Smith said, on?

Commissioner Holmes said, from a -- from a precinct to a destination?

County Manager Smith said, how much time did we spend on looking at that?

Commissioner Holmes said, yes.

County Manager Smith said, there's been a lot. We've been pulling data. I know we've got through, I think Mark Bucalo, one of the analysts, we've been pulling that kind of information because that's part of what we're wanting to base, you know, our success and our failure --

Commissioner Holmes said, mm-hmm.

County Manager Smith said, -- of our police is how fast do we respond when we get a 9-1-1 -- if that's what you're asking me.

Commissioner Holmes said, exactly. Exactly.

County Manager Smith said, a 9-1-1 call because we've got to -- we've got to set some standards as a county of what our response time -- we have it on EMS, so we need to do the same thing on police.

Commissioner Holmes said, we're not doing --

County Manager Smith said, there has to be an expectation.

Commissioner Holmes said, yeah. We -- we're not doing good with our response time, and the reason why I think, I'm on -- I'm on East Henry Street and Gordonston is right up the street from me.

County Manager Smith said, yes, sir.

Commissioner Holmes said, and I was at a meeting in Gordonston last month, and I heard the same thing I've been having in my area because the precinct that responds to us is off the Island.

County Manager Smith said, yes.

Commissioner Holmes said, and for some reason, timely and timely and timely you hear this that the response time is not adequate.

County Manager Smith said, well, we were told in the last meeting with the City --

Commissioner Holmes said, mm-hmm.

County Manager Smith said, -- we -- that came up, and the -- I believe the City Attorney at that time made the statement, well -- we talked about having our own precincts, he said -- made that I'm -- ask the Attorney to correct me if I'm wrong, but he said, well, keep in mind, now, all the -- these beats that serve this part of the city are on the Islands precinct, and we went, well, that's the problem. You're having to -- your -- your -- you need to look at using that data that you're talking about --

Commissioner Holmes said, mm-hmm.

County Manager Smith said, -- to decide where precinct headquarters need to be.

Commissioner Holmes said, mm-hmm.

Commissioner Thomas said, mm-hmm.

County Manager Smith said, seem to me that's in the wrong location for the city, but for unincorporated it makes sense, but we're also looking at other locations for unincorporated.

Commissioner Holmes said, okay.

County Manager Smith said, we got to get that right, and it's got to be based on response time.

Commissioner Holmes said, okay. Okay. And one more question.

County Manager Smith said, yes.

Commissioner Holmes said, December the 17th is confirmed date for the meeting?

County Manager Smith said, yeah. That's what we're shooting for.

Chairman Scott said, yeah.

County Manager Smith said, if the Chairman agrees, we're going to -- we talked about it yesterday, we're going to shoot for sort of an all day.

Commissioner Holmes said, okay. Thanks.

County Manager Smith said, workshop, which will be great.

Chairman Scott said, Commissioner Farrell.

Commissioner Farrell said, two items, one, you know, with the -- if -- if we're going to be taking some definitive action before the December 17th meeting, I would like to sit down with staff and go over line by line this agreement so I have a total understanding of what we're looking at.

County Manager Smith said, sure.

Commissioner Farrell said, and the second thing, when we talk about SPLOST projects, when we endeavored to build the addition on the jail complex, we set aside certain amount of money for bonding so that we could get the project started. I would like that same concept applied to the current set of projects that we just started collecting money on that if we as a Board could identify some higher profile, higher priority projects, that we don't wait until we have the money to start the planning and the -- and that sort of the thing and the construction, that perhaps we get ahead of it. What I'm saying is -- is perhaps bond for some of these projects and get them started sooner rather than later --

County Manager Smith said, mm-hmm.

Commissioner Farrell said, -- because of the long time frame it takes to accomplish different projects. Ultimately I believe that it will not only serve the citizens better to get their projects that they wanted built, but I believe it would be a better use of tax payer money in that as low as bonding prices are today, and as high as I anticipate construction projects to be five and six years from now, I believe it will actually be less expensive to bond today and build than it will be to wait till we have the money and then pay the inflated price over what the project would probably cost in the future.

Chairman Scott said, Commissioner Brady.

Commissioner Brady said, I -- I would just like to request that maybe on the list of things for the workshop that we include a discussion about legislative issues.

County Manager Smith said, actually, I forgot that is on my list. I did not say it, but legislative items would be on there. Yes, sir -- yes, ma'am.

Commissioner Brady said, okay.

County Manager Smith said, that's my thought. I forgot.

Commissioner Brady said, okay. Thank you.

Chairman Scott said, Commissioner Kicklighter from the 7th.

Commissioner Kicklighter said, Manager Smith.

County Manager Smith said, yes.

Commissioner Kicklighter said, based on staff's own studies and estimates regarding police options for the unincorporated areas, first question, and feel free to answer with yes or no on these. Does Chatham County

staff's proposal to retain Savannah for police services provide Chatham County with any hiring and firing abilities of the police chief?

County Manager Smith said, no.

Commissioner Kicklighter said, okay. Does it provide 18 less sworn officers than the Chatham County Police Department had in 2003, which is 18 less sworn officers than the estimate for the new Chatham County Police Department would have?

County Attorney Hart said, that's correct.

County Manager Smith said, I believe that's correct. We were just -- but I think that's correct.

Commissioner Kicklighter said, okay. Would it actually cost $1.2 million more than the cost to start a new Chatham County Police Department?

County Manager Smith said, the numbers that we gave out were estimates, so I hate to quote -- that was a in-house estimate, so what we're saying, we have not vetted those closely, but --

Commissioner Kicklighter said, right, but as far as the numbers you have.

County Manager Smith said, yes, as far as what we have to date, correct.

Commissioner Kicklighter said, okay. Would it actually cost $3,060,000 more than the sheriff's proposal to police the unincorporated area?

County Manager Smith said, based on the numbers we have, yes.

Commissioner Kicklighter said, thank you, sir.

Chairman Scott said, any -- any other questions? If not there is -- the other information is in writing -- the written information items.

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

ACTION OF THE BOARD:

A status report was attached as information.

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

ACTION OF THE BOARD:

A status report was attached as information.

AGENDA ITEM: *XIII-2*
AGENDA DATE: November 7, 2014

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

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EXECUTIVE SESSION

Chairman Scott said, and we do need a motion for an executive session.

Commissioner Center said, I move that we recess to executive session for the purpose of discussing litigation.

County Attorney Hart said, and personnel.

Commissioner Center said, and personnel.

Chairman Scott said, hearing the motion all in favor -- any -- any unreadiness or discussion?

Commissioner Farrell said, second.

Chairman Scott said, hearing none -- do we have a second?

Commissioner Thomas said, second.

Commissioner Center said, Pat seconded it.

Chairman Scott said, Pat seconded it.. All in favor of the motion indicate by voting yes, opposed no. We are now headed for executive session. The meeting's adjourned.

ACTION OF THE BOARD:

Commissioner Center moved to recess to executive session for the purpose of personnel and litigation. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Stone was not present.]

The Board recessed at approximately 11:28 a.m.

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ITEMS FROM EXECUTIVE SESSION

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

ACTION OF THE BOARD:

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

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ADJOURNMENT

There being no further business to be brought before the Commissioners, the Chairman declared the meeting adjourned at 12:00 p.m.

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APPROVED: THIS _____ DAY OF NOVEMBER, 2014.

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

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JANICE E. BOCOOK, CLERK OF COMMISSION