

MINUTES OF THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF CHATHAM COUNTY, GEORGIA, HELD ON NOVEMBER 20, 1998, 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 Billy Hair called the meeting to order at 9:00 a.m., Friday, November 20, 1998.

=====

II. INVOCATION

The Reverend John Savage gave the invocation.

=====

III. PLEDGE OF ALLEGIANCE

All pledged allegiance to the flag of the United States of America.

=====

IV. ROLL CALL

The Clerk called the roll.

PRESENT: Dr. Billy B. Hair, Chairman
Frank G. Murray, Chairman Pro Tem, District Four
David L. Saussy, District One
Joe Murray Rivers, District Two
Martin S. Jackel, District Three
Harris Odell, Jr., District Five
Eddie W. DeLoach, District Seven

ABSENT: Dr. Priscilla D. Thomas, Vice Chairman, District Eight
Ben Price, District Six

IN ATTENDANCE: Russ Abolt, County Manager
R. Jonathan Hart, County Attorney
Sybil E. Tillman, County Clerk

Chairman Hair said, just for the record I'd like to let the public know that Dr. Thomas is at a meeting representing the County today and that's why she is not with us.

=====

V. PROCLAMATIONS AND SPECIAL PRESENTATIONS

None.

=====

VI. CHAIRMAN'S ITEMS

1. PRESENTATION FROM U.S. POSTMASTER, SANDY MOORE (CHAIRMAN HAIR).

Chairman Hair said, our first presentation this morning is from the U. S. Postmaster, Rick Palmer, who wants to bring us up to date on some things that are going on. So, Mr. Palmer, welcome.

Mr. Rick Palmer said, thank you. Thank you, Dr. Hair, and thank you, members of the County Commission. We have grown in one of our stations and branches, the Wilmington Island branch on Wilmington Island to the point that our facility is no longer serviceable, and we're here today to share with you some of our plans and the process of what we would like to do to remedy that situation and then try to ask any questions—, answer any questions that you might have about our process and what we'd like to see. Let me first of all assure everyone that the impact upon our customers is foremost among our goals and our considerations and we will do everything we can to see that the level of service certainly does not decline, but in fact can be enhanced. I would like to introduce if I could Gloria Byers-Harris from the Facilities Service Office in Atlanta, Georgia, who is the expert and does this on a daily basis, and she has a short presentation, if we could.

Chairman Hair said, thanks. Thank you, Mr. Palmer.

Ms. Gloria Byers-Harris said, thank you, Rick [Palmer]. Before I get started, the expert part we're going to have to scratch, but I'd like to say thank you for the opportunity to come before you this morning, and as Rick [Palmer] had mentioned, our facility out on the Wilmington Island, we have outgrown that facility considerably. We have looked at the possibility of expanding right there, but that has not been feasible. So our next choice is to look elsewhere. So we're in the process now, along with your assistance hopefully, that we can work hand in hand as a partner in trying to find a location out on Wilmington Island that will be suitable for our customer needs as far as the space is concerned, our employees' safety, health, and the space we need to operate to provide efficient services to that community. Basically, I want to say that we have some super service cards here that hopefully people in the community will pick up to give comments, suggestions on our services out there. They're at the post offices. They are available for anybody to use. We're looking at—, we're presently in a 4,400 square foot building. We're looking at expanding to approximately 10,000 square feet. We know there are some existing buildings out there, and we have a process that we have to go through and that process is advertising. We'd like for the Commission to give us some comments, some suggestions to gear us in the direction that you think we need to go. We're open—, like I said, we want to work together in this. I've prepared my name cards here that I'd like to leave here for anybody who has any suggestions, comments to help us as we endeavor to do this. If—, we look to hear from you in the next couple of weeks. If we don't have any comments or anything, we do plan to go on and put an advertisement out to the public as far as letting them know that we're in the market for a building that's approximately 10,000 square feet. We want to stay as close to the area that we're in so we will not inconvenience any of our customers, but if we can't find a building that will be suitable for our needs in that area, we're going to look on the Island somewhere. So if anything you have, any suggestions or anything that you could help us with along the way, we're open to it. Thank you.

Chairman Hair said, thank you. Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, I'd heard, and it's just rumors, that y'all were going in the old Revco Building. Is that any possibility? Ms Byers-Harris said, it's a possibility. Commissioner Murray said, thank you.

Chairman Hair said, also we, the staff, Russ [Abolt] and also Milton Newton at the MPC can also probably assist in this effort, so we offer our assistance from our staff as well. Ms. Byers-Harris said, okay, let me—, I didn't have enough of my little cards unfortunately. Chairman Hair said, just give those to the Clerk there and we'll get copies. Ms. Byers-Harris said, okay. Okay. Chairman Hair said, and we'll make sure that we—. Ms. Byers-Harris said, any comments just write me or call me. Chairman Hair said, thank you. We appreciate very much you coming in and sharing that with us. Ms. Byers-Harris said, thank you for giving us the opportunity.

Commissioner Jackel asked, may I just make one comment please? Chairman Hair recognized Commissioner Jackel. Ms. Byers-Harris said, okay. Commissioner Jackel said, it would be my preference that you locate somewhere along Highway 80. Ms. Byers-Harris asked, Highway 80? Commissioner Murray said, where you're located now a lot of traffic has to come into the Island. It doesn't need to be there except to use the post office. I don't think that adds anything to the quality of life there, and I think it would be better for those citizens on the Island if you were on Highway 80 so those people going to and from the beach or whatever do not have to come into the Island to use the facility, and it would be right there on Highway 80. That would be my recommendation. Ms. Byers-Harris said, thank you.

Chairman Hair said, we'll also give you any other comments any of the Commissioners would like to give. Ms. Byers-Harris said, great. I appreciate it. Chairman Hair said, thank you, Mr. Palmer. We appreciate you coming in. Mr. Palmer said, thank you for giving us the time.

ACTION OF THE BOARD:

Received as information.

=====

2. MEETING ON REGIONAL WATER ISSUES (CHAIRMAN HAIR).

Commissioner Jackel said, okay. The next time is meeting on recent water issues. We had discussed this on several occasions, but our water problems over the next 10 or 15 or 20 years is going to have to be solved on a reasonable basis. We're going to have to bring in our neighbors, neighboring counties, including South Carolina. I had a discussion about a week ago with Dr. Stuart Stevens, who's with Georgia DNR, and he thought—, I expressed to him my desire to begin the regional planning process and to start with an overall meeting and bringing all the State [inaudible] together, the business industry folks and all the government leaders from around. He thought it was a great idea and he suggested to me that he would probably be willing to fund this process, and he even gave me a grant application while he was in my office, and I have sent that to Russ [Abolt] and we've also—, I've talked also with Milton [Newton] at MPC, and he has that process. We're going to try to apply through the MPC for this grant process, and I just think it's time that we begin to look at this problems on a regional

basis and that we can start—, probably start—, obviously not until the first of the year, but go ahead and begin this regional planning process on the whole water issues, and really all I need today from the Commission is, first of all, that y'all agree that's the approach we need to take and, secondly, I will ask for a formal motion simply to allow MPC to apply for the grant from Georgia DNR to fund this process and also to accept it.

Commissioner Jackel said, so moved. Commissioner Rivers said, I'll make the motion, Mr. Chairman, but also at the same time—. Commissioner Saussy said, I second it. Commissioner Rivers said, I would say that we need to look toward the regional development center, who is already involved in some process. Chairman Hair said, that's a good idea, Commissioner Rivers, and we—, Dr. Stevens and I discussed that, and we certainly will involve them as part of the process, but he reminded me and we had this discussion about the fact that the lower counties have a different—, they still have an aquifer problem, but it's different than our problem—, than our problem that we have in the northern counties, and he suggested that they come to the table as participants, but that we concentrate on the northern counties, which is really related more to the problem that we have in Chatham County, so they certainly would be parties to the process, and I think that's a good idea. Chairman Hair recognized Commissioner Saussy.

Commissioner Saussy said, yes, Mr. Chairman, I want to commend you for moving forward on this thing. As you know, several months ago I suggested that this happen and it was sorely needed, and I really commend you for moving forward with it. Chairman Hair said, thank you, sir. Well, all of us will be involved and I appreciate the support of the Commission because we have talked about it on numerous occasions, but I think it's time to take it from the talking stage to an action stage, and I'd also like to commend DNR for helping us with this. Dr. Stevens said that he would, in addition to helping fund it, he also would provide some staff assistance and that sort of thing. So—, I have a motion and a second on the floor. Any further discussion? All those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioners Price, DeLoach and Thomas were not present.] Chairman Hair said, the motion passes.

ACTION OF THE BOARD:

Commissioner Jackel moved to authorize the Metropolitan Planning Commission to make a grant application to the Georgia Department of Natural Resources to fund a regional planning process on water issues with business and industry and government leaders of neighboring counties in Georgia and South Carolina. Commissioner Saussy seconded the motion and it carried unanimously. [NOTE: Commissioners Price, DeLoach and Thomas were not present.]

=====

3. FUNDING FOR SAVANNAH DAY (CHAIRMAN HAIR).

Chairman Hair said, funding for Savannah-Chatham Day. We have had a request from the Chamber of Commerce. Most of you are familiar with Savannah Day in Atlanta. We've been doing it for many, many years. It has served Chatham County well. This year the Chamber is attempting to reach out and expand this process. In the past it's been funded primarily by the Chamber and by the City of Savannah. The City of Savannah has always put in \$5,000 for this effort and this year we have a—, they agreed to change it from Savannah Day to Savannah-Chatham Day, and they're asking us for \$5,000. They have also asked for support from the cities. I talked to Mayor Parker. The City of Tybee is putting in \$500, the Airport Commission is putting in \$1,000, I understand the City of Pooler is also putting in money, so they're asking all the participants that would benefit from this, and we have money in our Commission budget for this, and I would like to request that my fellow Commissioners approve us to give \$5,000 for Savannah Day.

Commissioner DeLoach said, so moved. Chairman Hair said, we have a motion. Do we have a second? Commissioner Saussy said, second. Chairman Hair said, we have a second. Any discussion? All those in favor vote yes—.

Commissioner Jackel said, can I just say—. It just seems to me that—, I understand Tybee's giving \$500, and that may be their pro rata share based upon income and number of residents and all that other stuff. What would be our pro rata share if it was done that way? Chairman Hair said, I think it would be more than \$5,000. Commissioner Jackel asked, you think it would be more than that? Chairman Hair said, yes, it would. If you look at the unincorporated areas and especially now if you're looking at where a lot of development is taking place in terms of motels and hotels, 204, 95 and that sort of thing. I think the Chamber has done a good job of reaching out this year, trying to bring in everybody to the process and bringing in these small municipalities, and I just think—, I think Chatham County really benefits a lot from this and I just think it's a great idea for us to be a part of it. Commissioner Jackel said, all right.

Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioners Price and Thomas were not present.] Chairman Hair said, the motion passes.

ACTION OF THE BOARD:

Commissioner DeLoach moved to approve giving \$5,000 from the 1999 annual budget to the Savannah Area Chamber of Commerce for Savannah-Chatham Day in Atlanta. Commissioner Saussy seconded the motion and it carried unanimously. [NOTE: Commissioners Price and Thomas were not present.]

=====

4. THE LANDINGS CLEAN UP EXPENDITURES (CHAIRMAN HAIR).

Chairman Hair said, I'll give a very, very brief explanation of background here and then offer the Commission a potential solution. During Tropical Storm Earl, most of you are familiar because it affected all of the districts in Chatham County, it took

Chatham County a substantial amount of time to clean up all the debris from all the areas of the County. The Landings, when they approached our departments and found out—, they actually approached me through the County Manager, and found out how long it would take to clean up, we gave them a rough approximation of how long it would take for us to clean up the areas, they chose to go out and go ahead and begin the clean-up process themselves. They did this at a cost of about \$61,000. Of course, they—, one of the reasons it cost as much as it did was because they did it in an accelerated fashion. I have discussed this with Commissioner Murray, whose district The Landings is in, and he is in concurrence with what I'm going to propose this morning. First of all, I do not think the County has any obligation to fund any accelerated clean up of any area. I think that The Landings deserves the same clean-up responsibilities as everybody else but they don't deserve any special privileges, but I—, it would have cost the County a sum of money to do the regular cleanup if we had gone through the normal three months process. So what I would propose today to do is that we reimburse The Landings Association \$25,000 of the \$61,000, and that would be it. That would be their final payment, and this would be to reimburse them for the cost that we would have had to naturally occur—, to incur if we'd had to do it ourselves. The second thing is that if the Board approves this this morning, that this payment would be sent with a letter from the County Attorney saying that in the future no reimbursements for any cleanup would be made if it was not prior—, approved to prior to—, by this Commission. And the County Manager and I discussed this, and he's also suggested that as part of that addendum to the letter, too, that we would say that in the future if they wanted to contract to do that, they would come to us with a proposal to do that and we would approve it in advance. So that's basically the proposal that I would like to offer you. I think it's a fair proposal and I think it also solves the short term problem and the long term problem. Chairman Hair recognized Commissioner DeLoach.

Commissioner DeLoach said, I appreciate your concern for The Landings. Although I'm sure it cost them some money, I think it was the choice they made at the time to do what they did. I've got a number of bills that I would like to submit to Chatham County on the locations that I cleaned up due to the storm. If we're going to take each individual place and pay for their clean-up. For instance, Southbridge took it upon themselves [sic] to clean up in an accelerated fashion. Although they came through initially and tried to clean up, they did not do an adequate job cleaning up Southbridge because they had to cover so much territory. So they contracted with me to clean it up. Now I don't mind bringing those bills up and having Chatham County pay them if you feel there's a need to pay The Landings. There's absolutely—, there should be not—, we should not pay one red cent to The Landings for them cleaning up that job based on the fact that all locations took it upon themselves [sic] to clean up. Every place that was involved in Chatham County all the way from the local person up to the large places like Southbridge, they paid the cost of having that done, and I don't see where we should take care of The Landings because they feel like they're owed something. There's absolutely no reason why we should fund any monies going to The Landings based on what other people in Chatham County cleaning up their own areas and footing the bill themselves [sic].

Chairman Hair said, okay. Any other questions? Chairman Hair recognized Commissioner Jackel.

Commissioner Jackel said, I have been concerned about this thing for a while. I—, my recollection is the County didn't receive any help from anyone, Russ [Abolt]? County Manager Abolt said, oh, no sir. We weren't a disaster area. Chairman Hair said, it was not declared an official disaster. Commissioner Jackel said, even whether it was declared an official disaster area or not, this County did a lot for Charleston when Hugo hit, this County has provided security as an expense for the Tybee Pavilion when it was vandalized, this County waives the fee when we send out our band shell all the time, people can use it for parades or anything. This wasn't declared a disaster, but we got help from no one and that really concerned me. I mean, my good friend from Garden City's sitting out there, but we didn't get any help. It didn't hit your side of town. We didn't get it from these people. I don't know how exactly that bears on the question, but this was the opportune time to bring it up and I've been a little distraught—.

Chairman Hair said, I'm not sure how it bears on it either, but I'm willing to be a little lenient here. I would also say it certainly, and this probably goes without saying, but I'll say it for the record. Obviously, since—, I want to make it very clear that I do live at The Landings, I think that's well known, but that's not why this is on the agenda. Commissioner DeLoach said, I know that. We know that. Chairman Hair said, and the other thing, and if this does come to a vote, I will recuse myself—, I'll ask to be recused from the vote if it comes to a vote. I think that would be the appropriate thing to do. But I do think that we have to realize that we would have incurred those costs anyway. That would be costs we would have had to pay anyway if we had done nothing, so—, if they had done nothing. Chairman Hair recognized Commissioner Rivers.

Commissioner Rivers said, Mr. Chairman, my question would be what precludes those other areas, such as Southbridge and other areas, from submitting a bill to us and are we setting precedents on that if we proceed to take care of this. Chairman Hair said, well I—, quite frankly, I think that all areas should be equally. I think that if they are in exactly the same situation, that—, and it can be documented, that we should do it. I don't have any problem. I think Commissioner DeLoach is—. Commissioner Rivers asked, are we in a position, Russ [Abolt]? Commissioner DeLoach said, let me—, I want to make a motion. Can I make a motion? Commissioner Rivers asked, are we in a position to do that, Russ [Abolt]? Are we in a position to look forward, do we have enough monies to cover if other entities or other people come forward with a clean up for submission? County Manager Abolt said, I have to be very frank with you. Today on your Purchasing report—, not Purchasing, but in your budget report, you're going to see we're going to have to shift \$219,000 out of our unobligated fund balance to cover our share of it. The \$25,000 figure is not a great substance, but no question if everybody comes in here, it would translate into some problems in 1999.

Commissioner DeLoach said, let me make a motion. Chairman Hair said, okay, make a motion. Commissioner DeLoach said, I make a motion we do not pay this bill so that we keep all the County on equal footing. Chairman Hair said, all right. We have a motion to deny the request. Do we have a second? Commissioner Odell said, second. Chairman Hair said, second. Any further discussion? All those in favor of denial vote yes, opposed vote no. Commissioner Rivers said, you wanted to be recused from that, Mr. Chairman? Chairman Hair said, yes. I should have been recused, you're absolutely correct.

Commissioner Rivers said, I move that the Chairman be recused from voting because he lives on The Landings. Chairman Hair said, very good. Thank you. Commissioner Odell said, second. Chairman Hair said, and I have a second. All those

in favor of recusal vote yes, opposed vote no. The motion carried unanimously. [NOTE: Chairman Hair did not cast a vote; Commissioners Price and Thomas were not present.] Chairman Hair said, okay, thank you.

Commissioner Jackel said, Mr. Chairman, I'd like to make one comment before we actually vote. I wish you would consider withdrawing your motion and restating it that we keep this thing open for, say, 30 days and see who else would submit a bill. Commissioner DeLoach said, no. Chairman Hair said, okay, we have a motion and a second to deny. All those in favor vote yes, opposed vote no. Commissioners Saussy, Rivers, Odell and DeLoach voted in favor of the motion to deny. Commissioners Jackel and Murray voted in opposition. The motion carried by a vote of four to two. [NOTE: Chairman Hair was recused from voting; Commissioners Price and Thomas were not present.] Chairman Hair said, the motion to deny is four to two and passes. Thank you.

ACTION OF THE BOARD:

1. Commissioner Rivers moved that Chairman Hair be recused from voting on this issue due to a conflict of interest because he lives at The Landings. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioners Price and Thomas were not present.]
2. Commissioner DeLoach moved to deny the request that The Landings be reimbursed \$25,000, which represents a portion of the cost of clean up which it incurred following Tropical Storm Earl. Commissioner Odell seconded the motion. Commissioners Saussy, Rivers, Odell and DeLoach voted in favor of the motion. Commissioners Jackel and Murray voted in opposition. The motion to deny carried by a vote of four to two. [NOTE: Chairman Hair was recused from voting; Commissioners Price and Thomas were not present.]

=====

VII. COMMISSIONERS' ITEMS

None.

=====

VIII. TABLED/POSTPONED ITEMS

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

1. **REQUEST BOARD APPROVE THE FOLLOWING: TRADE CENTER RECONCILIATION AS FOLLOWS: ONE PERCENT SALES TAX ROAD PROGRAM FUND (1985-1993) TRANSFER OF \$9,500,000 FROM U.S. 80 INTERCHANGE TO THE HUTCHINSON ISLAND INTERCHANGE, \$1,000,000 TRANSFER FROM CONTINGENCY TO HUTCHINSON ISLAND INTERCHANGE FOR TRADE CENTER ROADS AND \$3,300,000 FROM CONTINGENCY TO HUTCHINSON ISLAND INTERCHANGE FOR RIVERWALK PROJECT. NOTE: Item was tabled at the meeting of August 28, 1998, to be acted on at meeting of September 25, 1998. (See attached new staff report offering reconciliation.)**

ACTION OF THE BOARD:

This item was not placed before the Commissioners for consideration.

=====

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. **REQUEST BOARD APPROVE THE FOLLOWING: A GENERAL FUND M & O BUDGET AMENDMENT IN THE AMOUNT OF \$8,850 TO RECOGNIZE ADDITIONAL STATE OF GEORGIA REIMBURSEMENT FOR LIBRARY SALARIES, GENERAL FUND M & O RESTRICTED CONTINGENCY TRANSFERS IN THE AMOUNT OF \$75,000 FOR ELECTIONS BOARD RUNOFF, \$72,000 FOR AQUATIC CENTER BUDGE, \$328,290 FOR CORRECTIVE ACTION NECESSARY AS ITEMIZED ON ATTACHMENT A OF INTERIM FINANCIAL STATEMENTS FOR THE THIRD QUARTER 1998; A SPECIAL SERVICE DISTRICT CONTINGENCY TRANSFER OF \$1,000 TO MPC FOR PHASE ONE COST OF A TELECOMMUNICATIONS CONSULTANT AND RESTRICTED CONTINGENCY TRANSFER OF \$219,530 TO LANDFILL ACCOUNT DUE TO CLEANUP OF TROPICAL STORM EARL; A ONE PERCENT SALES TAX EXTENSION FUND (1993-1998) TRANSFER OF \$245,690 FROM INACTIVE OR COMPLETE DRAINAGE PROJECTS TO ACTIVE DRAINAGE PROJECTS AS SPECIFIED ON EXHIBIT A AND B AND A CONTINENCY TRANSFER**

**IN THE AMOUNT OF \$3,200 FOR THE RALPH M. GILBERT CIVIL RIGHTS MUSEUM PROJECT;
A CONFISCATED FUNDS SPECIAL REVENUE FUND TRANSFER OF \$7,440 FROM POLICE
CONTINGENCY TO MAKE UP THE DIFFERENCE IN THE PURCHASE PRICE OF A VEHICLE.**

Chairman Hair said, the Chair will entertain a motion. Commissioner Odell said, I move to approve. Chairman Hair said, we have a motion. Do we have a second? Commissioner Jackel said, I've got a—. Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, my question, and I know we're going to have to pay it, but on the \$75,000 for the Election Board for the run-off, don't we normally have funds built in and wasn't this new system supposed to save us some money? County Manager Abolt said, no sir, not this amount of money. This was, of course, because of the run-off needs and we do not as a matter of course try to anticipate those. Commissioner Rivers said, Mr. Chairman. Chairman Hair said, just a second. I have Commissioner Jackel. Are you finished, Commissioner Murray? Commissioner Murray said, in other words, there's no money ever put in the budget for run-offs during election year. County Manager Abolt said, no. To my knowledge—, well, certainly if they're known for whatever reason there would be, but since I've been here I do not recall us ever trying to assume a run-off. Commissioner Murray asked, well, don't we have run-offs in just about every election? Commissioner DeLoach said, I think this is an unusual situation. County Manager Abolt said, this is a State—, it's a Statewide run-off. The question, yes, if you look at a primary and a general, certainly, but there occasionally will be used, but by and large if they're local they can be absorbed by the budget. There are very few cases, of course, when it involves a State issue when we have to look at unexpected expenditure. Commissioner Murray asked, where do the expenses come? On the ballots, or—. County Manager Abolt said, the poll workers.

Commissioner Rivers said, Mr. Chairman, in reference to what Frank [Murray] is talking about—. Chairman Hair said, okay. Commissioner Rivers said, if I could just interject something. You know, I'm advocating that we look or have our Legislators look at the possibility of running the primaries and run-off elections by mail. If we had that mechanism, this would be far less cheaper because you aren't going to have that many people going to the poll on this election, I guarantee you. So I would ask this Board to ask the staff to see if we can come with something to submit to our Legislators to ask them to look at the possibility of enacting a law that would provide mail-in ballots for the primaries and run-off elections.

Chairman Hair said, I personally don't agree with that. I don't think that's—. Commissioner Murray said, I'm not in favor of that either. Chairman Hair said, I don't think that's a good idea and I would—. Commissioner Rivers said, well—. Chairman Hair said, now if you want at some point when you get time, if you want to make a motion to do that, I'll be glad to entertain the motion to do that, but I would oppose that. Commissioner Rivers said, It's a good idea, Mr. Chairman, in Portland, it's a good idea in several states and it runs very well, Colorado, the people are able—. Another thing that I looked at on yesterday is why do we have people 75 years or older submitting an application every year when one application should suffice, and they be permanently given an absentee ballot. You know, we do things that don't even make sense sometimes, and we're talking about money and saving money, this is a way to save money. Chairman Hair said, I don't have a problem with some changes, but I suggest that this is not the appropriate forum, and if you would like to at the next meeting, or even now if you want to put it on the agenda later and bring it up in a motion, I have no problem with that, but I don't think it really relates to this \$75,000. I know it would save money, but it's not directly related. So bring it up in the future and we will be glad to take a look at it. Commissioner Jackel and then Commissioner DeLoach.

Commissioner Jackel said, on this issue I have one further down, but just on this issue, when we spent all this money on this new system and as far as at the polls it seems to be working wonderfully, but the final returns didn't come in until ten o'clock or much later than that. One of the races we didn't know the results until the next morning. We were told that they went into Florida and they had the results in seven minutes. Was it in Tampa or Tallahassee or something? Mr. Ken Earls said, Jacksonville. Commissioner Jackel asked, Jacksonville? And we asked what the problem was, and I still don't know why it took so long since we spent all this money to get the returns and why we can't get the returns.

Commissioner Rivers said, on one race, Martin [Jackel], you had an enormous amount, over 3,000 and some odd absentee ballots, so you had to get in there and count those ballots and—. Commissioner Jackel said, no, you don't. Commissioner Rivers said, and then you had—. Commissioner Jackel said, we bought the machine and--.

Chairman Hair said, what I suggest we do, let's move on. This really is not related to the item. What we need to do is I'm going to suggest that if you have any comments that you would like the staff to investigate as far as the election goes, if you'll get them in writing to Russ [Abolt], he can get with the Elections Board and then give us some answers back. I mean, I think they're legitimate questions, I just don't think they're germane to this item that's on—, before us now.

Commissioner Jackel said, I have a further point then. Chairman Hair said, okay, Commissioner Jackel. Commissioner Jackel said, this is on the funding of the MPC—, if we're through with this, the election officials. On the funding of the MPC Telecommunications Consultant, we're going to be spending a great deal of money for these people, and I thought I would be the last one to protest attorney's fees, but I have looked this over. I don't like this proposal. Their fees are extremely high. We're going to be spending \$370 for two people to come down here who say they want to talk to us. My feeling is most of this stuff is boiler plate. We need a consultant to come down here who will tell us what we need to do. If we don't have the expertise locally, then the law firm ought to be reserved to answer legal questions. If I can give you an analogy. It's when I go to my dentist, the hygienist cleans my teeth and then the dentist comes in and tells me what dental work I need, and I think we need a consultant to come down here and look at this thing who we could pay a lot less than some \$400 an hour and then turn it over to the attorney at the appropriate time to answer the legal questions. I also think that's how we operate here. We discuss things, and when we have a legal attorney, we turn it over to excellent County Attorney and he gives us a legal opinion. I don't see why they're down here doing survey work, producing an engineering study and report, all these things and a lot of the things I think if they have done these things before, if they're experts in the field, they've got a plan ready to go. As I understand what has gone on here, and I don't claim to be any expert in this area, Congress passed a bill that said we will have these towers, and they said it will override all other state, federal and local regulations, any zoning laws, whatever, because they didn't want, just as an example, the Town of Thunderbolt to say we're not having them, and then you have a blank spot as you drive out to the beach because there's no tower in the area. So they gave us no choice. We must

have these towers. Now we do have some discretion in the height of the towers. We do have some discretion in the placement of the towers and in the design of the towers, and if these people have already done this in several places, to come down here and do all this stuff when the options are limited, it just doesn't make sense to me. Chairman Hair asked, are you—, do you want to make any modification to the motion? Commissioner Jackel said, I'm for turning down their, their proposal and—. Chairman Hair said, why don't we just pull that out and vote on it separately. Commissioner Jackel said, absolutely.

Chairman Hair said, okay, so what I'll do is I'll entertain a motion to approve the balance of item number one—. Commissioner DeLoach said, so moved. Chairman Hair said, with the exception of the \$219,000. Okay, do I have a second? Commissioner Odell said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioners Price and Thomas were not present.] Chairman Hair said, the motion passes. Now, let's—, and again for the record, I'll read it. It's a Special Service District Contingency transfer—. Excuse me, I'm sorry. One cost of a Telecommunications Consultant and Restricted Contingency transfer of \$219,530—. No, that's not it. Commissioner Murray said, it's the \$1,000. Chairman Hair said, the \$1,000. Commissioner Jackel said, it starts us down the road with the \$1,000, but then there's a \$10,000 is the next phases, \$8,000 is the phase after that, \$10,000 to \$20,000 is the phase after that, \$10,000 is the phase after that, and that's all going to be based—, it may be more and it might be—. Chairman Hair said, why don't you make a motion then.

Commissioner Jackel said, all right. I make a motion that we turn down this proposal and we look into hiring a consultant and retain preferably local counsel to give us legal advise. Chairman Hair asked, do we have a second to that motion? Commissioner DeLoach said, second. Chairman Hair said, all right, second. Chairman Hair recognized Commissioner Saussy.

Commissioner Saussy said, Martin—, Mr. Jackel might have an idea there, but the problem is these people are really—, and I know, I've met Mr. Miller at some of the workshops in Washington, and I do know that they do have a very good feeling of the whole situation there. I think frankly somebody that has studied this and knows it is going to save us money because they are—, they know all about it and all the laws. If we go and try to hire somebody locally to do that, they're going to have to study it up and they're going to cost us more money in the long run. So I would be opposed to your motion.

Chairman Hair said, okay. Anybody else? Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, just what is this person supposed to do, and the reason I ask that—. County Manager Abolt said, have Milton [Newton] come forward. Commissioner Murray said, all right. Well, the reason I'm asking that question, as far as I know all the towers are in place in Chatham County now that we're going to put up because we tried to fight this before.

Mr. Milton Newton said, I think I'm not dramatizing the situation that the towers are not begun to be put up. We have had the first phase of a multi-phase program in which we will be getting even additional suppliers, telecommunication companies in, and we will wind up ultimately with a series of towers throughout the County that will eclipse the number of towers that we have seen, and how those towers go in is critically related to the technology that this new industry has fostered upon us, and there is very little understanding around the country of that technology. The firm that the Planning Commission has recommended it brings to you only after a lengthy series of interviews with national consultants who have dealt with this problem. We've talked to a number of communities around the country, and the ones that have been most successful in dealing with towers and the telecommunications industry are those that have gone this route and have bit the bullet and acquired the expertise that—, the technical expertise that's required in order to address the problem. The Planning Commission set through many hours of testimony from the various consultants that they interviewed, and I would—, I think I can say without fear of contradiction there are no local experts that would be as qualified as any of these experts that we have previously talked to, and the kinds of questions—, I think it's also fair to say I don't believe we necessarily know all the questions. So we're asking the consultant to give us the questions and how to deal with the answers. But this first phase is the most critical. This is the one that will set the pattern for what is to follow. We're not required to retain this same consultant for the subsequent phases, but how we organize and design the study is very critical.

Chairman Hair said, thank you. Commissioner Jackel, do you have any other comments? Okay, Commissioner DeLoach and then you.

Commissioner Murray said, we were told though when we were trying to fight the ones that are up now, or the locations they were putting them, that once these were in that was going to be it, and you're saying now that we're going to have multiple towers going all over the community again. Mr. Newton said, we will have a whole series of probably smaller towers going up. Commissioner Murray asked, for what—. Mr. Newton said, the technology of this—, this technology that we have been presented to by the various consultants is that the first cut that everyone made was called the coverage. Every telecommunication consultant wanted to get as much coverage as possible. The amount of customers each tower can serve is finite, and as more people begin to get cell phones and the various telecommunications equipment in their homes and cars and businesses, the number of towers will have to multiply in order to meet that need, and how the community addresses and faces how to mesh those towers and those telecommunication sites with the community's environment is critical. Commissioner Murray said, so we went through all this process of co-locations and things like that and that really doesn't mean anything is what you're telling us. Mr. Newton said, we went through the process with the best information we had. We were not alone. Every community in the nation has done this, and it becomes quite evident to us that if we are going to fully protect the community in the future that we have to take one more step.

Chairman Hair recognized Commissioner DeLoach.

Commissioner DeLoach said, I was just wanting to follow up on what Frank [Murray] was talking about. The lady we had actually doing the study when we originally did it, I don't think she's no—, she's not with us any more. I don't know the lady that did the study originally. Who was that? What was her name? Commissioner Murray said, with the MPC. Mr. Newton said, one of our staff members—. County Manager Abolt said, Tosca Owens. Mr. Newton said, Tosca Owens.

Commissioner DeLoach said, okay. What took place with that? Mr. Newton said, we brought to the County and to the City the best information that was available. In dealing with the problem and facing the technical issues that are arising at every time a tower now comes before the Planning Commission, we need help. Commissioner DeLoach said, okay. Do we have a moratorium on the towers at the present time? Mr. Newton said, no, there is no—. Commissioner DeLoach asked, didn't we ask for something, didn't we ask for some kind of—. Commissioner Murray said, it expired. Commissioner DeLoach said, it expired. Mr. Newton said, there was one, but it had—, that time has expired. Chairman Hair asked, any further questions? Commissioner DeLoach asked, is there a possibility of putting up another one? A moratorium? Mr. Newton said, our understanding is that it would be legally suspect. I would yield to the County Attorney.

County Attorney Hart said, I have a couple of comments about that. Number one, I think the MPC did a credible job of trying to deal with a new technology that had come out and basically smothered local communities from a communications standpoint. I was involved in the private sector in a number of those situations before I became the County Commission—, County Attorney. Commissioner Jackel has made a couple of very good points concerning the Federal Communications Act and the preemption language contained within the act. It does to some extent handcuff what local commissioners and city governments can do in regard to holding those. Two things that had—, that have happened and has transpired since the original act the MPC put together, which I thought was a pretty good act and a lot of people have copied what our MPC has done, is that there's been the advent of the digital telephone, which has created a different type of communication system than the old analog system. Co-location has worked. It's probably minimized the number of towers that we have at this point. The problem is most of the towers, due to their height and design structures which we set, have gotten into the situation where there's total tower loading.. Co-locating more than five people on one of the existing towers is very difficult to do. The other thing that's happened is that there's been three or four products that have come on the market through the digital paging system, telephone systems, and every week there's a new electronic gadget that comes on that relies on the same type of system. So you've had an explosion of users. It's no longer the possibility that an individual may have a cellular phone in his car. He may have one in his car, he may have one on his person, he may have one through his business, he may have one for his personal use, he may have a pager, so you've had this explosion of users of communications services, which basically in 10 words or less really is going to require them to think in advance of what we're going to do about that.

Chairman Hair said, all right, we have a motion on the floor to deny. Chairman Hair recognized Mr. Newton.

Mr. Newton said, may I just add one other comment. I was remiss in not pointing out that an integral part of this is to look at the financing of how this will be done. What many communities have done that have gone through this same process have identified ways to recruit through fees the money that they have spent on the consultants, or at least a major part of the monies have come back through these fees, and that again is a separate area of expertise.

Chairman Hair recognized Commissioner Odell.

Commissioner Odell asked, Mr. Newton, it's your opinion that there will not be any local individuals who could bring to the table the amount of knowledge that the consultants that you've spoken with? Mr. Newton said, the breadth of knowledge and the experience that the national consultants have had and their involvement in drafting the federal legislation under which we'll operate, I think, is a critical factor that would be missing at the local level. Commissioner Odell said, and in your evaluation basically you consider whether or not we could do portions locally, but ruled that out simply because if we have people who have a greater expertise, they can help us not only identify the future problems and questions plus a solution and potential solution from their experience in other places. Is that true? Mr. Newton said, that is true. One of the things that they will be doing will be working with staff to identify the things that can be done locally that will not have to be done by the consultants. Commissioner Odell asked, and you've reviewed this and you're comfortable with it? Mr. Newton said, yes. The Planning Commission feels very comfortable with it.

Chairman Hair said, all right, we have a motion on the floor. Commissioner Murray said, which phase—. Chairman Hair said, go ahead.

Commissioner Murray asked, which phase are you saying we can come and we can contract that out? Chairman Hair said, this is for the first \$1,000, but we have a motion to deny this, and the motion is on the floor and a second—.

Commissioner Jackel said, let me just say one thing about it. If you look on a page of their letter in the last paragraph it says: "During this phase of the project [this is the second phase], we would conduct on-site meetings with the Planning Commission, its staff and representatives from Chatham County and the City of Savannah. This would not be a work session, but rather an opportunity for us to listen to your concerns and answer any questions about the project." I mean, this—, I'm not objecting to us using experts and going to Washington, although I think when I say local I also mean that maybe there's attorneys in Atlanta if there's none in Savannah, but that sounds to me like that's consultant work. The law firm should be handling the legal end of it and that we could get a consultant who knows a great deal about this for a lot less money than flying two lawyers down here to listen to our concerns. Now that's just—. Commissioner DeLoach said, take a vote. Call the question.

Chairman Hair said, Commissioner Saussy will make a quick comment and then we'll call the question.

Commissioner Saussy said, yes, I'll make a quick comment. I have been to three of these seminars by these people. They are the experts in the United States. We will save money.

Chairman Hair said, okay, the motion is to deny the request. All those in favor of the motion to deny will vote yes, opposed will vote no. Commissioner Jackel voted in favor of the motion. Chairman Hair and Commissioners Saussy, Rivers, Murray, Odell and DeLoach voted in opposition to the motion. The motion failed by a vote of six to one. [NOTE: Commissioners Price and Thomas were not present.] Chairman Hair said, the motion to deny—, it fails. Okay, now the Chair will entertain a motion to approve.

Commissioner Saussy said, I make a motion to approve. Commissioner DeLoach said, I second that. Chairman Hair said, we have a motion to approve and a second. All those in favor vote yes, opposed vote no. Chairman Hair and Commissioners Saussy, Rivers, Murray, Odell and DeLoach voted in favor of the motion. Commissioner Jackel voted in opposition. The motion carried by a vote of six to one. [NOTE: Commissioners Price and Thomas were not present.] Chairman Hair said, the motion passes.

County Manager Abolt said, Mr. Chairman. Chairman Hair said, yes. County Manager Abolt said, with your permission, may I please explain, though I know you're all probably well aware if you've had time to read the omnibus budget report, a situation that has been acquired because of your contingency transfers that will deal with something that Mr. Persaud and I must solve before the budget's adopted. When we refer to Restricted Contingency, the M&O share which amounts to the \$72,000 for the Aquatic Center, \$75,000 for Elections Board and the \$328,000 dealing with our third quarter budget report, plus the Restricted Contingency draw from Special Service District of \$219,530, that gets into what amounts to what we anticipate as fund balance. We balanced the document that you all discussed here a few days ago with the assumption that we would have, based on the way you handled the adoption of the millage for 1998, a little over a million dollars in M&O and \$280,000 in round numbers in SSD. That balanced—, that was part of the balancing it. By dipping into this what we refer to as Restricted Contingency, in effect, Mr. Persaud and I have to find \$475,290 to keep the M&O budget in balance and \$219,530 in SSD. It's not an insurmountable task. I just want to make sure you know now we're doing that.

Chairman Hair said, okay, very good. Thanks.

ACTION OF THE BOARD:

1. Commissioner DeLoach moved to approve the following: A General Fund M & O Budget Amendment in the amount of \$8,850 to recognize additional State of Georgia reimbursement for Library salaries, General Fund M & O Restricted Contingency transfers in the amount of \$75,000 for Elections Board runoff, \$72,000 for Aquatic Center budge, \$328,290 for corrective action necessary as itemized on Attachment A of Interim Financial Statements for the third quarter 1998; a Restricted Contingency transfer of \$219,530 to Landfill account due to cleanup of Tropical Storm Earl; a One Percent Sales Tax Extension Fund (1993-1998) transfer of \$245,690 from inactive or complete drainage projects to active drainage projects as specified on Exhibit A and B and a Continency transfer in the amount of \$3,200 for the Ralph M. Gilbert Civil Rights Museum project; a Confiscated Funds Special Revenue Fund transfer of \$7,440 from Police Contingency to make up the difference in the purchase price of a vehicle. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioners Price and Thomas were not present.]
2. Commissioner Jackel moved to deny the proposed plan for Phase One of a Telecommunications Consultant and the request for a Special Service District Contingency transfer of \$1,000 to MPC for Phase One cost of a Telecommunications Consultant, but that we look into hiring a consultant and retain preferably local counsel to give us legal advise. Commissioner DeLoach seconded the motion. Commissioner Jackel voted in favor of the motion. Chairman Hair and Commissioners Saussy, Rivers, Murray, Odell and DeLoach voted in opposition to the motion. The motion failed by a vote of six to one. [NOTE: Commissioners Price and Thomas were not present.]
3. Commissioner Saussy moved to approve a Special Service District Contingency transfer of \$1,000 to MPC for Phase One cost of a Telecommunications Consultant. Commissioner DeLoach seconded the motion. Chairman Hair and Commissioners Saussy, Rivers, Murray, Odell and DeLoach voted in favor of the motion. Commissioner Jackel voted in opposition. The motion carried by a vote of six to one. [NOTE: Commissioners Price and Thomas were not present.]

=====

2. **REQUEST BOARD APPROVAL TO WAIVE THE 90-DAY HIRING FREEZE AND AUTHORIZE HUMAN RESOURCES TO ADVERTISE POSITIONS THAT THE DEPARTMENT DEEMS MORE COST EFFICIENT TO FILL.**
 - **CHILD SUPPORT - CLERICAL ASSISTANT (ONE POSITION)**

Chairman Hair said, the Chair will entertain a motion. Commissioner DeLoach said, so moved. Chairman Hair asked, do I have a second? Commissioner Jackel said, I'll second it. Chairman Hair said, second. All those in favor vote yes, opposed vote no. Chairman Hair and Commissioners Saussy, Rivers, Jackel, Odell and DeLoach voted in favor of the motion. Commissioner Murray voted in opposition. The motion carried by a vote of six to one. [NOTE: Chairman Hair and Commissioners Price and Thomas were not present.] Chairman Hair said, the motion passes.

ACTION OF THE BOARD:

Commissioner DeLoach moved to approve waiver of the 90-day hiring freeze and authorize the Human Resources to advertise the following positions: Child Support - Clerical Assistant (1 position). Commissioner Jackel seconded the motion. Chairman Hair and Commissioners Saussy, Rivers, Jackel, Odell and DeLoach voted in favor of the motion. Commissioner Murray voted in opposition. The motion carried by a vote of six to one. [NOTE: Chairman Hair and Commissioners Price and Thomas were not present.]

=====

3. **REQUEST BOARD APPROVE NEW SUNDAY SALES LICENSE FOR BEER & WINE POURING FOR 1998, HARRUP SINGH, D/B/A. RUBY'S THURSDAY RESTAURANT, LOCATED AT 5799 OGEECHEE ROAD.**

Chairman Hair said, the Chair will entertain a motion. Commissioner Odell asked, where is that, Ruby's Thursday? Is it close to Ruby Tuesday's? Chairman Hair said, it's close to a copyright infringement. Commissioner DeLoach said, it's a couple of days down. Chairman Hair said, yes, it's two days down. Commissioner DeLoach said, two days down. Commissioner Odell asked, who's district is that in? County Manager Abolt said, I believe it's Commissioner DeLoach's, I believe.

Chairman Hair said, do we have—, let's get a motion on the floor one way or the other. The Chair will entertain a motion. Commissioner Odell said, I'll make a motion. Chairman Hair said, we have a motion to approve. Do we have a second? Commissioner Jackel said, I'll second it. Chairman Hair said, second, okay. Commissioner DeLoach, do you have a comment?

Commissioner DeLoach said, where is it? Chairman Hair said, it's 5799 Ogeechee Road. Commissioner DeLoach asked, where is that? County Manager Abolt said, Mammy's. Commissioner DeLoach asked, huh? County Manager Abolt said, Mammy's Kitchen. Commissioner Saussy said, Mammy's Kitchen. Commissioner Murray asked, that's where it's going in? Is that where it is?

Chairman Hair said, the petitioner is here I believe, or somebody representing—. Are you—, would you like to make any comments? Mr. Harrup Singh said, I'm just waiting to answer. Chairman Hair said, okay. If we've got any questions, the petitioner is here. Do anybody have any questions of the petitioner?

Commissioner DeLoach said, this isn't—, let me ask you this. This isn't the one we had the—. County Manager Abolt said, yes, sir. Commissioner DeLoach said, we had the question about—, concerning the—, two or three different things. County Manager Abolt said, yes, sir. Commissioner DeLoach said, as far as the—. Chairman Hair said, the church and that sort of thing. This is it. Commissioner DeLoach asked, isn't it—.

County Manager Abolt said, if I may, to help you out? Commissioner DeLoach said, yes, please. County Manager Abolt said, this deals with Sunday sales. There was a liquor license that had been issued for the other days of the week and as the letter from Mr. Hart to the operator indicates, initially we were going to bring before you a revocation request for the license because of certain conditions. We have no other choice in recommending to you, in effect, the issue and the Sunday sales license.

Chairman Hair asked, are you recommending denial or—? County Manager Abolt said, approval, sir. Based on State law.

Commissioner DeLoach said, I want to make some more comments on this. What—, I've got a problem with it. When the gentleman came up here originally and asked for the license, I had a problem with it then. The problem I had with it at that time was the fact that he was opening up across the street and all this other stuff. The comment was made that it would be at different times, it wouldn't affect anything, and so forth and so on. Now we're moving to Sundays. I don't think we need a liquor—, a place serving liquor and alcohol across the street from a church opening up in Chatham County, and I would ask y'all not to approve this based on—, based on the fact that it is located right across—, I mean, it's adjacent, across the street from a church, and I'd rather us not have that opening up on Sunday. That's my problem.

Chairman Hair said, I would agree, Commissioner DeLoach, with one exception. Jon [Hart], do we have any legal grounds to deny? I mean—. County Attorney Hart said, well, according to—, the church issue is the first issue that I've seen raised about this thing. We could look at that, but my understanding is that Inspections and the Police Department has [sic] already reviewed it to see if it is in compliance with the code, and if they're in compliance with the code for Sunday sales that first year, they by staff report are in compliance with the law. Chairman Hair asked, so you're saying legally we can't deny it if they meet—? County Attorney Hart said, yes, sir, unless there's a fact wrong on staff's report level that wasn't taken into consideration about the church. I'm just not familiar with that enough to comment on it.

Chairman Hair asked, Mr. Singh, would you like to make a comment? Mr. Singh said, no, I'm just waiting to answer. Chairman Hair said, all right. Okay. All right, we have—. Commissioner DeLoach asked, can I add more to this? Chairman Hair said, certainly, certainly.

Commissioner DeLoach said, again, I would say that based on the fact that this place will be opening up across the street from a church. Regardless of your opinion about a church, I feel like we should respect those people who are attending that church, and I would ask you at that time—, ask you now to deny this vote of approval and let him obtain an attorney and see if in fact we have any leg to stand on to deny this based on the fact that we have folks going to that church that don't need to look across the street when they walk out the front of the church at a liquor store or at a store or somebody serving alcohol.

Chairman Hair said, all right. The motion on the floor is to approve the request, so all those in favor of approval vote yes, opposed will vote no. Chairman Hair and Commissioners Saussy, Rivers, Jackel and Odell voted in favor of the motion. Commissioners Murray and DeLoach voted in opposition. The motion carried by a vote of five to two. [NOTE: Commissioners Price and Thomas were not present.] Chairman Hair said, the motion passes. Thank you, sir, for coming.

ACTION OF THE BOARD:

Commissioner Odell moved to approve new Sunday sales license for beer & wine pouring for 1998, Harrup Singh, d/b/a Ruby's Thursday Restaurant, located at 5799 Ogeechee Road. Commissioner Jackel seconded the motion. Chairman Hair and Commissioners Saussy, Rivers, Jackel and Odell voted in favor of the motion. Commissioners Murray and DeLoach voted in opposition. The motion carried by a vote of five to two. [NOTE: Commissioners Price and Thomas were not present.]

=====

4. DENY REQUEST FROM THE CITY OF GARDEN CITY FOR PRORATED SHARE OF 1998 OCCUPATIONAL TAXES COLLECTED FROM BUSINESSES EFFECTED BY RECENT ANNEXATION.

Chairman Hair said, Russ [Abolt], give us a briefing. The Mayor is here and we'll give him any opportunity to make any statements he'd like to make.

County Manager Abolt said, out of deference to the Mayor you may wish to hear him first, but since they've petitioned for something that is not required, it will create a bit of a revenue problem, not a significant problem, but to do it is purely discretionary. It's a policy issue.

Chairman Hair said, Mayor Kicklighter, would you like to come forward and make any statements or—. Mayor Kicklighter said, yes, I'd like to speak after—. Chairman Hair said, well, please come forward. Mayor Kicklighter said, after our City Attorney, if you wouldn't mind. Chairman Hair said, that's fine. Just come forward.

Mr. Jim Gerard said, my name is Jim Gerard. I'm the City Attorney for Garden City. I think before I start I just want to make clear exactly what the City is requesting because I've read the memorandum that's been issued by the Director of Inspectors and your City—, and County Attorney and it's a little bit confusing. Yes, Garden City just recently annexed some properties and the annexation was effective August the 1st of this year. There were 155 businesses in the annexed areas. Yes, we have asked for the occupational taxes to be prorated between the County and the City for 1998. Now what we mean by occupational tax has been a little bit misinterpreted. In Mr. Anderson's memo, he mentions administrative fees, regulatory fees and occupational taxes and lumps them, apparently, into one category: occupational taxes, which I don't think is technically correct. Regulatory fees are not occupational taxes. Regulatory fees are fees that are charged by a municipality or county when a business is opening up its doors and background checks have got to be made, zoning inspections have got to be conducted, building investigations have got to be done. They're an up-front fee that the county or the city charges in turn for providing regulatory or policing functions for that business. We're not asking for regulatory fees to be prorated, and that amount according to Mr. Anderson amounted to \$11,040. Also administrative fees in the amount of \$10,950. We're not asking for those to be prorated. Administrative fees are fees that a city or a county collects or charges in order to collect the occupational taxes. We don't want to get from you the monies that were paid to you in order for you to collect those occupational taxes. They're reimbursing you for having to go after and collect the occupational taxes. So what we're actually asking for is the prorating of occupational taxes in the amount of \$40,743. Occupational taxes are a tax. They are, just like any other tax, they're to raise revenues. Chatham County charged those occupational taxes based on those businesses being in Chatham County for the full calendar year. They were charged based on the assumption that the County would be providing services for those businesses for the full calendar year. Chatham County will not be providing services to those businesses for the full calendar year 1998. They will be providing—, they have provided services up till the effective date of the annexation.

Chairman Hair said, if I could stop you right there. Commissioner Odell has a question. Commissioner DeLoach said, I've got some too. Chairman Hair said, and Commissioner DeLoach.

Commissioner Odell said, Jim [Gerard], just quickly. You and Jon Hart have talked about this? Mr. Gerard said, I copied Emily Garrard about this, and initially we thought there wouldn't be a problem on a Statewide. In 1992 Garden City annexed another piece of property and we came before this Commission and the Commission granted approval for the prorating of business fees. There wasn't any occupational taxes in 1992. Instead, there were just license fees. And we didn't have a problem at that time because the County Commission recognized that they shouldn't be collecting fees for the period of time that they're not going to be regulating or providing services to the businesses, and because of that they issued a check to Garden City for—, and we prorated the fees for that year. So I initially talked to Ms. Garrard about this—, she's not my wife. We didn't think there would be a problem. The matter then went to Gregori Anderson and I don't know whether it was the amount that he got concerned about, but—, by the way Mr. Anderson was also Director of Inspections in 1992 when this Commission decided to prorate the fees, but Mr. Anderson came to this position and has obviously recommended that the County not prorate the taxes this time around. I don't know why he has changed his position, but—, if that answers your question, but, no, I have not talked to Mr. Hart about this. I've talked to the Assistant County Attorney.

Chairman Hair recognized Commissioner DeLoach.

Commissioner DeLoach said, whenever you go to ask for an election to be—, to have an election, can you choose when the time period or the point at which a group can come into the community? For instance, could it be August or could it be December? Does it matter when they come in? I mean, in other words, when you make the vote, can you say in your vote we would like to have you come into our community based on December 31st, realizing that just like our budget is set in January, your's is set in January, that we realize the County has already budgeted this money, can't we set it up for December 31st and not have any effect whatsoever as far as the people actually coming into Garden City because all I know, everybody who, you know, if it was a majority vote, everybody's excited about going into Garden City, and I don't have a problem with that. Where I've got the rub now is I've got a budget set up in Chatham County that's a balanced budget, and there was no need for anyone to come up and change that budget. You could go there and December 31st would have been no problem for you to start your County Commission—, I mean, those people coming into your community. My budget would have been fine, everybody would have rocked right along and we'd have been fine, but you're coming to me now after I've had a balanced budget and telling me that due to the fact that you've decided that—, arbitrarily until August the whatever date it is, we want you to come into our community and we should give you some money. That's where I've got a problem with it because I need that money for a balanced budget because we voted on a balanced budget back in January the 1st. You—, I have an arb—, I have someone arbitrarily coming out and taking money out of my budget now, which is going to create a hardship on the Special Service District because we're going to take funds out. I can't—, that's my problem with this whole thing because you could have set that up for December 31st, and there was no reason why it couldn't have been done that way.

Mr. Gerard said, there's a new State law that was passed last year that states at Code §36-36-2 that says that the effective date of an annexation is the first day of the month following the month during which all application annexation requirements were met. It's a new law that was passed—. Commissioner DeLoach said, that's fine, okay, but why couldn't that vote take place November 7? I mean, that's general election time. Why not vote November the 7th and everybody come up and take over January the 1st? I mean, that was the logical time to do it. I mean, my problem with this whole thing is we've got a balanced budget and we're going to lose money, and it's going to create a problem.

Mayor Kicklighter said, Mr. Chairman, Commissioners, I guess I'll start out by I'd like to just thank y'all first for recognizing all the West Chatham municipalities and giving us good treatment, and to answer your question, yes, I guess it could have taken place in November right off the bat, but we were a city desperate to grow. We had to grow, no choice. We—, and my philosophy as well as the council's, is go for it when you can get, do it, why wait until tomorrow when you can do it today. So, hopefully that will answer your question there. But basically, you know, I think we've got a great attorney, y'all have a great attorney, but I really don't even think this is an attorney issue whatsoever. I believe it's just a moral issue. Maybe legally you wouldn't—, you're not legally obligated or—, but to me that's not the issue. It's just about helping out a local municipality, and I would encourage Mr. DeLoach to realize that Garden City is in Chatham County. We're not separate. We're all supposed to be one, and Garden City, as you well know, we're the only tax-free port city in the United States that I know of, and 40% of our revenues comes from sales tax and, you know, occupational taxes and it's very important recently we hired six additional police officers to patrol the area. We paid \$40,000 for fire protection for the area, you know, and that I guess helped out because you can utilize your County officers in other areas and patrol it better, and, you know, like I said, to me this is not a legal issue. It's just a friendly request that we would really appreciate your support. Legally, this Commission never had to legally put up a park in Pooler, never had to put a weightlifting center. That wasn't a legal issue. That was a nice thing to do for the community, and as I—, representing 12,000, I just ask that y'all do a kind thing for our City as you did back in 1992 and please help us out, if possible.

Chairman Hair said, thank you, Mayor. I've got a question for the staff. How much—, what's the total money we're talking about? Commissioner DeLoach said, \$40,000 I think. Mayor Kicklighter said, and the prorated portion, Mr. Hair, would be \$17,078. Chairman Hair said, we're only talking \$17,078. Mayor Kicklighter said, \$17,000, and that would help us out. Commissioner Jackel said, \$17,078.57. Chairman Hair said, that's—, Commissioner DeLoach said, let's go with it. Chairman Hair said, it just seems to me that's the right thing to do. Commissioner DeLoach said, let's do it. Chairman Hair said, I agree with the Mayor, I think—. Greg [Anderson]—. Commissioner Saussy said, let's hear from Greg [Anderson]. Chairman Hair said, certainly, Mr. Anderson—. Commissioner DeLoach said, Greg [Anderson], come on. Chairman Hair said, Greg [Anderson], come on.

Mr. Gregori Anderson said, yes, I was going to clarify that. That fact kind of—. Chairman Hair asked, that \$17,000? Mr. Anderson said, it is \$17,000 and it is based on the tax, not the regulatory fees, not the administrative cost. It's the prorated share of the tax. Chairman Hair said, and we're talking \$17,000. Mr. Anderson said, \$17,000 is what we're talking about. Chairman Hair said, I just think it's the right thing to do.

Commissioner Jackel said, Mr. Chairman, my feelings are that any time you buy and transfer property, the taxes are always prorated, and this is the same thing. This is a transfer of property and the taxes need to be prorated. Commissioner DeLoach said, what we need to do in the future—. Commissioner Jackel said, I'd like to make a—. Commissioner DeLoach said, what we need to do in the future is make sure that when a person wants to annex or whatever, which this is kind of continue—, I mean, this happens pretty regular on the Westside, we need to make sure that we get it set up to where it's a November vote or something like that so that we don't run up on a problem of balancing the budget as far as we're concerned.

Chairman Hair said, I'll entertain a motion. I think we—. Commissioner Jackel said, I would like to move that—. Chairman Hair said, let's get a motion and then we can continue discussion. Commissioner Jackel said, I'd like to move that we refund the prorated portion of the taxes, which is \$17,078.57. Chairman Hair said, all right, we have a motion. Commissioner DeLoach said, second. Chairman Hair said, and we have a second. Okay, Commissioner Murray.

Commissioner Murray said, the only thing I was going to say, I agree with Eddie [DeLoach] on what he was saying about that, and I know you said they just have a new State law that requires them to do it a different way now, but to me it seems like that it would take effect the first day of January, and if it did then that would solve the problem and we wouldn't have this kind of problem every time it happens. So, I would, you know—. Commissioner DeLoach said, we just need to shoot for November.

Mayor Kicklighter said, and to be honest with you, the new law snuck up on us. We planned on, you know—. Chairman Hair said, November. Commissioner DeLoach said, January, I [inaudible] that. Chairman Hair said, having one election, too, that would save you—, that would have saved you there, too. Mayor Kicklighter said, absolutely.

Chairman Hair said, thank you, Mayor, thank you, Mr. Attorney. I appreciate it. All those in favor of the motion vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioners Price and Thomas were not present.] Chairman Hair said, the motion passes.

ACTION OF THE BOARD:

Commissioner Jackel moved to approve the request from the City of Garden City for \$17,078.57 as the prorated share of 1998 occupational taxes collected by Chatham County from businesses effected by a recent annexation. Commissioner DeLoach seconded the motion and it carried unanimously. [NOTE: Commissioners Price and Thomas were not present.]

=====

5. REQUEST BOARD APPROVAL TO WAIVE THE \$550 FEE ASSOCIATED WITH THE RENTAL OF THE TYBEE PAVILION FOR SIX (6) SECOND SATURDAY EVENTS DURING 1999 AS RECEIVED FROM THE SAVANNAH AREA CONVENTION & VISITORS BUREAU (\$3,300).

Chairman Hair said, the Chair will entertain a motion.

[NOTE: Chairman Hair left the meeting at this point with Chairman Pro Tem Murray presiding.]

Chairman Pro Tem Murray said, my only question is who is actually going to be benefitting from this? Mr. Jim Golden said, Mr. Chairman, this is a public function for musical affairs and also will be arts and crafts by the Chamber. We have two requests on it for six Saturdays in '99 for the use of the Tybee Pier, and it's open to the public at no charge.

County Attorney Hart said, Commissioner Murray, we no longer have a quorum. Chairman Pro Tem Murray said, okay, we'll just have to wait until we get some people back into the room then. Commissioner Odell said, we just can't take a vote. We can continue discussion. Chairman Pro Tem Murray said, we can go ahead and continue discussion then.

Commissioner Saussy asked, who's putting it on, the Convention Bureau? County Manager Abolt said, if I may, members of the Board, it's equivalent to the first Saturday, the only thing I call it a second Saturday, and it's going to be at Tybee rather than on River Street. Mr. Golden said, six of them.

Commissioner Jackel said, are we going to incur—. We're waiving the fee, but are we going to incur any costs? Commissioner Odell said, yes. Mr. Golden said, yes, we definitely have costs in all waiver of fees because it has to be, you know, it has to be cleaned up and things of that nature. Chairman Pro Tem Murray asked, what is that cost? Mr. Golden asked, sir? Chairman Pro Tem Murray asked, do we have any figure for that cost? I don't think we need to waiver our cost on it. County Manager Abolt said, staff's in a quandary on this. You've dealt with it in different ways before. We're not making money on this. It's an expense. Chairman Pro Tem Murray said, I know it is. County Manager Abolt said, and we can't—, we can, you know, say, well, waive so much, it's considered profit, but there is no profit because if you make money off one event and you have some problems during the week, you use the money you made off the event to make the repairs. So, I mean, it's a policy issue, and the policy issue deals with the Board's position in times past to want to encourage events and usually you make facilities free. If it were staff's way, of course, we would charge a fee. Mr. Golden said, we just don't have the authority to waive the fees. They make the request for—.

Commissioner Odell said, my only concern is that \$3,300—, Saturdays are kind of key days, are they not? Chairman Pro Tem Murray said, yes. Commissioner Odell said, and we're talking about six of those which otherwise could be rented. Is that true? County Manager Abolt said, yes, sir. Commissioner Odell said, you know, we have a policy that we charge for the policy or we have a policy that we do not charge for the facility. My only concern is [inaudible] is catch as catch can. I'm certain that this group is a wonderful Savannah Area Convention & Visitors Bureau. They're doing wonderful things, but I think other people are doing wonderful things. I think they pay—. We have people and organizations who are less able to pay who pay. We have a philosophy, they're not being charged the \$550, and they want it on Saturdays, and six of those. I think they've put it [inaudible] and pay for it.

Commissioner Saussy asked, how many people have rented these things, or how many organizations have rented these things and paid for it? Mr. Golden said, we have a report coming up of what we've got so far we've waived. We're getting an awful lot of requests now for waiver. We have only a third, perhaps a third we've collected funds for our total requests. Commissioner Saussy said, I think we're going to really have to deal with this thing because, just for instance, we let an out-of-County use it free and here we don't want somebody in the County that does good to use it. I—, we've got to have some kind of control over this thing. Commissioner Odell said, I agree, David [Saussy]. What we need to do, in all honesty, is if you could give us a listing of those precious few who paid and those who have not paid, then we, as the Commissioners, need to develop a policy so that we speak with one voice for all organizations. I agree, David [Saussy], your point is very relevant. Why should an out-of-County organization have it free when an in-County who is doing valuable things—? Chairman Pro Tem Murray asked, we had an out-of-County use it free? Commissioner Saussy said, we should at least recover our costs on that.

County Manager Abolt said, your all's policy has swung like a pendulum on a clock. Commissioner Saussy said, right. County Manager Abolt said, some days, and I don't know whether it's depending on whether the sun is shining or not, you take one position, a few weeks later you take another position. Commissioner DeLoach said, [inaudible] had to do with the sun though. County Manager Abolt said, staff can generate this all for you, but essentially it comes down, you mentioned out-of-County, last meeting, I believe, or maybe the meeting before you had a request from Richmond Hill to use the band shell. The argument there was, well, because there was a mutual aid agreement and the possibility of using services and want to be perceived as assisting, you know, another government, you said let it go, and we asked and Attorney Hart has prepared a hold harmless agreement with the City of Richmond Hill. Staff really is asking for your guidance. We would normally in these come in and recommend denial, but because your policy has vacillated from time to time, we now feel you're in a position on the pendulum to grant these, but you have every justification to charge. We are not making money on this and we also attempt not to subsidize.

Commissioner Odell said, I make a motion that the request in Item 5 for Individual Action be denied. Chairman Pro Tem Murray asked, do I have a second? Commissioner Rivers said, second. Chairman Pro Tem Murray said, I have a second. Any other discussion?

Commissioner Jackel said, it just—, it seems to me that if we lend people our band shell and they're going to go for like a second Saturday thing, promote families and tourism and crafts out there, that this is something that we ought to help support. Commissioner Odell said, I agree. I think we should. I would think that what we need to do is to have one consistent policy. Commissioner Saussy said, right. Commissioner Odell said, because we do not, I think it's unfair to those who have paid.

So, therefore, until we have a consistent policy, my recommendation is everybody pays their fair share. Then after we have a policy, then we can logically say these are the kinds of exceptions that we'll allow.

Commissioner Saussy asked, can we come up with some sort of cost on that, what it really costs us on these things? County Manager Abolt said, we've done that before. We'll give it back to you. We had a breakdown, an estimate on what the actual costs were versus, you know, the marginal increment above that. We presented that to you. We gave you a two-tier option where you could, in effect, in certain cases given the merits of the argument say, okay, we'll only charge the absolute bare bones cost to do this, and then it would be your discretion to waive the rest. We'll give that back to you. It's as frustrating for us as it is for you.

Commissioner Jackel said, why don't we set the fee at \$10,000 and waive all but the \$300. Commissioner Odell said, I like that.

Chairman Pro Tem Murray said, all in favor of the motion to deny. Commissioner Odell said, if you are then vote yes, if you're not vote no. Commissioner Jackel asked, what is the motion? Chairman Pro Tem Murray said, the motion is to deny. Commissioner Jackel said, the motion's to deny. Commissioners Saussy, Rivers, Murray, Odell and DeLoach voted in favor of the motion. Commissioner Jackel voted in opposition. The motion carried by a vote of five to one. [NOTE: Chairman Hair and Commissioners Price and Thomas were not present.] Chairman Pro Tem Murray said, the motion carries.

Commissioner Saussy asked, now can we have another motion that we—, I don't know whether we need a motion for the staff to come up with—. Chairman Pro Tem Murray said, staff's going to come up with—. Commissioner Saussy said, with what you came up before. County Manager Abolt said, we'll give it to you again. Commissioner Saussy said, and let's go by that. County Manager Abolt said, just till the next meeting. Commissioner Saussy said, called the sunset policy.

* * *

Commissioner Saussy said, since I voted in the affirmative on Item # 5, I'd like to go back and reconsider it. Commissioner Odell asked, were you on the winning side? Commissioner Saussy said, yes.

Chairman Pro Tem Murray said, we have a motion to reconsider Item 5. Commissioner Saussy said, I move that we charge them for the cost—. Chairman Pro Tem Murray said, do we have a second? County Attorney Hart said, you need to have a motion to reconsider. Chairman Pro Tem Murray asked, do we have a second on that motion? Commissioner Jackel said, yes, I'll second that motion. Commissioner DeLoach said, I thought you made the motion to charge them on that number 5. Commissioner Saussy said, we did for the full price. Commissioner DeLoach said, oh, you want to do it based on cost. Commissioner Saussy said, based on cost. Commissioner DeLoach said, oh, okay, fine. I apologize. Chairman Pro Tem Murray said, all in favor of reconsideration, let's vote. The motion carried unanimously. [NOTE: Chairman Hair and Commissioners Price and Thomas were not present.] Chairman Pro Tem Murray said, reconsideration. Go ahead, David [Saussy].

Commissioner Saussy said, okay, I'd like to move that we, on the one where they—, we charge them the cost of the—. Chairman Pro Tem Murray said, based on the new County policy. Commissioner DeLoach said, based on the new County policy. That's wonderful. I love that policy. Commissioner Odell said, I'll second. Commissioner DeLoach said, it's easy to do now.

Chairman Pro Tem Murray asked, any discussion? Please vote. The motion carried unanimously. [NOTE: Chairman Hair and Commissioners Price and Thomas were not present.] Commissioner DeLoach said, all right.

Commissioner Odell asked, can we not have videos made of this?

ACTION OF THE BOARD:

1. Commissioner Odell moved to deny the request to waive the \$550 fee associated with the rental of the Tybee Pavilion for six (6) second Saturday events during 1999 as received from the Savannah Area Convention & Visitors Bureau (\$3,300). Commissioner Rivers seconded the motion. Commissioners Saussy, Rivers, Murray, Odell and DeLoach voted in favor of the motion. Commissioner Jackel voted in opposition. The motion carried by a vote of five to one. [NOTE: Chairman Hair and Commissioners Price and Thomas were not present.]
2. Commissioner Saussy moved to reconsider the motion to deny the request of the Savannah Area Convention & Visitors Bureau to waive the \$550 rental fee associated with the use of the Tybee Pavilion for six Saturday events during 1999. Commissioner Jackel seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioners Price and Thomas were not present.]
3. Commissioner Saussy moved to approve the request of the Savannah Area Convention & Visitors Bureau to waive the \$550 rental fee associated with the use of the Tybee Pavilion for six consecutive Saturday events during 1999, and that, based on the new County policy, they be charge the actual cost for use of the facility. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioners Price and Thomas were not present.]

=====

6. REQUEST BOARD APPROVAL TO WAIVE THE \$400 PER DAY RENTAL FEE ASSOCIATED WITH THE USE OF A BAND SHELL FOR A SERVICE HONORING VETERANS ON DECEMBER 6, 1998

AS RECEIVED FROM THE CHATHAM COUNTY VETERANS COUNCIL'S PEARL HARBOR COMMITTEE.

Commissioner Saussy said, I'd like to move we defer that until the next meeting. Commissioner Rivers said, second. Commissioner DeLoach said, no. Chairman Pro Tem Murray said, there was a second to that motion. All in favor to table vote yes, all opposed vote no. Commissioner Jackel said, if we—. Chairman Pro Tem Murray said, no discussion, Martin [Jackel]. Commissioners Saussy, Rivers and Murray voted in favor of the motion. Commissioners Jackel, Odell and DeLoach voted in opposition. The motion failed for lack of a majority vote as a result of a tie vote of three to three. [NOTE: Chairman Hair and Commissioners Price and Thomas were not present.] Commissioner Odell said, it fails. Chairman Pro Tem Murray said, it fails because it's a tie. Commissioner DeLoach said, tie vote.

Commissioner Jackel said, they need this thing by December the 6th. Commissioner DeLoach said, that means we've got to come up with it. Commissioner Saussy said, well, we meet on the 4th. Commissioner Jackel said, well, that's not enough time.

Commissioner Odell said, I'll make a motion that Item #6 be approved. Commissioner Jackel said, I'll second that. Chairman Pro Tem Murray asked, any discussion?

Commissioner Saussy asked, now how are we going to—? Commissioner DeLoach said, now let me think about that. Commissioner Saussy asked, how are we going to do that when we just—? Chairman Pro Tem Murray said, because of the first vote, I can't vote in favor of this one either. Commissioner Rivers said, we're back on the pendulum again. Commissioner DeLoach said, yes.

Chairman Pro Tem Murray asked, is there any other discussion? If not, let's take a vote. Commissioner DeLoach asked, what are we voting on? Commissioner Saussy said, it's already been tabled. Chairman Pro Tem Murray said, no, it was not tabled. It was a tie vote.

Commissioner DeLoach asked, what are we voting for now? Commissioner Odell said, we're voting to approve \$400—, the waiver of the \$400 a day rental fee for the Chatham County Veterans Council's Pearl Harbor Committee. Commissioner DeLoach asked, what does \$400 cover? County Manager Abolt said, setting it up. Chairman Pro Tem Murray said, setup fees. Commissioner DeLoach asked, is that the cost? County Manager Abolt said, yes. Commissioner DeLoach asked, does that cover the cost? County Manager Abolt said, it's bare bones. Commissioner Rivers said, Eddie [DeLoach] will go out there and put it up. Commissioners Rivers, Jackel and Odell voted in favor of the motion. Commissioners Saussy, Murray and DeLoach voted in opposition. The motion failed for lack of a majority vote as a result of a tie vote of three to three. [NOTE: Chairman Hair and Commissioners Price and Thomas were not present.] Chairman Pro Tem Murray said, that motion—. Commissioner DeLoach said, that fails. Chairman Pro Tem Murray said, also fails because it's another tie vote. Commissioner DeLoach said, yep. If we're going to do it, we're going to do it, let's do it.

Chairman Pro Tem Murray said, we've got to do it one way or the other. Commissioner Saussy said, exactly. Chairman Pro Tem Murray asked, do we have another motion? Commissioner Rivers said, well, you'd better leave it in limbo. Commissioner DeLoach said, no, I'll go ahead and call it. I mean—, you want me to—, I'll make a motion today. I'll make a motion that we all, from now on, all requests for County facilities at least cover the cost of the County expenses. Commissioner Saussy said, I second that, Eddie [DeLoach]. Chairman Pro Tem Murray said, we have a motion and a second. Any other discussion? The motion carried unanimously. Chairman Pro Tem Murray said, that passes unanimous. Commissioner DeLoach said, okay.

Chairman Pro Tem Murray said, we still have to resolve Item #6 one way or the other. Commissioner DeLoach said, okay. Commissioner Saussy said, that pretty well does it. Commissioner DeLoach said, number 6—. Commissioner Odell said, they'll pay their cost. Commissioner DeLoach said, right. Chairman Pro Tem Murray said, we need to take a positive vote one way or the other on the other. Commissioner DeLoach said, you're going to charge them whatever the cost is. I'm not going to get into that, but it's going to—. Chairman Pro Tem Murray said, well, we need to make a motion though so it's approved so it goes back—. Commissioner DeLoach said, okay, number 6, is that what you're talking about? Chairman Pro Tem Murray said, yes. Commissioner DeLoach said, can we do also—, well, we've already done number 5. We jobbed them already. Number 6, I make a motion that they pay what it cost to have the facility set up based on our new policy towards—, based on our new policy towards County facilities. Commissioner Odell said, I'll second.

Chairman Pro Tem Murray said, we have a motion and a second. Any other discussion? Chairman Pro Tem Murray said, let's vote. The motion carried unanimously.

Since I voted in the affirmative on Number 5, on the other one, I'd like to go back to that and reconsider it.

[NOTE: At this point, the Board returned to reconsideration of Item #5.]

ACTION OF THE BOARD:

1. Commissioner Saussy moved to defer to the next meeting the request of the Chatham County Veterans Council's Pearl Harbor Committee to waive the \$400 per day rental fee for use of a band shell for a service honoring veterans on December 6, 1998. Commissioner Rivers seconded the motion. Commissioners Saussy, Rivers and Murray voted in favor of the motion. Commissioners Jackel, Odell and DeLoach voted in opposition. The motion failed for lack of a majority vote as a result of a tie vote of three to three. [NOTE: Chairman Hair and Commissioners Price and Thomas were not present.]

2. Commissioner Odell moved to approve the request of the Chatham County Veterans Council's Pearl Harbor Day Committee for the County to waive the \$400 per day rental for use of the band shell for a service honoring veterans on December 6, 1998. Commissioner Jackel seconded the motion. Commissioners Rivers, Jackel and Odell voted in favor of the motion. Commissioners Saussy, Murray and DeLoach voted in opposition. The motion failed for lack of a majority vote as a result of a tie vote of three to three. [NOTE: Chairman Hair and Commissioners Price and Thomas were not present.]
3. Commissioner DeLoach moved that Chatham County adopt as its policy that all requests for waiver of fees for the use of County facilities at least cover the cost of the County's expense. Commissioner Saussy seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioners Price and Thomas were not present.]
4. Commissioner DeLoach moved to approve the request of the Chatham County Veterans Council's Pearl Harbor Day Committee for the County to waive the \$400 per day rental for use of the band shell for a service honoring veterans on December 6, 1998, pursuant to the County's new policy that the County will be reimbursed the cost it takes for setup of the band shell. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioners Price and Thomas were not present.]

=====

7. REQUEST BOARD CONVENE A PUBLIC HEARING IN REFERENCE TO THE USE OF FUNDS RECEIVED BY THE CHATHAM COUNTY POLICE DEPARTMENT FROM A LOCAL LAW ENFORCEMENT BLOCK GRANT, AND TO ACCENT A NON-BINDING RECOMMENDATION FROM THE LOCAL LAW ENFORCEMENT BLOCK GRANT ADVISORY BOARD REGARDING HOW THE FUNDS SHOULD BE USED.

County Manager Abolt said, Commissioner Murray and members of the Board, this is performed really for the benefit of the federal government to get the grant money, which is just slightly under \$80,000. We have to show in the record you did have a public hearing. If you'd allow the staff report to be entered in as part of that. There was convened at your approval a special committee that made a recommendation as to Chief Sprague's need for a command vehicle. Chief Sprague will present that to you, but the importance today is to create a record that can be sent to the Justice Department.

Chief Thomas Sprague said, good morning. Commissioner Saussy said, good morning. Chief Sprague said, we're here—, this is the third year we've received this grant from—, directly from Washington to Chatham County. The first year, you may recall, we married it up with some drug monies, seized drug monies and we purchased the automatic fingerprint identification system, which is now a part of our forensic package that we recently expanded out for use to all of the departments in the County. Last year we used this same grant to modernize and completely replace all of our computer elements at the department. We now, all of our computers are about six months old. This year we need to replace a 1976 model vehicle which was previously an ERT van. We wanted to replace it with a step-type van, which will serve a dual purpose as a mobile crisis and ERT command center. It will be capable of post-hurricane—, setting up communications if our communications go down. It has two operators in it. It will be capable to go to the 800 trunking or to the VHS system, using our portable tower which we always have. It's something we need and here's the means to get it. Part of the requirements were to have a group that meet from the community. Last week we met with Mr. Billy Knight from the School Board, Mr. Murray Chisholm, an attorney with the Youth—, the Juvenile Court, with Mr. Rick Pryor from the Citizens Crime Commission, and with Mr. Danny DeLoach from the court system. They conferred with our youths as I just described to you for the purchase of this vehicle, and this is the second portion, I believe, of the requirement for the public hearing.

Commissioner Saussy said, I move for approval. Commissioner Odell said, I'll second. Chairman Pro Tem Murray said, we have a motion and a second. Any other discussion? County Manager Abolt said, Commissioner Murray, again, I don't want to hurt the record—. Chairman Pro Tem Murray said, oh, this is a public hearing. County Manager Abolt said, you might ask if there's anybody that wished—.

Chairman Pro Tem Murray asked, are there any comments from the audience? Hearing none, I assume you're ready to vote. The motion carried unanimously. [NOTE: Chairman Hair and Commissioners Price and Thomas were not present.] Chairman Pro Tem Murray said, that's approved. Chief Sprague said, thank you. Chairman Pro Tem Murray said, thank you.

ACTION OF THE BOARD:

Commissioner Saussy moved to approve the request of the Chatham County Police Department to accent to the use of funds received from a Local Law Enforcement Block Grant as recommended by the Local Law Enforcement Block Grant Advisory Board. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioners Price and Thomas were not present.]

=====

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 Pro Tem Murray asked, do we have any items that need to be pulled? Commissioner Jackel said, I have one. Chairman Pro Tem Murray asked, which one? Commissioner Jackel said, L. Chairman Pro Tem Murray said, Item L. Do

we have any others? Commissioner Saussy said, yes, just for information. Chairman Pro Tem Murray asked, which one? Commissioner Saussy said, F. Chairman Pro Tem Murray said, F. Any other items? County Manager Abolt said, gentleman, if you'll please note, at your desk today, the staff report has not changed other than the bond amount. The School District is about building a new school. Their construction necessitates the issuance of bonds. To accomplish that task, they've actually been about soliciting. They have an exact quote. As far as their Series B, their refund issue, rather than the \$26 million, almost \$27 million in the staff report initially issued, that figure should now read \$25,990,000. That's item roman numeral number X-10. Commissioner Saussy said, that's reduced then. County Manager Abolt said, yes, sir.

Chairman Pro Tem Murray asked, do we have a motion to approve the balance—? Commissioner DeLoach said, so moved. Commissioner Saussy said, second. Chairman Pro Tem Murray said, deleting Item 13-F and 13-L. Commissioner DeLoach said, so moved. Chairman Pro Tem Murray said, we have a motion and a second. Any discussion? Please vote. The motion carried unanimously. [NOTE: Chairman Hair and Commissioners Price and Thomas were not present.]

ACTION OF THE BOARD:

Commissioner DeLoach moved that the Action Calendar be approved in its entirety with the exception of Items 13-F and 13-L. Commissioner Saussy seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioners Price and Thomas were not present.]

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

=====

1. APPROVAL OF THE MINUTES OF THE REGULAR MEETING ON NOVEMBER 6, 1998, AS MAILED.

ACTION OF THE BOARD:

Commissioner DeLoach moved to approve the minutes of the regular meeting on November 6, 1998, as mailed. Commissioner Saussy seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioners Price and Thomas were not present.]

=====

2. CLAIMS VS. CHATHAM COUNTY FOR THE PERIOD OCTOBER 29, THROUGH NOVEMBER 10, 1998.

ACTION OF THE BOARD:

Commissioner DeLoach moved that the Finance Director is authorized to pay claims for the period October 29, 1998, through November 10, 1998, in the amount of \$3,876,037. Commissioner Saussy seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioners Price and Thomas were not present.]

=====

3. REQUEST BOARD APPROVE EARLY ACQUISITION OF PROPERTY OWNED BY HAROLD S. BRYANT, 1427 SPALDING DRIVE, TRUMAN PARKWAY PHASE III DUE TO FINANCIAL PROBLEMS AND THE PENDING ACQUISITION OF THE PROPERTY.

ACTION OF THE BOARD:

Commissioner DeLoach moved to approve the early acquisition of property owned by Harold S. Bryant, 1427 Spalding Drive, Truman Parkway Phase III due to financial problems and the pending acquisition of the property. Commissioner Saussy seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioners Price and Thomas were not present.]

=====

4. REQUEST BOARD APPROVAL TO RECORD THE FINAL PLAT FOR BRANDLEWOOD SUBDIVISION PHASE 5A AND TO COMBINE THE STREETLIGHT ASSESSMENT DISTRICT WITH THE EXISTING DISTRICT.

ACTION OF THE BOARD:

Commissioner DeLoach moved to approve the request to record the final plat for Brandlewood Subdivision Phase 5A and to combine the streetlight assessment district with the existing district. Commissioner Saussy seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioners Price and Thomas were not present.]

=====

5. REQUEST BOARD APPROVE COMMUNITY SERVICE AGENCY AGREEMENT BETWEEN DEPARTMENT OF CORRECTIONS AND CHATHAM COUNTY, GEORGIA, TO USE COMMUNITY SERVICE PROBATIONERS.

ACTION OF THE BOARD:

Commissioner DeLoach moved to approve the Community Service Agency Agreement between the Department of Corrections and Chatham County, Georgia, to use community service probationers. Commissioner Saussy seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioners Price and Thomas were not present.]

=====

6. REQUEST FOR NEW LIQUOR, BEER & WINE WHOLESALE DISTRIBUTORSHIP LICENSE FOR 1998, MARK POPOWSKI D/B/A UNITED DISTRIBUTORS, INC., LOCATED AT 780 KING GEORGE BOULEVARD.

ACTION OF THE BOARD:

Commissioner DeLoach moved to approve the request of Mark Popowski d/b/a United Distributors, Inc., located at 780 King George Boulevard for new liquor, beer & wine wholesale distributorship license for 1998. Commissioner Saussy seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioners Price and Thomas were not present.]

=====

7. REQUEST FOR NEW BEER AND WINE LICENSE FOR RETAIL SALES FOR 1998, JAMES DAVID MOORE, JR. D/B/A GATEWAY TEXACO, LOCATED AT 3 WEST GATEWAY BOULEVARD.

ACTION OF THE BOARD:

Commissioner DeLoach moved to approve the request of James David Moore, Jr. d/b/a Gateway Texaco, located at 3 West Gateway Boulevard for new beer and wine license for retail sales for 1998. Commissioner Saussy seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioners Price and Thomas were not present.]

=====

8. REQUEST FOR TRANSFER OF BEER AND WINE LICENSE FOR RETAIL SALES FOR 1998, ANUPAM K. DESAI, D/B/A LIL' CHAMP, LOCATED AT 4700-K U.S. HIGHWAY 80 EAST.

ACTION OF THE BOARD:

Commissioner DeLoach moved to approve the request of Anupam K. Desai, d/b/a Lil' Champ, located at 4700-K U.S. Highway 80 East for transfer of beer and wine license for retail sales for 1998. Commissioner Saussy seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioners Price and Thomas were not present.]

=====

9. REQUEST BOARD CONSIDERATION AND APPROVAL IN CONCEPT OF THE LEASE PURCHASE FOR A FIXED CUTTER, HYDRAULIC IN-FED CONVEYOR SYSTEM FOR REDUCTION AND RECYCLING OF "DRY TRASH" MATERIALS.

ACTION OF THE BOARD:

Commissioner DeLoach moved to approve in concept the lease purchase for a fixed cutter, hydraulic in-fed conveyor system for reduction and recycling of "dry trash" materials. Commissioner Saussy seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioners Price and Thomas were not present.]

=====

10. REQUEST BOARD APPROVAL OF A RESOLUTION FOR ADOPTION THAT WILL ENABLE THE SAVANNAH-CHATHAM BOARD OF EDUCATION TO COMPLETE THE SALE OF BONDS AS PART OF ITS NEW SCHOOL CONSTRUCTION PROGRAM.

ACTION OF THE BOARD:

Commissioner DeLoach moved to adopt a resolution that will enable the Savannah-Chatham Board of Education to complete the sale of bonds as part of its new school construction program. Commissioner Saussy seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioners Price and Thomas were not present.]

=====

11. REQUEST BOARD ADOPT 1999 HOLIDAY SCHEDULE.

ACTION OF THE BOARD:

Commissioner DeLoach moved to adopt the 1999 holiday schedule as follows: January 1, New Year's Day; January 18, Martin Luther King, Jr. Day; February 15, George Washington's Birthday/President's Day (observed); May 31, Memorial Day (observed); July 5, Independence Day (observed); September 6, Labor Day; November 11, Veterans Day; November 25 and 26, Thanksgiving (2 days); December 23, Christmas Eve (observed); and December 24, Christmas Day (observed). Commissioner Saussy seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioners Price and Thomas were not present.]

=====

12. REQUEST BOARD APPROVE TRANSFER OF BEER AND WINE POURING AND SUNDAY SALES LICENSE FOR 1998, ALAN C. CALE, D/B/A HENDERSON GOLF CLUB, LOCATED AT 1 AL HENDERSON DRIVE.

ACTION OF THE BOARD:

Commissioner DeLoach moved to approve the request of Alan C. Cale, d/b/a Henderson Golf Club, located at 1 Al Henderson Drive, for transfer of beer and wine pouring and Sunday sales license for 1998. Commissioner Saussy seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioners Price and Thomas were not present.]

=====

13. 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.)

<u>ITEM</u>	<u>DEPT.</u>	<u>SOURCE</u>	<u>AMOUNT</u>	<u>FUNDING</u>
A. Confirmation of additional vehicles and equipment disposed of at auction	Fleet	N/A	N/A	Revenue Producing
B. One (1) file server	Assessor	Dell Marketing	\$30,189	General Fund/M&O - Assessor
C. Five (5) In-Car Police Video systems	Sheriff	West Chatham Warning Devices	\$20,995	CIP - Sheriff's K-9 Grant
D. Contract to engineer/design vertical expansion of the Thomas Avenue Landfill	Solid Waste	Harbin, Hodges, Newberry and Tribble (sole Source)	Not to Exceed \$46,000	Solid Waste Enterprise Fund
E. One (1) wide format copy machine	Engineering	IKON Office Solutions	\$10,495	CIP - Engineering

ITEM	DEPT.	SOURCE	AMOUNT	FUNDING
F. One (1) copy machine	District Attorney	Herrin Business Products	\$29,400	CIP - District Attorney
G. Revision to the contract for lease of space for Board of Equalization for additional waiting room space.	Board of Equalization	LLD (Danny Falligant)	\$2,100	General Fund M&O - Board of Equalization
H. High speed networking infrastructure	ICS	CODARAM	\$70,325	*CIP - Net Plan *General Fund M&O-Commissioners
I. Change Order No. 1 to contract to perform property appraisals in order that accurate fixed asset valuations may be determined to include an additional 20 County owned locations.	Finance	Valuation Resource Management, Inc.	\$5,844	Insurance and Surety Bond Premium Account
J. Long arm excavator	Public Works	L. B. Smith	\$197,596.17	Lease proceeds (Pending Board approval)
K. Three (3) small administrative four door sedans	Assessor	Savannah Dodge	\$36,585	General Fund/M&O - Assessor
L. One (1) undercover vehicle	Police	Fairway Lincoln Mercury	\$18,845	*SSD-Police *Confiscated Fund - Police (pending Board approval of transfer)
M. One (1) Ford Taurus station wagon	Public Works	J. C. Lewis Ford	\$16,388.10	SSD - Public Works (pending Board approval of transfer)
N. Professional service contract to perform a salary study in the Library to, among other things, rectify inconsistencies in pay between similar position and expand the District Attorney pay study.	Human Resources	Bonnie Dvorak (sole source)	Not to exceed \$5,000	General Fund/M&O - Human Resources

Items 13-A through 13-N, except 13-F and 13-L:

Commissioner DeLoach moved to approve Items 13-A through 13-N, except Items 13-F and 13-L. Commissioner Saussy seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioners Price and Thomas were not present.]

Item 13-F:

ONE (1) COPY MACHINE, DISTRICT ATTORNEY, HERRIN BUSINESS PRODUCTS, \$29,400, CIP - DISTRICT ATTORNEY

Commissioner Saussy said, I just —. Mr. Ken Earls said, please read. Chairman Pro Tem Murray said, one copy machine, District Attorney's office. Commissioner Saussy said, one copy machine for \$29,400. What kind of copy machine is this? Commissioner DeLoach said, it's really a small one, but a person comes with it. I'm just kidding. Commissioner Saussy said, is it inside or out? Commissioner Odell asked, the person?

Mr. George Lynch said, sir, I can add nothing to what Commissioner DeLoach just said. In answer to your question, sir, this—, the DA has a huge paper reproduction workload. In order to churn out documents that are quite long and that you've got apparently to distribute almost worldwide, you've got to have a very high capacity with lots of bins, plus a high speed. This beauty turns out 85 copies per minute, which is extraordinarily fast. It's got a capability for doing a single pass collation on 40 separate copies and long ones. That's why we're paying more for it.

Commissioner DeLoach said, digital. Mr. Lynch said, I don't know whether it is or not. It beats me. I knew somebody was going to get me. I heard you say back there, I thought I'd say it and mess you up a little bit.

Chairman Pro Tem Murray said, on Item 4—, I mean, Item L.

Commissioner DeLoach said, I move for approval. Commissioner Saussy said, second. Chairman Pro Tem Murray said, we've got a motion and a second. Any discussion? Let's vote. The motion carried unanimously. [NOTE: Chairman Hair and Commissioners Price and Thomas were not present.] Chairman Pro Tem Murray said, that's approved.

Item 13-L:

ONE (1) UNDERCOVER VEHICLE, POLICE, FAIRWAY LINCOLN-MERCURY, \$18,845, SSD - POLICE; CONFISCATED FUND - POLICE (PENDING BOARD APPROVAL OF TRANSFER)

Commissioner Saussy said, this is the question I asked the last time this came up. We're confiscating all these vehicles and I know there was some discussion about, well, the drug deals know the vehicles, but we're confiscating out-of-state vehicles, we could paint these vehicles. There's got to be some vehicles we can use. It's not—, rather than just spend money on buying them.

Mr. Lynch said, sir, there are some confiscated vehicles that we are able to use; however, they are, as you know, getting less and less because the people who know there's subject to confiscation and high risk of it are, quite frankly, buying junk because they're treating it as a throw away. Probably it would be incorrect to say we don't use confiscated vehicles, but there aren't the large number that we use to encounter. In this particular case, I can't think of a confiscation that we've had that would meet this particular need for the Police.

Chairman Pro Tem Murray asked, any other discussion?

Commissioner Odell said, just while the Chief is coming up, the Chief and I had a fairly lengthy discussion about this, and I think with the change of the law several years ago, and that change being that if you're caught with drugs in your vehicle, then your vehicle could be seized, then those people who deal in drugs started driving trash vehicles. Chief Sprague said, oh, yes. Commissioner Odell said, and even the ones that we confiscate they're garbage and the cost for the most part just to put them in operation would be extensive. Is that true?

Chief Sprague said, the maintenance cost would be humongous and, number two, since the CNT was formed, the Police Department no longer—, we don't seize a lot of drug vehicles. Very few. We seized one out of another type operation, non-drug operation, which came through from the court yesterday it was awarded to us, but it's a 1985 model with 90,000 miles on it and it looks like it's on it's way to the junk heap sitting in our yard. It's been there six months waiting on the seizure order. So—. Commissioner Rivers said, paint it, put it in the pool and let Martin [Jackel] use it for out-of-town.

Commissioner Saussy said, I move for approval. Chairman Pro Tem Murray said, we have a motion. Commissioner Odell said, I'll second that motion. Chairman Pro Tem Murray said, and a second. Any other discussion? Let's vote. The motion carried unanimously. [NOTE: Chairman Hair and Commissioners Price and Thomas were not present.] Chairman Pro Tem Murray said, that's approved.

ACTION OF THE BOARD:

1. Commissioner DeLoach moved to approve Items 13-A through 13-N, except Items 13-F and 13-L. Commissioner Saussy seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioners Price and Thomas were not present.]
2. Commissioner DeLoach moved to approve Item 13-F. Commissioner Saussy seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioners Price and Thomas were not present.]
3. Commissioner Saussy moved to approve Item 13-L. Commissioner DeLoach seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioners Price and Thomas were not present.]

=====

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. Comments, discussion and debate from members of the public will be received only at the meeting at which a vote is to be taken on one of the following listed items.

1. **PETITIONER, CLIFTON L. KENNEDY, AGENT (FOR SCOTT HUDGENS COMPANIES, OWNER) IS REQUESTING THAT AN 11.62 ACRE TRACT OF LAND LOCATED ADJACENT TO THE HENDERSON GOLF COURSE PUD-C DEVELOPMENT EAST OF I-95, BE REZONED FROM P-B-C (PLANNED COMMUNITY-BUSINESS) TO A PUD-M (PLANNED UNIT DEVELOPMENT-MULTI-FAMILY) CLASSIFICATION IN ORDER TO EXTEND A MULTI-FAMILY DEVELOPMENT FROM THE HENDERSON TRACT. THE MPC RECOMMENDED THAT THE PETITIONER'S REQUEST TO ESTABLISH A PUD-M CLASSIFICATION BE DENIED. IT IS FURTHER RECOMMENDED THAT THE PETITIONED PROPERTY BE REZONED PUD-C AND INCLUDED WITHIN THE ADJOINING HENDERSON PUD-C MASTER PLAN. (MPC FILE NO. 98-12354-C)**

ACTION OF THE BOARD:

Read into the record as first reading.

=====

XII. SECOND READINGS

1. **PETITIONER, BENJAMIN E. GAY, AGENT (FOR SPEIR AND BROGDON, OWNER) IS REQUESTING THAT A 42.37 ACRE TRACT OF LAND LOCATED ON THE SOUTH SIDE OF LITTLE NECK ROAD APPROXIMATELY 4.6 MILES WEST OF U.S. HIGHWAY 17 SOUTH, BE REZONED FROM R-A (RESIDENTIAL-AGRICULTURAL) TO A PD-R-SM (PLANNED DEVELOPMENT-RECLAMATION-SURFACE MINING) ZONING CLASSIFICATION IN ORDER TO MINE A 9.03 ACRE BORROW PIT FOR FUTURE CONVERSION INTO A FISH POND WITH 35 ADJACENT SINGLE FAMILY DWELLINGS. THE MPC RECOMMENDED THAT THE PETITIONER'S REQUEST BE APPROVED.
MPC FILE NO. 98-12355-C
DISTRICT 7**

Commissioner DeLoach said, I talked with Mr. Gay concerning this and I need to talk to the MPC. I've got a problem with this—, not necessarily this particular item, but the overall approach that we're taking on the West Chatham area as far as mining dirt from the pits out there and, in fact, leaving these areas that are not finished or not completed. Although this, in talking to Mr. Gay, and although Mr. R. B. Baker will lease this property and take this dirt from this location, there's no legal obligation on his part because he's just leasing the property and moving the dirt, there's no legal obligation on his part to do anything to this land once he leaves this property. The problem is the person who owns the property. Now my thoughts on this, and I don't know what the MPC is doing. I know we originally had some kind of study on the West Chatham of what was good for West Chatham, there needs to be some kind of policy set up so that these areas as far as—, for instance, this area here where a person is going to come in, take nine acres of property, dig a hole in the ground and put it on our County roads and everywhere else. I know—, I mean, it's been good for a good purpose. I'm not questioning that, but there is no finishing to this. They put up a bond and all this other stuff, but in fact it can be years before anything is actually done to this property. Is that a true statement?

Mr. Bill Saxman said, right. They cannot do anything other than what's shown on the plan. Commissioner DeLoach said, I'm not worried about what they're going to do, and I'm not questioning whether it's long term is that what they're going to do. What I'm saying is, if this person decides that it is not the right economic climate to do anything in the next 20 years, do I have a borrow pit out there in the middle of nowhere—, not that's in the middle of nowhere they think today, which is developing now, that can sit there forever. Mr. Saxman said, well, they would have to slope it such that it would not be a hazard to anyone walking off in it or—.

Commissioner DeLoach said, no, that's not my point. Follow my point. It says we're going to have 35 acre—, we've got 42 acres. Nine acres is going to be dug. We're going to have 35—, we'll we're going to take and make it lots, 35 single-family dwellings. Now you know, when I'm sitting here, I say, you know, damn, that sounds good. Awesome. Isn't that wonderful? We're going to have us a beautiful place out there. We're going to plant it and we're going to have people living around a lake, and I just feel good. But, in fact, that thing could sit there until I'm dead. Mr. Saxman said, well, it's current land can sit there too, but—. Commissioner DeLoach said, now answer me. Could it sit there until I'm dead and, in fact, not be used? Mr. Saxman said, the land can sit there, but the pond would have to be finished off as a fish pond after—. Commissioner DeLoach said, that's not a big deal. I mean, it's going to sit there and we're going to have a hole in the ground—. Mr. Saxman said, right. Commissioner DeLoach said, just like we've got in several others. Mr. Saxman said, and under the current situation—, and I'm not being argumentative, but under the current situation it can sit there as a field or a pine forest or—. Commissioner DeLoach said, right, which is fine, and it can be sold for something like a dwelling or something like that or it can be used long term. My point is we don't have any finish to this. There's no finish to this. This is just opening a hole in the ground with no future plans to complete it. Mr. Saxman said, well, the purpose of the ordinance is to require a general site plan, which this would be, and under the PD-R this would be the only thing they could do with the property until they came back before the County Commissioners and got—. Commissioner DeLoach said, I'm not saying that. I'm not saying that's not going to happen. I'm not questioning whether that—. You're doing what is legally right. What I'm saying, are we doing what is right for the community long term? Should it be instead of a person leasing this property, make it that person must purchase this property and, in turn, he must develop this property before he leaves that property? Mr. Saxman said, well, we could get with the County Attorney and see if that kind of recommendation—. Commissioner DeLoach said, I mean, wouldn't that secure Chatham County and the future development of Chatham County better than having someone lease a man a piece of property and not questioning what that man's going to do with it. We know he's going to—, he's using it to develop our roads here in Chatham County. I mean, we know what's he's doing, which is a, you know, an honorable thing, and it's great and all that, but the point is, how can we tie up this reclamation area so that long term we do end up with lots that can be developed around a nice lake? Mr. Saxman said, well, we think the ordinance does now and long term, of course, long term could be beyond our lifestyle—, lifetime. Commissioner DeLoach said, that's my point. How do we narrow this time frame down to where when this person gets through with this—, digging this pit, he owns some property there that he has got—, he's going to get excited about doing something with it then because he needs to do something with it because he doesn't want it on his—, he doesn't want to own property that he hasn't got—, that's not making money, or he might want to dig another pit right down the—. I'm not questioning, he might take it and make the whole thing a pit, I don't know, but my point is how do we, for Chatham County, how do we develop this—, and I talked to Mr. Gay about it. It concerned me and he understands, and I had the wrong person and, Lord knows, I want to apologize to the wrong person because I had the wrong person in mind when we had a problem on another area. It was my mistake, and please offer that gentleman my

apologies a number of times please, but in fact how can we—, how can we hem this thing up. Jon [Hart], how could we hem this up and make it better for Chatham County long term?

County Attorney Hart said, well, Commissioner DeLoach, you've raised a very good question that does not have any simple solution to it and there's a number of factors involved in it. Number one, there's been a great deal of annexation on the Westside of Chatham County, and I must tell you that the West—, the annexed—, those areas that are annexed have taken in a number of borrow pits that essentially have less regulation over them now as a result of that annexation than the MPC's ordinance. The MPC's ordinance is a good ordinance. A lot of time was spent on drafting that. The other factor that comes into account is road construction projects for this community are very expensive, one of the direct costs being on the costs—, on the coast, is the ability to find cheap dirt for fill close by a project. Hence, any time you let a road, with as many roads as we have out now, the first thing that the price based on that road is how close can we secure the dirt to haul to build the road, and most of the time the contractors bidding on that would base their bid upon their ability to lease a borrow pit space to haul that dirt. If you're going to require the transfer of title in order to open up a borrow pit, then what you're telling the contractor is you're going to have to buy that property to haul the dirt out of it. That's fine, you can make that rule, but be fully aware the cost escalator on your roads is going to be dramatic. Number two, most of the folks are doing these under lease provisions, and those lease provisions generally apply and require—, the ones that I've seen that are drawn well, require that the person removing the dirt from the property meet the Chatham County Zoning Ordinance requirements because, quite candidly, that's the only thing we have in Chatham County right now that regulates any of these borrow pits. For example, if you were to dig one in Pooler or dig one in Garden City, for example, in some of their outlying areas, you wouldn't have to comply with the MPC regulations on that. The only other provision I know that you can place in there would be some type of sunset provision on the length of time that the pit may remain open. Unfortunately, road construction projects though last three and four and five years, and my understanding of the current ordinance has a four-year--.

Mr. Saxman said, well, the County Commissioners have actually in some cases put a two-year limitation to have to review it. If everything is running in smooth order and they haven't had any problems, then come back through the County Engineering Department and actually just extend the permit for another two years.

County Attorney Hart said, that's probably your only real hook in there is to have, you know, provide for a two-year opening and closing of the pit. Some of these pits though, especially the ones when you get up like 16 and 17 acres and that sort of thing, you know, just due to the size of the pit and demands for the dirt, those things can remain open for quite an extended time until the surface area is, in fact, excavated.

Commissioner DeLoach said, to give you an idea or a scenario. Somebody called me concerning a borrow pit. They leased the property to a gentleman to dig a borrow pit. We approved it, everything's fine. The person starts digging, he digs for whatever period of time, and then he doesn't necessarily need that dirt now. All right, this person's leased that borrow pit. It's sitting there open. The person who leased it to him can't complete, can't get done, can't finish what they're doing because this person has this property for, you know, for a borrow pit. They're banking on that person finishing that borrow pit to develop that property, and it stops because maybe there's not a road near there or he finished all the dirt he needed in that particular area or he's bought another pit closer to another area and he can pull out of there, so why worry about pulling out of here. So this pit ends up not being completed, not being done and not finishing out, and we sit there with an eyesore on Chatham County. I know we have to—, I know we need to do—, you know, have the dirt and all. I just want to have some stewardship of the property after we do that because some how or another these things are popping up everywhere and everybody's coming up saying they've got to have them. They seem to all be located, maybe it's because of the quality of the dirt in that area and because of the contents of the dirt, because I don't think they would pull it out of Pooler, but anyway that problem is creating a big, you know, concern of mine down 204 and Bush Road and all that area. Mr. Gay, what would you suggest that—, what could we do? You work with these gentlemen all the time. What would you do to make sure that, you being a citizen of Chatham County, long term that we in fact end up with a quality long term development in Chatham County, and also work this—, you know, get this dirt that we need to continue to build in Chatham County? What can we do?

Mr. Gay said, I think your concerns about the borrow pit are covered by the regulations of Chatham County and by the surface mining permit that also the contractor who leases the property to dig the pit has to get a surface mining permit. He has to put up a fairly substantial bond, and he's responsible actually to maintain that pit two years after the State officially closes the pit. In this case, we've asked for four years to—, a four-year lease plus the two years automatic lease that's required by the surface mining unit of the State. I think your concern goes beyond the regulations that are presently on the books, and that's how you can control person's individual property rights. In other words, your concerns are valid. They're my concerns and everyone's concerns, but I don't see how we can dictate to a private individual as to whether he develops his property or not. Your regulations state that he can only develop it in one way that you're already approved, if he develops it, but—, and if he chooses for whatever reason not to develop it and just leave the pond there with the pond side-sloped and well maintained, et cetera, your regulations, as I understand it, cannot dictate and make him develop the property as per his plan. He can't do anything with it unless he does it by the plan that you've approved, but if he chooses not to do anything—. Commissioner DeLoach said, that's not a lot you can do about it. Mr. Gay said, I don't—, there's nothing in the regulations. I think you're really getting into some other issues—, first constitutional issues that these learned gentlemen up here could probably argue better than I.

Commissioner DeLoach asked, do you think long term that we're going to—, the way it's going right now, West Chatham is going to be okay with what we're doing out there to it right now? Mr. Gay said, I think the regulations—, when somebody develops a, and I'm going to call it a pond because that's what it will be when it's finished if it's done properly—. Commissioner DeLoach said, right. Mr. Gay said, and it's up to the County, to us, and to the State to make sure it's done properly, I think you're creating a very desirable portion of the County there to develop lots around this late. I think your concern is that what is going to make the gentleman proceed with the development of those lots, and I don't—, there's nothing in the regulations on timing there, but I think as far as the concept, I think as far as the regulations, I think as far as the State regulations, they're pretty well in place.

Commissioner DeLoach said, okay. All right, I make a motion we approve it. Commissioner Saussy said, second. Chairman Pro Tem Murray said, second. Any discussion? All in favor of the motion. The motion carried unanimously. [NOTE: Chairman Hair and Commissioners Price and Thomas were not present.] Chairman Pro Tem Murray said, the motion passes.

ACTION OF THE BOARD:

Commissioner DeLoach moved to approve the request of petitioner, Benjamin E. Gay, Agent (for Speir and Brogdon, Owner) that a 42.37 acre tract of land located on the south side of Little Neck Road approximately 4.6 miles west of U.S. Highway 17 South be rezoned from R-A (Residential-Agricultural) to a PD-R-SM (Planned Development-Reclamation-Surface Mining) zoning classification in order to mine a 9.03 acre borrow pit for future conversion into a fish pond with 35 adjacent single family dwellings. Commissioner Saussy seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioners Price and Thomas were not present.]

=====

2. CHATHAM COUNTY HAZARDOUS SUBSTANCE REGISTRATION ORDINANCE AMENDMENT TO PROVIDE ADDITIONAL EXEMPTIONS AND DEFINITIONS.

Mr. Gregori Anderson said, this is a housekeeping item. It's an amendment to the Hazardous Substance Registration Ordinance and it provides a definition as well as two exemptions that are recognized both by GEMA as well as our CEMA Director here, and it's authored by both of those. This is something that's been used as a policy heretofore. Facilities that use petroleum and gasoline produce to fire emergency generators for electrical power after disasters would be exempt to have those amounts reported under the current ordinance, and this basically puts that provision actually in the ordinance so it can be administered across the board.

Commissioner DeLoach said, I make a motion for approval. Commissioner Saussy said, second. Chairman Pro Tem Murray said, we have a motion and a second. Is there any other discussion? The motion carried unanimously. [NOTE: Chairman Hair and Commissioners Price and Thomas were not present.] Chairman Pro Tem Murray said, the motion carries.

ACTION OF THE BOARD:

Commissioner DeLoach moved to adopt an amendment to the Chatham County Hazardous Substance Registration Ordinance to provide additional exemptions and definitions. Commissioner Saussy seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioners Price and Thomas were not present.]

=====

XIII. INFORMATION CALENDAR

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

ACTION OF THE BOARD:

Report received as information.

=====

2. LIST OF PURCHASING ITEMS BETWEEN \$2,500 AND \$9,999 (SEE ATTACHED).

ACTION OF THE BOARD:

Report received as information.

=====

3. MONTHLY ROADS REPORTS.

Ms. Montine Earls said, I want to know what's going on on 204 and King George Boulevard. Commissioner Odell said, and Mr. Price is not here. Chairman Pro Tem Murray asked, where's the County Engineer? County Attorney Hart said, he's in a meeting with Wayne Shackelford of DOT. Chairman Pro Tem Murray asked, is Al Black here? County Attorney Hart said, I don't know. Commissioner DeLoach said, they're stirring it up out there I can tell you that. Ms. Earls said, everybody's says what's happening now. You know, we had the two left-hand turns and now we don't have that, and then we had to get the police out there because everybody was starting to make—, starting two lanes, right-hand turns coming out of the north side. So the police came out there and started giving tickets to stop it. I'll tell you, they're knocking on my door and they're calling me: What's going on?

Chairman Pro Tem Murray said, Russ [Abolt], we've had a question asked about Georgetown, the entrance off of Abercorn, 204—. Ms. Earls said, 204 and King George Boulevard. County Manager Abolt said, yes, sir. Mr. Bungard is with the Chairman meeting now with the Transportation Commissioner, and I'm trying to recall based on the staff report whether he's given an update. As I recall, there was some delay on the contractor's part. I will get a response to Ms. Earls today.

Commissioner DeLoach said, I think she—, just talk to her because she's—. County Manager Abolt said, I'll get a response to Ms. Earls, yes. Commissioner Odell said, that's what I was going to recommend, and that you carbon copy the Commissioners. County Manager Abolt said, I'll be glad to. Commissioner Odell said, especially Ben [Price] because that's Ben's district. County Manager Abolt said, yes. If I remember, at the last briefing that question was asked of Mr. Bungard and he did respond based on some lag time on the part of the contractor, but I'll get a call into Ms. Earls today as well as letting Commissioner Price know.

Ms. Earls said, what I want to know about is 204 and King George Boulevard. County Manager Abolt said, where all that work's going on right now. Ms. Earls said, oh, I know that.

ACTION OF THE BOARD:

Report received as information.

=====

4. MONTHLY DRAINAGE REPORT.

ACTION OF THE BOARD:

Report received as information.

=====

EXECUTIVE SESSION

Commissioner Rivers moved that the meeting adjourn and the Board go into Executive Session for the purpose of discussing litigation, personnel and possible land acquisition. Commissioner Saussy seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioners Price and Thomas were not present.]

=====

ADJOURNMENT:

There being no further business to be brought before the Board, Chairman Pro Tem Murray declared the meeting adjourned at 10:45 a.m.

=====

APPROVED: THIS _____ DAY OF _____, 1998

DR. BILLY B. HAIR, CHAIRMAN, BOARD OF
COMMISSIONERS OF CHATHAM COUNTY, GEORGIA

SYBIL E. TILLMAN, COUNTY CLERK