

MINUTES OF THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF CHATHAM COUNTY, GEORGIA, HELD ON MAY 28,1999, 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, May 28,1999.

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II. INVOCATION

Commissioner Saussy introduced The Right Reverend Henry Loutitt, Episcopal Bishop of Georgia, who gave the invocation.

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III. PLEDGE OF ALLEGIANCE

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

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IV. ROLL CALL

The Clerk called the roll.

PRESENT:	Dr. Billy B. Hair, Chairman Dr. Priscilla D. Thomas, Vice Chairman, District Eight 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 (arrived approximately 9:15 a.m.) Ben Price, District Six (arrived approximately 9:10 a.m.) Eddie W. DeLoach, District Seven
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IN ATTENDANCE:	Russ Abolt, County Manager R. Jonathan Hart, County Attorney Barbara B. Wright, Acting County Clerk
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V. PROCLAMATIONS AND SPECIAL PRESENTATIONS

1. RECOGNITION FOR FAMILY OF M. C. ANDERSON.

Chairman Hair said, the first thing on our agenda today we're going to recognize a gentleman who contributed a tremendous amount to this community over many, many years, and I'm going to call on Commissioner DeLoach to make a few comments and then join me down at the podium to present the proclamation and call on city officials who also would do likewise. Chairman Hair recognized Commissioner DeLoach.

Commissioner DeLoach said, many of you know that M. C. Anderson passed away a couple of weeks ago and we wanted to bring it to everyone's attention. He meant a lot to the westside communities, not only them but also to Chatham County, and I felt like it was important that we as Chatham County recognize him and let everyone know what he did for the community. A lot of times when you read it in the paper and you read the obituary, you don't really appreciate the value that someone had in the community, and I just thought it would be —, us, that the Commission felt like we needed to make sure that people recognize the importance of M. C. Anderson and what he meant to us, but also I think the main importance or the main place that he showed his benevolence and his free will, he would give anything to anyone at any time and that he recognized —, I recognize that more with the municipalities than anyone, and that's the reason I asked them to participate, but we also had the University of —, Georgia Southern and when Erk Russell started his program down there, the person that stepped to the plate first was M. C. Anderson. I thought it was real important that we recognize a person from the Westside that has meant a lot to our community and to Chatham County and to southeastern Georgia and to make sure that we know that a giant has passed and something that we need to recognize and make sure we pay tribute to. So at this time I would ask the Chairman to come down and read the proclamation from the County, and we also have Coach Paul Johnson from one of the winningest programs in the South —, well, I say in the South, not only Southeast Georgia, but the South, and also have him come up along with Buddy Carter, John Hinely, and Andy Quinney, who's representing Port Wentworth, Pooler and Garden City.

Chairman Hair read the following proclamation into the record:

Proclamations from Garden City, Bloomingdale and Pooler were then read, and resolutions expressing sympathy at the passing of M. C. Anderson were presented by the City of Port Wentworth and Georgia Southern University.

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PROCLAMATION HONORING THE REUNION OF THE 3RD BATTALION, 12TH INFANTRY REGIMENT.

Chairman Hair said, our next resolution [sic] deals with a regiment, and I'll call on Commissioner Saussy.

Commissioner Saussy said, thank you. I just want —, like to have —, recognize the 3rd Battalion, 12th Infantry Regiment, who are having there reunion here in Savannah this year. I want to present them with a proclamation if they would come up.

Chairman Hair then read the following proclamation into the record:

The proclamation was received by Retired Colonel Jamie Hendrix.

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2. PRESENTATION FROM DOTNET MANAGEMENT GROUP INVITING COMMISSIONERS TO OPENING RECEPTION FOR "CELEBRITY SUMMERFEST '99" (CHAIRMAN HAIR).

Chairman Hair said, I'm going to recognize a representative of Celebrity Summerfest, I believe Ms. Anderson is here to invite Commissioners to events —. Is she present? Okay, I don't believe she's present.

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VI. CHAIRMAN'S ITEMS

None

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VII. COMMISSIONERS' ITEMS

**1. REZONING OF HARROCK HALL NEIGHBORHOOD (COMMISSIONER SAUSSY).
RECOMMENDED ACTION: REFER TO MPC.**

Chairman Hair recognized Commissioner Saussy.

Commissioner Saussy said, thank you, Mr. Chairman. As y'all got in your package, you read a little bit about what we're trying to do here, and I think what we want to do is return this to the MPC for their advice, to set it up. What we've got is a very hold neighborhood which has very large lots and to keep the neighborhood as it is, we'd like to rezone it either R-1-A, R-1-B or R-1-C to require a larger than is in there now so we could submit it to MPC.

Chairman Hair asked, Jon [Hart], does that take a --, that doesn't take a motion --, does that take a motion? County Attorney Hart said, yes sir. Chairman Hair said, it does? Okay. If you'll so move, we'll —.

Commissioner Saussy said, I would so move. Commissioner Murray said, second. Chairman Hair said, second. Any discussion? All those in favor vote yes, opposed vote no. The motion carried unanimously. Chairman Hair said, the motion passes. Thank you. This is certainly something that's needed. I appreciate the neighborhood that's present this morning. We have former Alderman Dana Braun and we have [inaudible] and several other folks. Thank you. Thank you for coming.

ACTION OF THE BOARD:

Commissioner Saussy moved to refer to the MPC for their advice a request for rezoning to R-1-A, R-1-B or R-1-C to require larger lots in the Harrock Hall neighborhood. Commissioner Murray seconded the motion and it carried unanimously.

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VIII. TABLED/POSTPONED ITEMS

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

- * 1. ~~REQUEST BOARD APPROVAL TO RELEASE \$400,000 RESTRICTED FUND TO THE LIBRARY, NEW \$876,000 IN SUPPLEMENTAL FUNDING FOR THE LIBRARY'S 1999 OPERATING BUDGET AND A ONE-TIME ALLOCATION OF \$755,000 FOR TECHNOLOGY AT THE BULL STREET LIBRARY. At meeting of April 30, 1999, Library staff was asked to provide various options for expenditure of the \$876,000. See item XI-5 for alternative for financing \$755,000 in capital (technology) requests. At the meeting of May 14, 1999, Commissioner Rivers made a motion for reconsideration of the motion to approve Option B.~~

Chairman Hair said, the first item Commissioner Rivers would like to let lie on the table.

ACTION OF THE BOARD:

This item was not placed before the Commissioners for consideration.

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- * 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.**
- **LIBRARY - ACCOUNTING TECHNICIAN (ONE POSITION)**
- Item was tabled at meeting of May 14, 1999.*

Chairman Hair said, we need a motion to take that off the table. Commissioner DeLoach said, so moved. Chairman Hair asked do I have a second? Commissioner Jackel said, I'll second it. Chairman Hair said, all those in favor of taking it off the table vote yes, opposed vote no. Chairman Hair and Commissioners Saussy, Rivers, Jackel, Odell, Price, DeLoach and Thomas voted in favor of the motion. Commissioner Murray voted in opposition. The motion carried by a vote of eight to one. Chairman Hair said, the motion passes.

Chairman Hair said, now I'll entertain a motion on the item itself. Commissioner DeLoach said, I make a motion —. My library man is right back there behind that —. Chairman Hair asked, anybody want to comment on this. Commissioner DeLoach said, tell us what we've got going. Chairman Hair asked, do you want to comment on this issue prior to a motion? Let's let —, I'll recognize him first and then I'll recognize you.

Mr. Bill Johnson, Assistant Library Director, said, we're not ready to have this reconsidered. We'd appreciate it if it could be brought back at a later date.

Commissioner Price said, I move to table. Chairman Hair said, we have a motion to table. Commissioner Saussy said, second. Chairman Hair said, second. All those in favor vote yes, opposed vote no. The motion carried unanimously. Chairman Hair said, the motion passes. Thank you.

Chairman Hair said, it's been tabled. We don't take --. Mr. Timothy Mackey said, not that issue. Just one question. At what point does the Board consider or bring to the table the issue of the nominations to the Library Board? Chairman Hair said, that will be done later in this meeting. Mr. Mackey said, okay, thank you.

ACTION OF THE BOARD:

1. Commissioner DeLoach moved to untable this item for consideration by the Board. Commissioner Jackel seconded the motion. Chairman Hair and Commissioners Saussy, Rivers, Jackel, Odell, Price, DeLoach and Thomas voted in favor of the motion. Commissioner Murray voted in opposition. The motion carried by a vote of eight to one.
2. Commissioner Price moved to place this item on the table. Commissioner Saussy seconded the motion and it carried unanimously.

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IX. ITEMS FOR INDIVIDUAL ACTION

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

1. BOARD CONSIDERATION OF A PRIORITIZED LIST OF HIGH PRIORITY PROJECTS AND PURCHASES IN THE AMOUNT OF \$498,300 FOR CAPITAL REPLACEMENTS AND IMPROVEMENTS IN THE COUNTY JAIL WHICH THE SHERIFF RECOMMENDS BE FUNDED BY BORROWING.

Chairman Hair recognized County Manager Abolt.

County Manager Abolt said, it's a part of the Sheriff's [inaudible], sir, as you know, we received this request from the Chairman after we had already prepared a menu of things you had approved last time to proceed with financing. To be fair to the Sheriff and the Jail Administrator, we wanted to give you a chance to consider it. The long and the short of it is, Mr. Lynch along with representatives from A. G. Edwards had put together a strategy that will allow the financing. I want you to keep in mind there's certainly nothing wrong with proceeding, but by approving the request from the Sheriff and Jail Administrator, we would have fixed costs —, new fixed costs that would total \$1.7 million. That's cumulative given the past debt you've agreed to issue plus obligations to cover the cost of the new Mosquito Control facility with the Airport Authority, the helicopter, things like that.

Chairman Hair recognized Sheriff St. Lawrence.

Sheriff Al St. Lawrence said, well, the reason that I proposed this list of capital items because I knew the Commission was going to do some long term financing and these are items that we've been putting in the budget that have been set aside every year. Item #1 for instance, HVAC Unit in Unit #5, they don't even make those units any more and maintenance people are having to patch and repair and Patch and repair. I put these on there simply because I knew you were doing this. It's items that we need. It's items you don't have to consider, but if we don't, we're going to run into the problem down the road and we're going to be back up here. That's basically —, and Mr. Blake's here to answer any specific questions.

Chairman Hair recognized Commissioner Odell.

Commissioner Odell said, Mr. Chairman, I move for approval. Chairman Hair said, we have a motion to approve. Do we have a second? Commissioner Thomas said, second. Chairman Hair said, second. Any further discussion? All those —. Commissioner Jackel said, yes. Chairman Hair recognized Commissioner Jackel.

Commissioner Jackel said, I have no —. I appreciate you being here, Sheriff, and requesting these items. The question is, this is the only department that's come forward at this time. Other departments that have not —, I'm really afraid of opening up the gate, opening up Pandora's box if we approve all these items, then the next departments that have such valid claims will be coming forward. I don't know exactly what they are yet, but I'm sure they're out there.

Chairman Hair said, I think we can just address each one of them as they come up, address the merits at the time. I don't see necessarily any reason to not add this one because something might come up in the future. I personally think this is needed and I'm going to support it, so I don't —. I think you're right, Commissioner Jackel, we're probably going to get other requests, but I think we'll just take them at that time and look at the merits. Chairman Hair recognized Commissioner Saussy.

Commissioner Saussy said, yes. I'm in accordance with Commissioner Jackel on this. The Sheriff just got six hundred and some thousand dollars, and I know this is separate to that, but we've got a problem with the library thing, and it just seems like we can't come to grips on it, and if we can give them \$498,000 and we can't give the library a similar amount, I think that is [inaudible].

Commissioner Price said, this is a capital expenditure versus M&O. I mean, that's the difference. Chairman Hair said, yes, I think so too and I think there's a big difference in public safety and —.

Commissioner Saussy said, some of the library is capital too. It's books and things like that. I mean, that's capital. Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, if I'm not mistaken, there's over \$700,000 —, almost \$800,000 in this same package for the library technology. Chairman Hair said, that is correct. Commissioner Murray said, so it's not like the library's been pushed out so we can fund something for the jail.

Chairman Hair asked, any further questions?

Commissioner Jackel said, yes, I have —, I mean, when we look at this list, you know, we're talking about 8 floor buffers, we're talking about 4 stainless steel food carts, and this —, I don't think this is the way to replace those items; 3 lateral file cabinets, carpeting —, we've got carpeting in several units. For us to open the door for every department that needs new carpeting, needs new light fixtures, needs new filing, wants a new copier. These sort of things are —, need to come through the regular budgeting process. If there are special items that would not fit in the regular budgeting process, then I think that's what needs to be here. But to prove that this list —, cameras for the jail, 9 desks, 30 office chairs, 6 desk-top

shredders. We're opening ourselves up to a real problem with our other departments that are not —, that will come forward and be turned down. They'll come forward and just be there. If we want to do this, we need to open it up to everybody and say, come on, give us your list and we'll incorporate all of this or we need to draw the line. I think the line needs to be drawn and most of this items needs to come through our regular budgeting process.

Sheriff St. Lawrence said, Commissioner Jackel, I would agree with you about the regular budgeting process; however, as I pointed out earlier, we have been putting these things in the budget and, you know, we're not being treated different than anybody else they pushed aside and they put on this list and we don't get them. I did this because I knew what y'all would do on this Board and I was trying to solve some of these problems, and if it's not financed then so be it, but, you know, this is my way of approaching it.

Chairman Hair recognized Commissioner DeLoach.

Commissioner DeLoach said, I appreciate the effort the Sheriff put in it to the fact that we do need some of these items and they've been neglected for some time, but as a businessman there's no way in the world that I could sit there and approve borrowing money to replace a carpet whenever we should be paying, you know —, you need to pay cash for it and don't need to be paying interest on top of money that you're going to wear out something. So I —, to me it's an item that should be in the regular budget and should be listed way, beat us over the head if we don't get it, whatever you need to do to push that issue, but I don't think we need to be buying things that are only —, that are wearing out and we'll going to be paying money on it 20 years after that. I just don't see the logic in that although I know the need's there. So in my opinion I think we ought to either cash it or don't do it.

Chairman Hair recognized Commissioner Rivers.

Commissioner Rivers asked, Sheriff, can I ask you this? Can we look at your —, those items that are totally necessary and pull the non-essential items off of there and come by and —? Sheriff St. Lawrence said, well, I feel all the items are essential. Again, the normal budgeting process is the way we tried to solve some of these —, these other problems. Now they're more or less listed in priority and, I mean, you can —, this Board can do whatever it wishes to do, but some of these things need to be done. For instance, the HVAC in Unit 5, we built in the 80's, we can't even buy parts for that stuff anymore. Commissioner Rivers said, I understand that and that's what I'm saying, those things that are essential that you need to have that controls your operation, yes. Some of these things, I'll agree with some of the rest of the Commissioners, need to go back through the regular process, and I know you've done that. Yes, pressure clean building exterior. I think some of those things are not necessary that we do at this particular time. Maybe somewhere along the line when you get additional funding you can do some of the things that you want, but I think some of the essential things that you can't do without we need to do that and we need to finance that, but [inaudible].

Chairman Hair said, some of the items that are on there you aren't going to be able to finance long term anyway. You know, we have to look at other alternatives. For example, you're not going to be able to long term finance carpeting. Those items that you're very concerned about would be able to be financed anyway.

Commissioner Rivers asked, why can't we just take this list and compact it with those items that we are going to finance that are eligible for financing? Chairman Hair asked, why don't we do this, why don't we just —? Commissioner Price said, try the vote first and see if the votes —, and if they're not there, then we'll come back and do that. I mean, let's try the votes first. Chairman Hair said, would you —, we have a motion and second, so if somebody calls for the question, we'll try the vote. Commissioner Price said, call the question.

Chairman Hair said, we have a call for the question. All those —. The motion is to approve the list to add it to it. Commissioner Price said, I'll yield to Commissioner Murray. Commissioner Murray said, I move to table to the next meeting and let the Sheriff come back with a list —. Chairman Hair said, all right. We have a motion to table. Do we have a second to the motion? Chairman Hair said, no second. Commissioner Rivers said, I'll second it. Chairman Hair said, we have a second. All those in favor of tabling it vote yes, opposed vote no. Commissioners Rivers, Jackel, Murray, Odell, DeLoach and Thomas voted in favor of the motion. Chairman Hair and Commissioners Saussy and Price voted in opposition. The motion carried by a vote of six to three. Chairman Hair said, the motion to table passes.

Commissioner Rivers asked, can we do one thing other than that? Can we have staff go down and look at those items and —. Chairman Hair said, I would think the appropriate thing to do would be to have the Sheriff work with staff and have him give the list —. Sheriff St. Lawrence said, I would be glad to work with Mr. Lynch on those and [inaudible]. Chairman Hair said, I think that would be —. Sheriff St. Lawrence said, to long term financing. You know, this is a budget process, some of this stuff we've been trying to do that, but we'll be glad to work with him.

ACTION OF THE BOARD:

1. Commissioner Odell moved to approve prioritized list of high priority projects and purchases in the amount of \$498,300 for capital replacements and improvements in the County Jail which the Sheriff recommends be funded by borrowing. Commissioner Thomas seconded the motion.
2. Commissioner Murray moved to table this item. Commissioner Rivers seconded the motion. Commissioners Rivers, Jackel, Murray, Odell, DeLoach and Thomas voted in favor of the motion. Chairman Hair and Commissioners Saussy and Price voted in opposition. The motion carried by a vote of six to three.

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**2. BOARD CONSIDERATION ON THE PAVING OF STAGECOACH ROAD.
[DISTRICT 7.]**

Chairman Hair asked, Commissioner DeLoach, you wanted to talk about this item, Stagecoach Road? Commissioner DeLoach said, yes. Chairman Hair said, okay, Commissioner DeLoach.

Commissioner DeLoach said, Stagecoach Road is a road outside of Bloomingdale that's been taken into Bloomingdale the last referendum, but it also goes into the —, outside of the Bloomingdale area. We originally approved the —. Is Al [Bungard] around here? I can get Al [Bungard] up here along with me somewhere. Chairman Hair said, yes. Commissioner DeLoach said, okay. Anyway, we approved a certain amount of monies to pave the road from Highway 80 back towards Effingham County and since then we've done all kind of things and did all kind of jigs and everything else trying to get everything lined up, and we feel like we've got it lined up and then we also run into the issue that Effingham is interested in paving their part of the road all the way from their County line back towards --, that's Godley Road and all that area. So now we're going to come to you with the idea of paving the entire strip in there rather than the first three-tenths based on the fact that this is going to end up being —, hopefully, we're going to get —, I'd like to get the State involved in it and get it tied to a State road possibly and move in that direction, but I'll let Al [Bungard] speak on it since he knows what's going on.

Chairman Hair recognized County Engineer Al Bungard.

Mr. Bungard said, you may recall the reason we stopped on the road before several property owners objected. The other single property owner on the other side has agreed to put the road on their side at somewhat higher cost. The road will be approximately —, to pave the entire road is approximately 1.3 miles versus the .3 that was already approved. It is now within the city jurisdiction of Bloomingdale, therein lying a policy decision we have to have addressed. If we move the road over, we'll also have to have the project completely redesigned. It moves off the center line of the existing road, and so it's going to cost just to repave the existing .3 miles about \$90,000 more. To continue it over to Effingham, we talked to the County Administrator of Effingham County and they are in fact working on a County contract with the State to pave it from the other end. So if we do not pave the stretch, we'll have that unpaved center section.

Chairman Hair asked, would our end qualify for a County contract with DOT? Mr. Bungard said, before when you approved it, no. Now they say it will because there are logical connections. To what extent we don't know. It's typically, you know, around the 20%, so of the \$800,000, a million approximately in there I figure they'll participate to the tune of a couple hundred thousand dollars is the initial estimate. Chairman Hair said, I think it would be a good ideal to pursue a County contract with DOT and I think it's something that we should do. I'll entertain a motion.

Commissioner DeLoach said, so moved to entertain —, a motion to move in that direction. Commissioner Murray said, second. Commissioner Jackel said, I have a motion and second. Any discussion? All those in favor vote yes, opposed vote no. County Manager Abolt said, hold it. Which alternative? Chairman Hair said, alternative —. County Manager Abolt asked, the \$800,000 alternative? Commissioner Jackel said, no, no. Commissioner DeLoach said, we're going to approach the County —. We're going to approach the State and get it approved as a —. County Manager Abolt asked, you want to pave 1.35 miles? Commissioner DeLoach said, right, but we're going to have it with the assistance of the State though. Chairman Hair said, only if we can get it —. Commissioner DeLoach said, only if we can get the State participation. County Manager Abolt said, we understand that, only if we get —. Chairman Hair said, that's correct. Commissioner Odell said, so we're not today approving to do —, any money with the exception we first go through the State —. Chairman Hair said, absolutely. This motion has no money attached to it. It's simply to get a County —. All those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Rivers was not present.] Chairman Hair said, the motion passes. Thank you, Mr. Bungard.

ACTION OF THE BOARD:

Commissioner DeLoach moved to pursue a County contract for the paving of Stagecoach Road with the Georgia Department of Transportation. Commissioner Murray seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present.]

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3. REQUEST FROM DAVIS COHEN FOR TAX REFUND FOR TAX YEARS 1996 AND 1997. *County Attorney recommends denial of the request.*

Chairman Hair said, Mr. Cohen is here and I will recognize him to present his case.

Commissioner Jackel said, Mr. Chairman, at the proper time I'm going to have to make a motion to recuse myself. Chairman Hair said, okay, that's fine. Commissioner Price said, Mr. Chairman, I'll go ahead and offer up a motion to recuse Commissioner Jackel. Chairman Hair said, all right, we have a motion to recuse Mr. Jackel. Commissioner

DeLoach said, second. Commissioner Saussy said, second. Chairman Hair said, and a second. All those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Rivers was not present.] Chairman Hair said, Commissioner Jackel is recused from this vote. Chairman Hair recognized Mr. Cohen.

Mr. Davis Cohen said, okay, Mr. Chairman, thank you for allowing me to be here today, and members of the Commission. I'm the property owner of 221 East York Street, a downtown piece of property and have been in litigation with the Tax Assessor's office here in Chatham County. I'd like to go through just briefly, if I might, some sequence of events that took place, which is really beyond the control of myself or beyond the control of the Tax Assessor's office, which has led us to this point today, which is my claim for a refund of taxes. We're talking about tax year 1995 where the Tax Assessor's office had appraised the property, fair market value, at a level that I felt was unfair. Final appeal, Board of Equalization, and then ultimately to the Superior Court where we had approximately a one-day trial before Judge Freeseemann. The chronology of events that took place was that in 1995 the Tax Assessor's office valued the property at \$119,200. On February 8th, 1996, the Board of Equalization affirmed at that value. On February 23rd —. I'm sorry, can you see this? Chairman Hair said, that's fine. On February 23rd, 1996, I made an appeal to the Superior Court and we had a trial and during this period of time, right afterwards of course letters went out according to the statute, and we've got some rather complicated statutes here running on several pages dealing with the taxation of property in Chatham County. On April 4th, 1996, the Board of Assessors requested the court to set it at the first term. Now there's a statute that says when you have an appeal that the court is to set the matter down for hearing or for trial at the first term following the appeal, in which event this would have been —, the appeal would have been February if the court had followed the directions in the statute, I believe it runs, December, January, February, March, April, May. By May we would have had a full, final and complete decision and would not be in the dilemma that I'm going to show you that we are currently in. During that period of time letters went out to the Superior Court to please set the matter on the trial calendar because of that statute. There was letter that went out December 17, 1999, a letter that went to the Court December 12, 1997, a letter went out to the Court July 3, 1998, and basically all of these letters —, and I have them here. I can tell you —, I don't remember right now whether it was a letter from my office to the court or a letter from the Tax Assessor's office to the court. Both sides were represented by counsel. The County was represented by John Cullum. I was represented by Michael Edwards, and we were trying to encourage the Court as best you can as an attorney, practicing attorney in these courts. It's a delicate sort of thing to try to encourage the court to set it down in a timely fashion so that the matter could be ultimately resolved. The final decision in this matter came. The Clerk's stamp shows that it was August 17, 1998, some two years after the appeal here and three years after the tax year that the court's final and full, complete decision came out setting the fair market value at \$118,000, which means I won. I didn't win by much, but I won. Now that kicked in —, that kicked in another statute which says —, this is 48-5-299, and basically what it says without going into the reading of the statute, I believe you have it up there in the material that you have, that if a superior court sets by a judicial order a value in any particular tax year, then there is a tax freeze for two years and they can't come back and reappraise or reevaluate the property and raise the taxes except under some very limited circumstances. One of the circumstances is if the taxpayer files a return during that period of time, then they're not bound by that two-year tax freeze. Well, what happened here was I was —, because of the delay in the court —. Let me just go to the judge's order. The Superior Court's order of August 17, 1998, which sets the fair market value at \$118,000 for tax year 1995, has a footnote in there taking into account the Code section of 48-5-299(c), and basically it says it freezes the fair market value at \$118,000 for tax years 1996 and 1997 absent the exigent —, the existence of significant factors as defined in said statute. So the judge was fully aware of that statute and addressed it in her order and said these taxes are frozen for 1996 and 1997 absent the factors as defined in the statute. One of the factors is that the taxpayer not file a tax return during those years. In 1996 a return was made by myself. In 1997 a return was made. The reason was that the Tax Assessor's valuation for 1996 and 1997 was immediately much higher. In 1996 they appraised the same property that the court appraised —, that the court found the fair market value to be \$118,000 in '95 and in '96 it went to \$183,720. In 1997 --.

Chairman Hair asked, can I ask you a question, Mr. Cohen? Mr. Cohen said, yes sir. Chairman Hair asked, if the judge's order ordered it frozen for '96 and '97, how could the Assessor raise it? Mr. Cohen said, okay, because they claimed that I filed —, they claimed that I filed a return in 1996 and 1997, and I did. Okay. If you take a look at the —, if you take a look at the statute there —. Let me just briefly summarize. 48-5-299(c), it says real property, the value of which was established by an appeal in any year that is not been returned by the taxpayer has a different value during the next two successive years may not be changed by the Board of Tax Assessors during such two years for the sole purpose of changing the valuation established for a decision rendered in an appeal to the board of equalization or superior court. In such cases, before changing such value or decision, the Board of Assessors shall first conduct an investigation, and so on and so forth. They couldn't do that because the two years —, these other things of making a further evaluation and a further investigation and further appraisal could not have taken place within the successive two years because the opinion didn't come until 1998, so there was no opportunity there for them to even have done that. They're basing the denial on the fact that I filed in a —, I filed a return in 1996 and 1998, which the statute says gives them the right to then reevaluate the property. Now the problem arose because of the delay in the court's opinion, the decision here. If the court had rendered an opinion in a timely fashion, everything would have been fine, but they went on until 19 —, the court went on until August of 1998, some three years after the tax year and two years after the appeal, and in the meantime the County had gone up on the taxes from their appraisal in 1995 of \$119,200 to in 1996 \$183,720 and in 1997 they backed off a little bit to \$152,500. So —.

Chairman Hair said, I think that —, if I could just stop you just a second. Commissioner Odell has a question.

Commissioner Odell said, Davis [Cohen], I've just got a couple. Are we talking about a sum of \$801.47 or \$709.53? Mr. Cohen said, Mr. Odell, I'm not exactly sure what the amount is. I think it won't be hard to determine. Commissioner Odell said, let me tell you why I asked you that question, Davis [Cohen]. It appears that the fair market value was \$118,000 for tax year 1996 and 1997. Do you agree with that so far? Is that the final position? Mr. Cohen said, that would be my final

position that the County should tax the property based on a fair market value of what the court set, which is \$118,000, for 1996 and 1997 plus allowable interest back to me for the monies that they have held during that period of time. Now the total amount I believe —, I see a figure down here \$1,020.38, but there may be some monies that I owe Chatham County and some interest that I owe Chatham County. I don't think that that's going to be a problem once I sit down with the Tax Assessor's office and say appraise the property for 1998 —, 1996 and 1997 on the basis of \$118,000; if I owe you money, tell me what interest it is; if you owe me money, please apply the allowable interest and adjust it in that fashion. I really don't see a problem in coming to a figure. Commissioner Odell said, Davis [Cohen], may I just ask our attorney —, Jon [Hart], you have the numbers, do you not? County Attorney Hart said, yes sir. Commissioner Odell said, and if it's for 1996 and 1997 the gross would be \$1,020.38, does that square with —? County Attorney Hart said, yes sir. The only thing that I would disagree with Mr. Cohen, and I agree pretty much with the recitation of what occurred here, is the very unfortunate circumstance of him filing an appeal. You've got a two-year delay period before you get a final ruling and then you've got two tax years in the interim which he's got to do something about. Unfortunately, Section 299 of the Tax Code, which is strictly construed, says that if he returns the property during those two years he doesn't get the benefit of that ruling, he doesn't fit under the little escape clause there. Commissioner Price said, but if he had known that —. County Attorney Hart said, I don't know what he could have done to avoid what he did. I mean, I don't —. Commissioner Odell said, that's almost a Catch 22, if you do, you don't; if you don't, then you owe —. Commissioner Price said, if you don't pay your taxes, they come after you. Chairman Hair said, that doesn't make any —. County Attorney Hart said, the only part of the thing that we would probably differ on is that if this Commission decided to grant a refund, it cannot grant interest in the refund. The Code is very clear on that. I've learned that first hand by losing that case. Commissioner Odell asked, so what amount —? Chairman Hair said, experience is the best teacher, Mr. Hart.

Commissioner Odell said, so what amount, if we do not refund interest, then are we talking about? County Attorney Hart said, well, there's some set-offs that I believe that we would recoup back and forth and we're figuring the amount of refund would be \$709 after deducting the \$310 from the \$1,020. Now we may be off a dollar or two there, but I think we're fairly close. Commissioner Odell asked, in order to do this, must we have a finding of an exception of circumstance? County Attorney Hart said, yes sir, and the Code section is 48-5-380 in which you have to make a finding that there was an erroneous collection of taxes. The problem here is it's due to the unique fact pattern that I'm not sure what could have been done any differently if I had been in that situation. You follow the logical conclusion that —. Commissioner Odell said, I'm going to make —. I'm sorry. Go ahead.

Chairman Hair said, it just seems to me that —, I agree with Commissioner Odell, this is a Catch 22. I mean, if the court froze it two years, and the technicality is he filed, I don't know. I've got a real problem with not refunding this. I really do.

Commissioner Odell said, I make a motion to refund the \$709.53. Chairman Hair said, all right. We have a motion to refund. Do I have a second. Commissioner DeLoach said, second. Commissioner Saussy said, second. Chairman Hair asked, any further discussion? All those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Rivers was not present.] Chairman Hair said, the motion passes. Thank you, Mr. Cohen. Mr. Cohen said, thank you.

ACTION OF THE BOARD:

1. Commissioner Price moved to recuse Commissioner Jackel from voting due to a conflict of interest. Commissioners Saussy and DeLoach seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present.]
2. Commissioner Odell moved to approve the request from Davis Cohen for a tax refund for years 1996 and 1997 in the total amount of \$709.53. Commissioners Saussy and DeLoach seconded the motion and it carried unanimously. [NOTE: Commissioner Jackel was recused from voting.]

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ORDER OF BUSINESS

Chairman Hair recognized Commissioner DeLoach.

Commissioner DeLoach said, we're getting considerable complaint concerning these TV's up here. I've got an issue coming up on Second Readings that these TV's are here for. It's possible that we can take that so that they can move the TV's and make things a lot better for everybody? Chairman Hair said, if you —.

Commissioner Murray asked, on the TV's, could I make a comment? Chairman Hair said, certainly. Commissioner Murray said, I've been watching these TV's and we have —, from time to time we have them come into these meetings. Russ [Abolt], I don't know what it would cost if we could do it in-house or not, but if there's any way to hang something up here facing the audience and some facing this way so we could eliminate this from now on and you could come back with something for us. County Manager Abolt said, I'd be glad to look at it. Commissioner Price said, [inaudible] either way. County Manager Abolt said, we'd be glad to look at it. Commissioner Odell said, just don't hang it over this section. [Unintelligible comments when several individuals began speaking at the same time.]

Chairman Hair said, I have no problem with that, Commissioner DeLoach, but I don't think it's a second reading, is it? Number 7 you're talking about, the landfill issue? Commissioner DeLoach said, no, it's the second reading. Chairman Hair asked, which one? Commissioner DeLoach said, number one. Chairman Hair said, number one. All right, if you would like to make a —. By unanimous consent, we can do that if there is no objection. All right, unanimous consent we will deal with it, the second reading.

[NOTE: By agreement of the parties, Item XII.1 was taken out of order and was heard at this point on the agenda.]

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4. SUSPENDING FOR THE TIME BEING FURTHER CONSIDERATION FOR THE CONSTRUCTION OF ANOTHER BAND SHELL.

County Manager Abolt said, Mr. Chairman, Dr. Thomas, gentlemen, this is a continuation of an issue —. Chairman Hair said, one second.

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Chairman Hair said, I see Mr. Braun here. I'm sure that's what he's waiting around for. I'll recognize the County Manager first and then Mr. Braun.

County Manager Abolt said, very quickly, Mr. Chairman, Dr. Thomas, gentleman. This was an issue that you received testimony many months ago on concern over the language in the referendum wherein reference was made to a permanent band shell. The history of this that starts out with \$700,000 appropriated in the SPLOST for an effort to build a permanent band shell, subsequent work by a committee of Leadership Savannah that made a recommendation that it be a part of the riverfront development in concern with the Trade Center, there was some concern as to whether or not that fully met the intent of the vote. You asked us to be creative in the way in which we looked at possible options. Our intent from the beginning was that we would look at possible additional interest earnings from SPLOST. Based on the audit, as you all know, the interest money is not there. We've arrayed some options for you. The first really, and the one that we would argue for the strongest, is that you allow us to suspend any further work for the time being in expectation and hope more than expectation that there might be some additional money available. There was some intermediary work done between the time you sent us down this direction of being creative and looking at other sites, and there was a recommendation I'm told to look at a band shell somewhere near Battlefield Park near the S&O Canal. If you were to proceed on alternate two, which would allow us to begin design work, you'd have to deal with the site issue. The only reason we don't recommend you proceed that far down the road is absent money to actually put a band shell somewhere and create a lot of anxiety expectation and then be nowhere to be able to solve the problem.

Chairman Hair said, I've got a question for you. You're not in any way suggesting that the band shell not be built period? County Manager Abolt said, no sir, no sir. Chairman Hair said, because that was in the referendum that it needs to be built. County Manager Abolt said, no sir. Chairman Hair said, okay. I just want to make that clear for the record.

Commissioner DeLoach said, I'll make a motion for approval. Chairman Hair said, we have a motion to approve. Do we have a second? Commissioner Murray said, second. Chairman Hair said, second. Any discussion? All those in favor vote yes, opposed —. Commissioner DeLoach said, you were going to call on Dana [Braun]. Chairman Hair said, Dana [Braun], I'm sorry. I didn't know if this was the motion you wanted or not.

Mr. Dana Braun said, no, it's not. Chairman Hair, thank you for allowing me to address this. First of all, we received a memo that you —, I assume you received yesterday regarding this issue. There's been a lot of people who've worked and spent a lot of time working on this band shell beginning, I think, back in 1992 and asking that it be placed in the referendum that —, and it was approved. My fear is that —, my number one fear is that when whatever is built on the —, the Trade Center is finished on Hutchinson Island, there's going to be no band shell as part of that Trade Center. I think that's been recognized by this Commission, but yet that's what the citizens of this County voted for in the special purpose local option sales tax referendum for a band shell. The Leadership Savannah Committee's recommendation was that the band shell be located on Hutchinson Island. Since coming before this Commission recently, we've gone back and looked at other sites, numerous other sites, and just my —, I would ask that this Commission not take any action today simply because we were given this memo late yesterday afternoon. There are numerous people on our committee who've looked at this, looked at it. We haven't —, they've barely received it. They could not be here today, and we'd like a deferred —, postponing any further action until perhaps we have a chance to meet with the Manager.

Chairman Hair asked, would you be ready in two weeks if we table this to our next meeting? Mr. Braun said, I think that will give us time. Chairman Hair said, I think that would probably —. Commissioner DeLoach said, I'll withdraw my motion. Chairman Hair said, we have withdrawal of the motion. The second withdraws? Commissioner Murray said, yes. Commissioner DeLoach said, I move to table. Chairman Hair said, the motion is to table. Do I have a second? Commissioner Saussy and Murray said, second. Chairman Hair said, second. All those in favor vote yes, opposed vote no. The motion carried unanimously. Chairman Hair said, thank you, Mr. Braun. Mr. Braun said, thank you, Mr. Chairman.

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Chairman Hair said, we just tabled the band shell —, the discussion to the next meeting and we've had a request from Mr. Braun that we table it to the 25th, the second meeting. Would anybody have any problems with it. We need another motion, so I need another motion to change it —.

Commissioner Price said, I move to table to the 25th. Commissioner Thomas said, second. Chairman Hair said, we have a second. All those in favor vote yes, opposed vote no. The motion carried unanimously. Chairman Hair said, the motion passes. Thank you.

ACTION OF THE BOARD:

1. Commissioner DeLoach moved to table for two weeks the request to suspend for the time being further consideration for the construction of another band shell. Commissioners Saussy and Murray seconded the motion and it carried unanimously.
2. Commissioner Price moved change the date for hearing the request to suspend for the time being further consideration for the construction of another band shell previously tabled for the meeting in two weeks to the meeting of the Board to be held on June 25, 1999. Commissioner Thomas seconded the motion and it carried unanimously.

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5. STATUS REPORT ON RESOLUTION OF IN-LINE SKATING CONTRACT REVISIONS.

Chairman Hair said, Mr. Hart I believe is ready to —. This is basically just a status report. We're not asked to take any action today. They're not quite ready to take action. They're still negotiating, as I understand it, with the parties involved. Is that correct, Mr. Hart?

County Attorney Hart said, well, they retained counsel and I spoke to their counsel this morning and we set up a meeting for next week. Chairman Hair said, so basically we'll just deal with this when y'all are ready to bring this back before us. That's the status. Commissioner Murray said, there will be a lot of news to cover though because this will sure hit the news pretty quick.

Chairman Hair said, we're not going to discuss it today. If you'd like to make a comment, we're not —, I mean, it's going to be discussed at the next meeting. Would you still want to make a comment?

Mr. Robert Rose said, may I make a comment? Chairman Hair said, sure. Come on up. Mr. Rose said, my name is Robert Rose I'm a Chatham County resident. I [inaudible] the skating rink at Lake Mayer. I'm here to speak out —, well, my point, to congratulate the County and people who developed the rink done a great job. It's a smashing success. You guys did a great thing and developed hockey further than anybody else could have on their on. I'm also here the other side to speak out briefly against some people who've used this forum as well as the news media to suggest or cast some slanderous light on the two men most responsible for developing roller hockey in Chatham County. I've been playing hockey for about nine years with these guys and I've watched Joe Turcotte and Greg Eng work very hard over those years to develop and organize this youth hockey pretty much —, pretty much by themselves. A few years back they worked diligently with Chatham County, the good people at the Central Services and Purchasing and finally last October, as you guys on the Commission know, we opened up and it paid off. I can't do justice to how many hours and how much effort and dollars these two and many others have put into the rink since its opening. It's been a wonderful success, a great addition to the Chatham County's recreation facilities, a place for everybody to skate. It's an example of a perfect —, the conception of perfection execution and a model of how the County can work hard with a couple of groups to foster a great idea. In summing up, it may be a time for adjustment in how the rink is programmed, but let's not have such a short memory to forget how much hard work by these two fellows was put in —, the same guys that coach your kids, who's organized first-rate hockey leagues and who actually made this rink happen when nobody else would. Any transition that happens when we work this out shouldn't be an opportunity to drag through the mud their good names, but do nothing other than let's just congratulate ourselves in doing such a great job. If we need to make adjustments to the way it works is totally understandable. In closing I would like to say that when the dust settles and everything, you know, gets worked out, the rink and links will still be there at Lake Mayer for everyone to enjoy, and we can thank Joe Turcotte and Greg Eng. Thank you, Mr. Chairman, for your time.

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

Commissioner Murray said, let me ask a question. I appreciate your comments and agree with the majority of what you said, but in that process you said something about the other side and how they had condemned or tried to condemn two people that got it started and all that. They are not the ones who wrote the newsletter that went out condemning the other side either. I just want you to understand that. Mr. Rose said, I do understand that there's a lot of back and forth. Commissioner Murray said, so it's on both sides and we're trying to resolve that problem.

Chairman Hair said, we are and I think —, I appreciate your being here as well. I think we're close to resolution on this issue that I think both side will be very happy with. Mr. Rose said, this is one of the most positive things that's happening and I want to keep it positive. Chairman Hair said, I totally agree. Thank you very much for coming.

ACTION OF THE BOARD:

No action was required by the Commission.

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- 6. REQUEST BOARD AUTHORIZE AN INTERGOVERNMENTAL AGREEMENT WITH THE GEORGIA DEPARTMENT OF TRANSPORTATION (GDOT) TO PARTICIPATE IN A COUNTY ROAD PROJECT WITH STATE FUNDS IN THE AMOUNT OF \$1.3 MILLION, WHICH IN TURN ALLOWS CHATHAM COUNTY TO USE THE SAME AMOUNT OF MONEY TO FUND DOCKS ON THE SOUTH SIDE OF THE SAVANNAH RIVER FOR THE INLAND FERRY SYSTEM TO HUTCHINSON ISLAND.
[DISTRICT 3.]**

Chairman Hair said, I want to open this for just discussion because I think that this is another great example of tremendous cooperation between both local governments. There was a meeting that was held between the Mayor and the City Manager, County Manager and myself and Commissioner Shackelford, Mr. Tripplett, and this is another great way that we have participated with the City and with the DOT. And also the Trade Center Authority, they are very pleased. They were also there. The Chairman, Mr. Shay, was there, Mr. Leahy was there, all the parties were represented at this breakfast meeting, and this is the result of that, and it's going to allow us to speed up the process, it's going to allow us to create a win/win for everyone so that we will —, when the hotel is open and the Trade Center is open we will have an operating ferry system, and I want to commend the City of Savannah and the DOT for working with us on this. Commissioner Shackelford was very supporting and very helpful in this issue and I think this is a great move forward because of the cooperative spirit we've had.

Commissioner Price said, I move for approval. Chairman Hair said, so we have a motion to approve. Do we have a second? Commissioner DeLoach said, second. Commissioner Saussy said, second.

Commissioner Jackel said, Mr. Chairman, in reading this I have no idea where they're talking about the docks being on this side of the river. Chairman Hair said, I can tell you basically, without a map, they're basically looking at three —, basically one in front of the Hyatt, one in mid-river stream and one east of —, right around the Marriott. So that's the general area the three are looking at. Commissioner Jackel said, I just have some concerns about those locations in providing any parking for people who then want to use the facilities. Chairman Hair said, that's a good question. That was addressed at the meeting and it was satisfactorily resolved. Also at that meeting was Scott Lansing —, the CAT. That was a great part of the discussion and in cooperation with CAT and also the City of Savannah, they're going to use the Park & Ride, the shuttle system, the ferry system of utilizing both buses and also parking lots, and that was addressed and every —, all the parties there felt like that parking would be adequate particularly with the shuttle system, the bus system, as well as using the existing City parking lots and also the potential of building a larger parking lot on the —, at grade out at the Marriott. You know, the 20-acre site there, and we go to Park & Ride sites and the City of Savannah and the DOT felt like those were very —, they're also looking potentially at even a greater use of the shuttle system. At that same meeting was a discussion of the City, of a rail trolley from the Savannah Convention Center, from the Visitors Center a rail system that would take it down to and tie into the tracks on River Street. So there was a lot of discussion of this issue, and I was very pleased with the results of that and I think the County Manager was also very pleased. I think it was —, you know, we've addressed that issue, but it's a good question. I appreciate you bringing it up.

Chairman Hair said, we have a motion. Commissioner Saussy said, yes. Is there a second? Commissioner Thomas said, yes. Chairman Hair asked, any further discussion? All those in favor vote yes, opposed vote no. The motion carried unanimously. Chairman Hair said, thank you.

ACTION OF THE BOARD:

Commissioner Price moved to approve an intergovernmental agreement with the Georgia Department of Transportation (GDOT) to participate in a County road project with State funds in the amount of \$1.3 million, which in turn allows Chatham County to use the same amount of money to fund docks on the south side of the Savannah River for the inland ferry system to Hutchinson Island. Commissioners Saussy and DeLoach seconded the motion and it carried unanimously.

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- 7. PETITIONER: CHRIS STOVALL, AGENT FOR SAVANNAH REGIONAL INDUSTRIAL LANDFILL, INC., OWNER. PETITIONER IS REQUESTING APPROVAL OF A REVISED GENERAL DEVELOPMENT PLAN TO ALLOW AN EXISTING SINGLE-BAY TRANSFER STATION LOCATED AT THE SAVANNAH REGIONAL INDUSTRIAL LANDFILL TO ALSO ACCEPT MUNICIPAL SOLID WASTE AND EXPAND TO A FUTURE THREE-BAY TRANSFER STATION/PROCESSING FACILITY. THE SITE IS WITHIN A PD-R-IL (PLANNED DEVELOPMENT RECLAMATION-INDUSTRIAL) ZONING DISTRICT AND IS LOCATED IN THE SOUTHWEST QUADRANT OF THE INTERSECTION OF U.S. HIGHWAY 21 AND GULFSTREAM ROAD ON A 117-ACRE TRACT CURRENTLY APPROVED AS AN INDUSTRIAL LANDFILL. The MPC recommended approval with conditions. *Note: Was removed from the May 14, 1999, agenda to readvertise.*
MPC FILE NO. S-98-12360-C
[DISTRICT 7.]**

Chairman Hair recognized Mr. Saxman.

Commissioner DeLoach said, I'd like to be —. Chairman Hair said, certainly. Commissioner DeLoach said, excused from this or whatever word —. Chairman Hair asked, you want to be recused? Commissioner DeLoach said, yes. Chairman Hair said, all right, well let's —. Commissioner Price said, I move to recuse —. Chairman Hair said, we have a motion to recuse Commissioner DeLoach from this item. Is there a second? Commissioner Thomas said, second. Chairman Hair said, second. All those in favor vote yes, opposed vote no. The motion carried unanimously. Chairman Hair said, the motion passes. Okay, Commissioner DeLoach is recused. Chairman Hair recognized Mr. Saxman.

Mr. Bill Saxman said, this issue has been before the Planning Commission for —. Commissioner Jackel said, excuse me just a second. Can we have a reason for the recusal? Commissioner DeLoach said, presently and past in business with the gentleman. Commissioner Price said, we didn't understand what your reason was. Commissioner Jackel said, well, I thought you knew. I was a tenant in the building. Commissioner Price said, okay. Chairman Hair said, Mr. DeLoach has a business relationship with, I think, present and past or past. Commissioner DeLoach said, yes. Chairman Hair said, okay, with this —. Okay.

Mr. Saxman said, petitioners are proposing to establish a facility at the current landfill site on 21. It's in a PD-R-IL district, which is a planned development reclamation-light industrial district. They wish to establish a transfer station and a processing plant at that particular location. The current general plan for that PD-R district indicates that's going to be a —, an industrial landfill and they're actually asking that the general development plan be amended by taking out approximately 1200 feet of the landfill site that showed on the plan that the Commissioners approved —, the MPC approved the specific development plan based on the —, in replace of that 1200 basically linear feet of landfill which had permission to up in some cases to 125 feet, they're going to replace it with about a 300 foot three-bay processing facility which will be approximately 35 feet high. The processing facility would include bringing materials in —, solid waste materials which would include municipal waste solid waste materials, which is included in the definition, in our opinion, and allow that property to receive that information —, materials, I'm sorry, and to be dumped out and sorted out. Approximately 30% of the materials that they're going to bring in is probably going to be industrial —, light industrial materials that could be put in that landfill. I'm not —, a certain percentage of it would be materials, concrete and other metals that they can recycle, and then the balance of it would be loaded back up in larger trucks and shipped out to certified landfill sites in Chatham County or other parts of the State.

Chairman Hair asked, Mr. Saxman, can I ask you a question? Mr. Saxman said, yes. Chairman Hair said, as a —, I fly over that site some and I know —, I was at the Airport Commission meeting where it was discussed that they had at least raised some questions about the potential increase in bird population that close to the airport. Has that issue been —? Mr. Saxman said, yes, that's been addressed. Everything's inside an enclosed building where they actually sort this material and it will be, of course, inside an enclosed building. It will be open on one side where they back the trucks in. They sort through the stuff and it goes right back into the back into another container in the rear portion of the building, so it's not available for the birds to be able to come and eat off of it. You have an open landfill —, not open landfill, but an industrial landfill there which does not have any garbage or that type of material that is dumped in it that will attract the birds. In telephone conversations with the Airport Commission staff before we got really into this more in detail, they did not really see a problem with that issue. It met all the federal, state and local requirements as far as separation as long as they don't have the refreshable garbage that would attract rodents or birds and this kind of varment, but this is totally enclosed and it's not lending itself to any bird population to come in and start eating off it. Chairman Hair said, okay. I just —, I was very concerned about that issue.

Mr. Saxman said, but in general the Planning Commission is recommending approval. In meeting with the County staff, municipal waste is not allowed in the landfill operation, but this is just a transfer station. It's an industrial area and the County's Inspection Department and the MPC staff both concur that this would be a permissible use under this district as long as the County Commission's approving on the general development plan. This is another site where the general development plan controls the future use of this property. It was approved originally as a landfill. They're proposing now to take out about 1200 feet of that landfill and convert this other use, and as long as the Planning Commission and the County Commission approves that, then this would control the future use of that property. The Planning Commission is recommending approval.

Chairman Hair said, thank you. I'm going to recognize —, I think Mayor Hinely wants to speak on this, the Mayor of Port Wentworth. Is he —? I'm going to recognize Mayor Hinely and then I'll recognize anyone who'd like to speak. Everybody will get full opportunity to say whatever needs to be said.

Mayor John Hinely said, thank you, Mr. Chairman, I appreciate that, and the Commission. I've always been told you shouldn't start off by apologizing, but I do want to apologize in telling you that I'm not a very eloquent speaker. I have to have notes before me in order to keep my thoughts in order. So I'll be reading my notes. I think there was some misconceptions in the news media that we don't have any concerns, and I would like to address those with you this morning. The City does not want to have a major landfill and processing station right next to it; however, the City does not have jurisdiction over the property. The operation of this facility will increase truck traffic at the Crossgate intersection. The potential negative impacts of the property owners located across Highway 21 cannot truly be anticipated at this time. Odor problems from the operation of a municipal solid waste transfer and processing facility are a major concern of our citizens in the City of Port Wentworth. The City has never —, excuse me. The City has been offered some concessions from the owners, but the City has not seen anything formal as of yet. Expansion of the facility will also have a dramatic impact on truck traffic

on Highway 21. Are there plans in place to improve Highway 21 to create a decel lane to allow trucks going to the facility to be removed from the normal flow of highway traffic? Is the County or the facility owner going to pay for these improvements? If the facility is approved and problems with birds and odor occur, what will be done to resolve these problems? Who will be responsible? I left my glasses as well. Chairman Hair said, I have that same problem. Commissioner DeLoach said, I'll hold it for you. Mayor Hinely said, the City would rather not have the facility, but the City does not control the zoning of this property. No amount of money or concessions can change how we feel about this issue. If the facility were in the city limits of Port Wentworth, I can tell you it would not be approved; however, the decision is not ours. The decision is yours. If you should decide to pass this request, remember Port Wentworth and its citizens will be most negatively affected and should be compensated for this impact. Remember Mr. Price's words: A property owner should be allowed to use his property within some reason as long as it does not negatively impact those around it. That's all I have. Thank you.

Chairman Hair said, thank you, Mr. Hinely. We appreciate you being here. We may have questions for you later if you can stick around. I'll recognize the citizens first and then after everyone has had an opportunity of both sides to speak, we will address any Commissioner's issues.

Mr. Tim VanHook said, good morning. My name is Tim VanHook. I'm a resident of 5804 Highway 21, Port Wentworth. First of all, I'd like to bring —, the notice in the paper, it states in here for a State-approved solid waste transfer station. It mentions nothing about municipal waste and it mentions nothing about a processing center. The people of Chatham County have a right to know what the full deal is on this. This is not it, so this is improper and needs to be redone. We shouldn't even be having this today. Now you can get a ruling from your lawyer before I continue and we can save a lot of time.

Chairman Hair asked, is it —, was it a legal advertisement? County Attorney Hart said, there is no State statute that says what the advertisement has to have in there or not have in there other than general public notice, and there's a question as to what this even needed or required public notice. You will recall at the last meeting this was on the agenda with notice. The attorney representing them raised some concerns about notice and said he would like to readvertise to —. Chairman Hair said, and that's what we did. We actually readvertised it because of that same issue. So the attorney rules that it was a legal advertisement, so continue, sir.

Mr. VanHook said, my home is located about a quarter mile from the garbage transfer station that they want to put in. The building's there. If you take their measurements, they'll want to about it's 1800 feet. Well, a quarter mile is 1320 feet. That's a difference of 480 feet. To put that in perspective for you, look at a football field and add 30 yards to it. These people —, if these people are allowed to operate this thing, it's going to devalue our property. We know this for a fact. They have made an offer before to try to come —, to try to compensate us in the case that we did lose some property value. So they tell us —, they've already admitted by doing that that this will devalue our property. Some of us have already had appraisals. Some of the appraisals have come back, because of this transfer station, your property is now worth this, and it's been devalued. It can be devalued as much as \$20,000. For me that's a lot. I've raised my children there. I have a 15-year old and a 13-year old. This has been a —, it's a small neighborhood of 12 homes. It's been an excellent neighborhood. Good neighbors. All of Chatham County ought to have neighborhoods like we have. We're not without our problems. We're not perfect, but for a neighborhood to raise your children, we have one of the best. We've also incurred, because of this —, the operating landfill there that is industrial trash, garbage in our yard and trash. Let me ask you this: Have you ever been up behind a garbage truck at a traffic light. Well, you sit there maybe a minute. I'm going to smell this all day every day when the winds blow my way. Would you want it in your neighborhood? They state that they're going to —, the paper stated that they would bring 200 tons in this year. That's not correct. It's 200 tons a week up to 1500 tons a week. An average truck is probably about 8 tons, 6 to 12. Ms. Lamb, and I don't mean to put her on the spot, is the Solid Waste Coordinator for Chatham County, and she had some concerns about this. We've talked to her and others have talked to her about this issue. At one of the MPC meetings it was brought up that she was to back off of this thing. So something's going on that we don't know about. I'm concerned about the garbage, the smell, rodents, birds, other pests that will come in from this. They will come. Under the MSW they can bring in garbage, trash, sanitary waste from septic tanks, commercial solid waste. They say they're not going to bring in septic tank waste, but if the money gets right will they? Who knows, but they can because you've already allowed them to under the ruling. I don't believe this property is permitted correctly for municipal solid waste. It was an industrial landfill not a municipal landfill or zoned to handle municipal waste. It may take a court decision to decide. We really want Chatham County to really —, the Commission to really think about what we're doing here. You know, at the beginning of this thing we had a prayer, and if you paid attention to the prayer, it was we're supposed to be concerned about our neighborhoods now and in the future. To allow this we destroy it now and we destroy it for the future. Chatham County is one of the fastest growing counties in Georgia trying to bring in new business. Would you like to be a prospective businessman flying into the City of Savannah and the first thing you spot out your window is a garbage dump? I wouldn't. If we have no more respect for a first impression for our county than a garbage dump, transfer station, call it what you want, why would I think we'd care about anything else here? These people are here to make money. They're from another state. They —, the impact fees or whatever they want to call them that they wanted to pay Chatham County is a dollar a ton. \$200 a week. Is it worth \$200 a week? I don't believe it will be. My city will be most affected. My neighborhood will be most affected of everyone. Everybody wins but 12 people —, 12 families. We're the losers. It's not right and it's not fair. If they want to put this in, then Chatham County or somebody should relocate us if we want to be. I bought that property knowing there was an industrial landfill over that the Cliftons [sic] that one day I'm telling you it's going to come back and bite this County. There's stuff been hauled in there in the middle in the night, and they're not responsible for what happens and I don't want you to —, I don't want to sound like they are, but this is —, we really need to sit down and do some more looking before we allow stuff like this. Eight counties of trash will be brought in here. Eight counties. Three from South Carolina. Are we going to be the trash dump for the Southeast? Or the trash

transfer for the Southeast? I've talked to these guys and they've been real nice. I've tried to work it out with them. What it comes down to is if we damage your property, take us to court. That's what it come down to and that maybe my only option left. Think hard before you do this. Think if you want it in your neighborhood. Yes?

Commissioner Odell said, I don't know how it could not damage your property to have transfer dump right next to it. It seems like it automatically would damage your property. Mr. VanHook said, it will. One of my neighbors have —, they've devalued his property right off the bat because they knew that thing was going —, and it's not even there, but they knew it was going to happen. Commissioner Odell asked, do y'all have city water or wells? Mr. VanHook said, I have —. Some of us have wells and some have city water. Commissioner Odell said, and it's been evaluated —, the impact that —. Mr. VanHook said, the impact study from the State said that this thing was not a good for the State [sic]. Now their lawyer argued that if it says this and it says that when they have to say this way, but the fact is it says it is not good for Chatham County, it is not good for the State of Georgia. Commissioner Odell said, I agree with you and I think that I wouldn't want it that close to where I lived and had my family to live, but beyond that I think that there is some environmental impacts as to seepage into your water system, one, and two is if you have a landfill in a direct flight path that leads to your airport, somehow to me that just doesn't seem like —. Mr. VanHook said, it don't. Commissioner Odell said, what you want to do. Mr. VanHook said, I'm going to shoot myself in the foot here. They're not going to bury municipal waste there. They're only going to bury what they're constantly doing now or they're currently doing with the industrial waste. The MSW that comes in will go in a building that is not —, they keep saying enclosed. They say completely enclosed. Well, one whole wall out of a building and sides —, and there's open sides for ventilation, is not completely enclosed. That's not true. Commissioner Odell said, and there are always seepage at these kinds of things to —, seepage into the soil. I think it's a bad idea and the fact that we're going to be taking garbage from other counties and even from South Carolina, we're not the garbage dump of the Southeast. I appreciate your comments. Mr. VanHook said, thank you.

Chairman Hair said, let's get —. Commissioner Price said, I have a —. Chairman Hair said, a question —. Commissioner Price said, a question in response to something that was just brought up. Chairman Hair said, okay. Commissioner Price said, that I don't think was exactly accurate. Chairman Hair said, okay. Commissioner Price said, and really I have a question maybe not of yourself but of the petitioners. This is a transfer station. You talked about seepage into the water system, and if we're not burying this trash, it's simply a transfer station, would there actually even be any danger of seepage occurring? Mr. VanHook said, I've been to their site and they flew myself and three other citizens to their site in North Charleston and I can tell you how they operate. They come out and they dump it on the side in the building. They go through it and they pick very few things out of it, and they —, then it eventually goes into a truck. The garbage can stay on site no more than 24 hours, but one —, Monday's 24 hours runs into Tuesday's 24 hours, runs into Wednesday's 24 hours. It's been at house for three or four days before they pick it up. I mean, we —, what is it going to be? Commissioner Price said, well, I don't know —. Are there any representatives from the company here that can answer this?

Chairman Hair said, we have —, thank you, sir. We'll get to everyone, sir. Why don't we go ahead and hear the rest of the other side and then have Mr. McCorkle speak.

Mr. Lewis Hardee said, good morning. My name is Lewis Hardee and I live basically —, I live right side of Mr. VanHook. I've been out there 40 years. I'm the oldest one on the hill. I call it the hill. It's been a fine neighborhood. I've raised a family out there and I've seen it go from the time you could drive out there to the road and you didn't even slow up. You didn't want to. But I've seen it to the time now that, shame on you, you can't get on the road, and since these gentlemen here bought the landfill from Mr. Clifton, it has the truck traffic, the trash traffic has increased double. I can sit on my patio and count all the —, count them if I want to and I'd run out of numbers. Now this is in the run of a day. I've got 560 names on a petition here, not only in our community but in the City of Savannah and Chatham County. They don't want it either. They said, why in the world could we even consider bringing garbage from other counties. I live on Highway 21, like I said, and at times I can't get on that road. You know why? People from Effingham County. They all run to Effingham County to get away from Chatham County taxes, but now they're very sorry of it. I've done heard a lot of that. And why should we take their garbage? I didn't send them up there. I like it where I'm at. Like I said, I've been there 40 years. I worked at Union Camp, retired. Thank God I'm retired, I can enjoy life. I've got everything paid for and a little money. Boom! We're going to put a dump over there in front of your house. Had my property appraised right off the bat. The property appraiser said you're going to lose 30% if you can even give it away. Now that really makes you feel good at my age and I've worked all these years and paid for all this stuff and paid my taxes, and I ain't run up to Effingham County or Bryan. And now we're going to bring all of their garbage in. Would you want to get off the —, off of 95 as a tourist and come down Highway 21? That's the first main road into the City of Savannah. You'd be surprised at the traffic I see every day out of state. They come into the City of Savannah. We've got one of the best tourist places in the world, but now they going to come down 21 and they going to come right on down there and this thing —, you've got everything out there from trucking companies, you've got import warehouses, you've got delis, you've got — Parker's is out there, you've got used cars, trucking companies, you've got wreckers. You name it, we are out there. We are just —, it would just like going on Abercorn and putting that dump right in the middle of where the Savannah —, the Oglethorpe Mall is. You think I'm kidding you. That's what that thing looks like at times. You've got them coming out of Port Wentworth, you've got them coming out of Gulfstream. That's the main road that everybody in our section uses to go over to Pooler and Bloomingdale and over on that side of town. You go right by the airport. That's the main road. So I just absolutely can't see —, like I said, and I have all ideas, like I said, I've got 560 names and I just quit, and everywhere you go, hey, man, how about the dump, how's everything coming? You be sure and God you ain't got it yet have you? Nope, we ain't got it but it sure looks like we're going to get it. Just like Mr. Cliff Kennedy said, I hope you gentlemen's not like him, on the MPC. The first thing he says, we've got to have it, why not just put it out there. Another gentleman on there said there we ain't got the boonies or the boondocks to put, put it out there. That's the —, that's what's wrong. Put it out there,

don't bother me. Just put it out there. I live at Wilmington Island, I don't want it down there. Of course, he don't want it, and I don't blame him. I don't want it either. Thank you.

Chairman Hair said, thank you, sir. We appreciate it. Anyone else before we recognize Mr. McCorkle? Anyone else on the opposing side to this?

Ms. Teresa Collins said, hello. My name is Teresa Collins. I live right off Highway 21 right behind Lewis [Hardee] and the rest of them. We're one of the few property or little neighborhoods that probably every home out there is paid for. There may be two people that are still making home payments, but most of us own our properties. And Tim VanHook said there was something kind of —, when you mention landfill you think underhanded politics, or something. I don't know, but one of the things this morning I got to thinking about what I wanted to say here today, I have last year's telephone book. I don't have this year's. There are 37 listings in last year's telephone book for landscape contractors. I thought it was extremely odd that an out of state firm would come in and pick a landscaping contractor that was my Commissioner that was supposed to represent me, to represent to their work so he would have to not get involved with it. Now I'm not a genius, but I thought that was exceedingly odd and I wanted to bring that up that I do feel like we should have representation from someone up here to speak for us. As I say, I'm not, like John Hinely said, perhaps the most articulate person, but I do think I have common sense, and when —, when right off the bat you are in a war and someone takes your leader or your general away from you, who's left to fight the battle? Who's left to fight it? So us 14 little property owners are left to fight our battle and we're doing the best that we can do. I'm pretty plain spoken. I saw Mr. DeLoach is too. I'm plain spoken too, and I see —, I can see through something, and I resent that very much. Thank you.

Chairman Hair said, thank you very much. I appreciate you coming.

Commissioner DeLoach asked, I can say something about that? Chairman Hair said, certainly. You certainly can say anything you'd like to say. Commissioner DeLoach said, let me say politely, which you didn't do, that this issue as far as the landscaping came up when Clifton Landfill owned it and EMC and Cliff [Kennedy] were designing to put a berm around the landfill, which was long before these gentlemen came here. I had a contract with them. Okay? They're local people that have been here and dumping right across from your house that you've lived there and you've paid for for years, and all that. They've been dumping there for years, along with the rest of you up there. I had a contract with them to landscape it and the reason that contract and that idea of landscaping came up was because I made the issue that we had to have a berm around that landfill. That's the only reason it came up, and it became an ordinance and it's in there. So long before those people came here, and for your information, and if you would have called me or had a problem with me, I would have told you that and you would have found out that. But don't walk up to the stand and make an accusation long after the fact, okay. I don't care who you are. But that's the issue. The fact of it is I contracted long before these gentlemen came into town with Mr. Clifton, who those folks are new people. Know those people, Perry Metts and them. They're not better people around here. I'll do business with them any day. But the fact of it is, that was in place. I've done business with them. I do business with those gentlemen back there. They're good people. Ms. Collins said, I'm not —. Commissioner DeLoach said, I am. You are —, you have laid it. Chairman Hair said, settle down. Commissioner DeLoach said, let me just finish. I will, I will. Chairman Hair said, settle down please. Commissioner DeLoach said, I will, but you have made it an issue of whether somebody's integrity is in place or not. So I'm clearing it up. Ms. Collins said, well —. Commissioner DeLoach said, let me finish. The fact of it is I was doing business long before these gentlemen came into town. I've got a large company that does business with a lot of people in this town, and if those people have got the money and they're legitimate people, and my people have an opportunity to do business with them, like I did with Mr. Clifton long before these people came into town, and I need you to understand that, then you would know that I was doing business long before, and if you'd called me instead of sneaking around and making it an issue up here, I would have told you that. But the fact of it is that is what's taken place, okay. Chairman Hair said, okay.

Ms. Collins said, well, I've been coming to the Commission meetings at Port Wentworth —, not the Commission meeting, but the Planning Commission that you were at, and if I misunderstood you, I'm terribly sorry, but I thought then you stood up and you said that you had refrained from making comments because you were doing business with them. Maybe I misunderstood that —. Commissioner DeLoach said, that's —. No, you're correct —. Ms. Collins said, I may have misunderstood that. Commissioner DeLoach said, absolutely not. I am doing business with the previous owner and the owner there because that landfill did not move. It changed hands, okay. So when it changed hands, the trees don't move or the landscaping doesn't move, and I've got a contract and that's what the issue is. That's the reason I don't vote on this. I made myself known at MPC. If you'd of been there, you would have heard that, and these gentlemen were there and they heard my issue and they've seen it in the paper, but I can do no more. But don't ever, ever question my integrity. Ms. Collins said, well, I don't. I guess I supposed this was going to get —, I didn't want to get —, I didn't want to get into a shouting match. I just wanted to express my opinion and like I —, like many people I am a working person. I can't come to every single meeting that's called on this. I would love to. I would love to be retired and able to come and do this, but I can't. And so I did go to the first meeting that you were at, and I appreciate you being there. Commissioner DeLoach said, remember —. Ms. Collins said, and I just tried to ask questions then of both of you, and just tried to get it on the table for what you think. Chairman Hair said, let's move on. Commissioner DeLoach said, I want to make just one point. The phone does work at my house. Feel free to call me any time. Don't come up to the stand and do that. Thank you.

Chairman Hair asked, okay, any further —, like to come forward before we get to the attorney for the petitioner? Come on up. If anybody else in the audience, if they're [inaudible], come on up and sit on the front seat so we can speed this process up a little bit, I'd appreciate it.

Mr. Bernice Woods [phonetic] said, this is going to be short and sweet. I'm not going to repeat what these other fellows said. I'm Bernice Woods. I live next door to the other ones over there. I'm one of the 12 that's being picked on. First off, I can't say why. We had a dry fill over there, a hundred and something feet high, which is no problem. I called it Clifton's mountain, but why would you want to come in and get in a place like that to put all this from seven counties and South Carolina when they're talking about whether it's suitable and it's not going to do this and it's not going to do that. Just like they said with the airport. Why can't you fill Effingham County up on some of these sand hills, Bryan County on a sand hill, which is so dry and sandy a buzzard won't fly over it because nothing's going to grow on it to put something or 'nother [sic] like this. But to bring it and sit it right down there in our front yard, the airport, trucking outfits all around there, and don't tell me it's not going to bring in flies and all that there and different things. But that's my problem. We're not the only place to put this. If you're going to put it someplace, put it where it's not going to affect anybody. I'll guarantee you if they'd spend as much up in Effingham County or Bryan County, or I'm saying anywheres that is dry land, sand hills, or scrub oaks that get about that high and that's it, that's where this stuff should be put. Put a little moisture out there and it might even make the trees grows. Thank you.

Chairman Hair said, thank you, sir. Anyone else want to speak on the opposing side before I recognize Mr. McCorkle? Okay, I'll recognize Mr. McCorkle, who I assume is attorney for the petitioner.

Mr. Phillip McCorkle said, I am. Thank you, Mr. Hair. Given the comments that have been made by some of the Commissioners, I know I've got to change some minds here, but I think I can if we look at the facts. And I appreciate the expressed concerns from the folks that live down 21, but it's up to you as elected officials to decide if those are accurately expressed or whether they're over-expressed or really not valid when considering whether if fact we're having a negative impact and weighing that also against the positive impact we would have on the community. Issues —, we've been at this since January. We've just now got here, but we've been working on this issue since January, and these issues have been fleshed out pretty much, the first time you've heard it, so I've got to take a little bit of time, even though I'm not very long-winded, to put some meat on the bones here of what is going on. The hours of operation are stated right there on the top of Sheet A. That's on the general development plan. The buffer is very important. That's become the issues that we're talking about here. There are other issues that are kind of been tamped down. The City of Savannah for a while thought we were going to interfere with their resource recovery facility, and we worked that out with them and they're satisfied and are completely neutral on this issue. The Airport Commission was asked did they have —, think there was going to be a problem with birds. We worked with the Airport Commission and have been to their meetings. They're neutral on this issue. The issue then that's remaining is —, I'll call it the buffer, odors, pests, all that. You know, what's it going to do to the folks in proximity to the landfill and really the transfer station? This aerial photo I've got —.

Chairman Hair said, Mr. McCorkle, I need to ask you one question because I was at that meeting —, at the Airport Commission meeting. Mr. McCorkle said, right. Chairman Hair said, I'm not sure if neutral is the appropriate term. They did, I think, reserve the right to continue to look at —. Mr. McCorkle said, sure. Chairman Hair said, this and if it became a problem with the birds that they would intervene at that time. So —. Mr. McCorkle said, that's —. What meeting were you at, Mr. Hair? Chairman Hair said, I was at the one —, I don't know what. Mr. McCorkle asked, several months ago? Chairman Hair said, yes. Well, about a month ago probably. Mr. McCorkle said, right. Chairman Hair said, where the —. Mr. McCorkle said, okay. Well, I've got the —, I've got the minutes from the meeting and Mr. Melaver expressed the opinion of the Commission by restating that Commission wishes to remain neutral. Chairman Hair said, right. Mr. McCorkle said, and they in fact have made it clear to us that if we make a bird problem, they're going to make an issue out of it. Chairman Hair said, that's the point I wanted to make. Mr. McCorkle said, right. Chairman Hair said, I mean, that if it —, they couldn't say that it was or wasn't. They just said if it became a problem they would intervene. Mr. McCorkle said, they would intervene at that time. Chairman Hair said, yes. That's —, I just wanted to set the record straight.

Mr. McCorkle said, okay. This is an aerial photo of the area. The —, inside the red lines and [inaudible] white light is Clifton Industrial Landfill is basically topped off and complete. This photo is two or three years old, so [inaudible] out there at that time, but basically it's finished. There's another landfill next to it. Savannah Electric and Power Company has an ashfill where they put their ash where they burn materials, so that's the two landfills here. And this property on the Land Use Plan for Chatham County is an industrial area. Not commercial, but industrial. On the zoning map it's zoned for an industrial landfill, and this is not a zoning issue because, in fact, it is zoned for such a landfill, and the landfill as approved on the general development plan several years ago when the zoning was approved was kind of panhandle shape. It would come up here only as far as it could go from the land at time Clifton owned and then it would be a large landfill here. It would take about 30 years to finish that and it's just getting started. What we're trying to do is amend the general development plan because that's what was required when the zoning was put in place. It said that any changes to the general development plan would have to be approved by the County Commission, so that's what we're here today for. We want to take a portion of the property and just about —, that's oversized. This building right now, the one that's partially constructed is 100 feet wide. Through the years it can go to 300 feet, and that's certainly more than 300 feet approximately at this location so you can see if they were to build a transfer processing station. The law says that you can't have a municipal solid waste landfill. That's not what this is. Municipal solid waste is garbage, and that's the landfill that's most regulated. There are more rules and regulations, and the rules say from the EPD that you've got to be 500 feet from the nearest residence for a municipal solid waste landfill. Again, we're not a landfill. I made that point so that I can say that we're 585 feet not to the nearest residence, but to the nearest land that's off our site. There is a plan, it's the last sheet on what I handed you. You can fold it out. It's an extensive landscaping plan that's been massaged several times after MPC meetings. There were a couple of MPC members that really wanted to have a say-so in what trees went in this buffer, and as you can see there will be five rows of trees. It's mighty small, but I can tell you working back from the highway: oak trees, cypress trees, magnolia trees, maple trees and cypress trees. So it's five complete rows of trees built on the berm. In addition, there's additional trees around the transfer station building itself and a fence located up in those trees. I don't

think you'll ever see it. It's probably the biggest overkill that's ever been, and I don't think you'll see there's a fence between Highway 21 and the transfer building. So it's —, it will look like a garden spot out there around this building. I think it's more than maybe what I said, but that's what we're going to do because that's what we were required to do, and we're glad to do it. So there's 100 feet then of intense land —, vegetative buffer and berm that we're going to construct. Then there's a double railroad track that sits up on an elevated area. You know, tracks sometimes are like that, and this one's a few feet up in the air. It's a double track, belongs to the railroad, so it's up. It gives some nice visual protection and distance. There's an existing row of trees that's about 100 feet wide between the railroad tracks and Highway 21. In the wintertime you might be able to drive down 21 and see through those existing trees and see this building, this transfer station building, but now you can't find it. I mean, you've got to go up on the property to see this building. That's how far removed the building is from even Highway 21. You do not know it's there. Now in the Winter, certainly some of the leaves fall off those trees and this 100 foot wide landscape buffer that's going to be planted is designed to have a mix of trees so that even during the Winter there will be protection, visual protection from the transfer station to Highway 21. Then you've got Highway 21, which is a very wide right-of-way. So the MPC's calculation is from our building, transfer station building to the nearest property is 585 feet. Almost two football fields in length. Certainly more than 500 feet. You have a municipal solid waste landfill that's a little bit more than 500 feet, or 500 feet away from a residence. So it's a long way. Then the closest house of the folks that are here today live in this little area right here. All of them, 12 or 14 families as they have said. The closest house is 1800 feet away according to the MPC's calculations. That is six football fields. That's how far it is. Consider also that they's going to be a 125 foot high mound, just like the Clifton mound, directly across the street from these houses. That's what they —, if anything impacts the value of their homes, certainly it would be the landfill directly across the street from their homes, which is already approved, is not being changed, and not the transfer change which is six football fields away from their homes. So to say that we're concerned about smells and flies and things, certainly everyone would be concerned, but to say that from that distance with that type of buffer under the circumstances of the use that I'm going to describe, if they're still concerned, I believe perhaps if I were them I would still express those concerns, but I think it's up to you to say those aren't —, they don't weigh very heavily in the balance because it doesn't seem that they're really legitimate concerns.

Mr. McCorkle said, the way we're going to work this facility is the way we work all transfer stations and the way it's done in the industry. You remove all of the waste that comes in. There's nothing on the floor at the end of the day, so there's nothing there overnight. It's all gone. You bring it in, you sort through it, you process, recycle what you can, you load it up on the trucks, and that's the end of it. There could be —, the four things that will be processed will be concrete, tires, metals and clean cardboard taken out of the waste stream. Our general development plan indicates that all of those items will be stored in containers —, within a building within a container, so it's not like anything noxious would be left on the floor. Just —, the only thing left then will be those four materials until the bins are —, the trailers are pulled in and they'd be carried off to the recycling facilities. The floor's cleaned daily. I wish Mr. Odell was here, he expressed concern about the wastewater seeping into the ground. That does not occur. There —, the facilities have to have by EPD standards, and we've already indicated to the County Engineer how we're going to do this and he's approved the concept, they have to collect any water that might accumulate from when you're washing down the floor. If you wash down the floor there might be a little bit of water, but it has to be collected, put into a drum and then either hauled off the site or solidified and put into a landfill. So it's really —, it's not going to happen that wastewater would escape from this facility. One of the gentlemen pointed out that —, and really my client has done everything they can, I believe, to answer people's questions. They took three or four folks to their identical facility in North Charleston, and you see the comments here that one of the folks wrote to the Chamber of Commerce President at Port Wentworth. He noticed no offensive odors a block away from the operation downwind, just one block away; the grounds around the area were neat and orderly; he saw no flies or insects. He pointed out that was January so, you know, you could have more flies and insects in the Summer, but in January when they went he didn't smell it, he didn't see any bugs. I mean, there may be bugs, but they're not going to be bugs 1800 feet away in my opinion. He did say it was his observation, but it was a legitimate observation. I have the original copy of the letter if anybody wants to see it. One thing Mr. Saxman already pointed out is this building would only be 35 feet high. The landfill if in fact this transfer station were not to be approved, if the landfill was built as it's currently approved, it could be 125 feet high. To me, much more of a visual impact to these folks than 35 for a building that you can't see. I point out that the property is currently zoned for a landfill. Traffic I think has been answered at the MPC level. It was brought up today, let me address it. The impact on traffic will be less than one-third of one percent. There —, certainly there's a lot of traffic on Highway 21, but the number of truck trips a day are shown here on Page B, at the top of Page B, about 40 additional truck trips a day at this time. In the MPC writeup it points out that 21 is —, even though it's heavily traffic, it's scheduled to be six laned in the 2000-2005 period, so it will —, the capacity will increase, but even under the current capacity what we plan to do is so minimal in it's impact that traffic cannot be really a legitimate concern.

Chairman Hair asked, Mr. McCorkle, on the tonnage issue, how many additional tons would be brought in there a year? I mean —. Mr. McCorkle said, it's 200 tons a day, not a week or a year. Chairman Hair said, 200. Mr. McCorkle said, but that's what —, and I'll get to how we operate in just a second and tell you that that's nothing new.

Mr. McCorkle said, let me go over Page C because I think those are concerns that have been raised and I've addressed them. There are two goals to the Georgia Comprehensive Solid Waste Management Act we all operate under. One is to reduce the waste stream and the other the other is to preserve disposal capacity. I quoted Virginia Lamb at the bottom of B, and don't turn back, I'll just read it. The Solid Waste Coordinator for Chatham County has received sufficient information to agree that Republic's facility will assist the County in reaching the goals of the Georgia Solid Waste Management Act. And those are the two goals: preserve capacity and reduce the waste stream through recycling. Under our existing operation this is what we're doing today, we get 350 tons a day of C&D waste, industrial waste. Construction and demolition, industrial type waste. It goes right to the landfill. 300 tons comes from Chatham County, about 50 tons of that come from outside of Chatham County. You need to understand and don't get carried away about how we're going

to become the garbage dump for an eight-county area. The way that garbage is handled these days is different than it was five or ten years ago. We all know how difficult it is to get a municipal solid waste landfill permit, lined, sited, those type things. There's only one besides the City's incinerator at the City's dump and because of the needs of their incinerator they are really not competitive in the marketplace because incinerators so expensive to run, and they would agree with that statement. We only have municipal solid waste landfill in this City and that belongs to Waste Management, and you need to understand they're bringing in trash right now from Augusta, all over the —, as far as they can bring it in on these big trucks and putting it right here in Chatham County in Waste Management's municipal solid waste landfill. That's the way a landfill business is done now. Because municipal solid waste landfills are so difficult to site and to build, transfer stations have sprung up and, you know, this is not brand new, they've been around about 20 years, but it's a growing part of the business where people collect municipal solid waste, take it to a transfer station, transfer it to larger trucks and put it on the road. I've become an expert in this. I often spot garbage trucks on the interstates that are headed to a different municipal solid waste landfill. That's just the way it's done. Again, outside waste from as far away as Augusta and maybe even further, but I know from Augusta, is being brought into Chatham County today to be put in the Waste Management landfill. So it's not something that —, and we're bringing in some C&D waste from outside Chatham County today and putting it in our landfill out there at —, on Highway 21. So that's the C&D waste. We've got 200 tons a day of municipal solid waste that we pick up now under contract: 100 tons we get from Chatham County and 100 tons we get from outside Chatham County. What we're doing with that today is putting it in Waste Management's landfill. So there's already 100 tons a day MSW that we pick up besides what Waste Management picks up or has brought from other municipalities that goes into the Chatham County landfill.

Chairman Hair asked, Mr. McCorkle, could I ask you a couple of questions —? Mr. McCorkle said, sure. Chairman Hair said, relating to tonnage. You said currently they're putting 550 tons a day. Mr. McCorkle said, correct. All —, all waste. Chairman Hair asked, and this would be an additional 200, so it's roughly? Mr. McCorkle said, no. It's the same 200 that we're talking about right there. We just don't want to have to pay Waste Management —. Chairman Hair said, so you're replacing the 200 that is municipal solid with the 200 —? Mr. McCorkle said, yes, we're going to take it out of Chatham County. That's what I'm getting to. Instead of it being put in Chatham County —, it's the same 200. Chairman Hair said, so the total tonnage is not going to increase. Mr. McCorkle said, correct. Chairman Hair asked, it will still say 550? Mr. McCorkle said, correct. Over time, of course, as we get busier it will, and we've put that in our plan, and today we're collecting 550 tons and that's what we we're going to continue to collect. Chairman Hair said, all right. One percent of the additional —, of the new 200 would be from out of county. Mr. McCorkle said, no more. The same 100/100. Chairman Hair said, well, it's 150 here. Mr. McCorkle said, no. Chairman Hair said, well, it's 50 and —. Mr. McCorkle said, that's —. Chairman Hair said, 50 tons from outside and 100 tons —. Mr. McCorkle said, that's the C&D waste. A little bit farther down on municipal solid waste —. Chairman Hair said, I understand that. Mr. McCorkle said, municipal solid waste we're getting 100 tons from in the County and 100 tons from outside of the County today. And that's the part that the folks are upset about is the —, from what I understand, is MSW. Chairman Hair said, so half of the tonnage, this new tonnage would be from out of county and half would be —. Mr. McCorkle said, it's not new. We're picking it up today, we're just putting it in Waste Management's landfill. Chairman Hair said, okay.

Mr. McCorkle said, so under the current system all of the waste is going into the disposal system. We're not recycling, we're not reducing the waste stream. Also, we're not preserving solid waste disposal capacity because it's all going into disposal facilities, either our C&D landfill on 21 or Waste Management's MSW landfill. All of it's going into Chatham County. Go to Sheet D. To answer your question there, Mr. Hair, it's the same waste stream, same incoming waste stream, 350 tons of C&D, 200 tons MSW. The processing will remove move from the C&D waste stream certainly from the MSW, but there'll be —, there'll be concrete, metals, tires and clean cardboard taken from all the waste streams.

Chairman Hair said, all right, let me ask you a question about that. Are you saying that the 200 that's going to be coming in is not going to be the same type of waste, it's going to be a different kind of waste? Mr. McCorkle said, it's the same 200 we're picking up and bringing in today and putting in Waste Management's landfill. Same thing. Chairman Hair said, so there's no difference in the content of the waste stream. Mr. McCorkle said, no. Chairman Hair said, it's just that you're going to process the waste stream. Mr. McCorkle said, we're going to process it and we're going to transfer it and send it to Jesup, which is the benefit to Chatham County. Our waste is going to Jesup. The waste we bring in from Chatham County is going to Jesup. None of it's going to go into the landfills here in Chatham County. We have a MSW landfill at Jesup. The point of the transfer station is to bring it in, put it in bigger trucks, take out what you can for recycling, and send it to Jesup. Chairman Hair said, well, if you —. I guess this might be a question for the Attorney. If you're talking about the exact same 200 tons and the exact same content, why would they need a zoning change to do this? I don't —.

County Attorney Hart said, because when you originally approved their plan, under their plan you created what they could do there, and I don't remember what they called it —. Mr. McCorkle said, well, we —, all we could do was C&D landfill. County Attorney Hart said, this is an additional. The transfer —, transfer station was not included in that plan, and what they're doing now is they're saying, hey, we want a sorter transfer station to sort out these materials and ship them somewhere else, so that's a change in the master plan which y'all reserved to approve. Mr. McCorkle said, that's a change of the plan. I could bring them both up here, but instead of a big landfill all day, we're going to have one landfill and a transfer station so it is a change to the general development plan, which I think requires us to come up here.

Mr. McCorkle said, same incoming waste stream. Processing removes some significant waste from the C&D waste stream and some waste from MSW waste stream. The remaining C&D waste will go into our landfill, as it does today. All of it goes there today. What we don't process out will go there in the future. The remaining MSW will leave Chatham County and go to Jesup. So we both —, we've accomplished both goals. We've reduced the waste stream through process, we preserve the solid waste disposal capacity of Chatham County. We'll extend the life of our landfill by having

some of the C&D waste processed out. We won't have to put any of the MSW in Waste Management's landfill like we're doing today, so it extends the capacity of their landfill as well. So I think both —, both goals are met and as an additional benefit, which I think is very important, we don't have a competitive situation in Chatham County right now for municipal solid waste. If the City doesn't have you bring it to their incinerator with the City waste that they pick up, anything picked up outside is going the City's going to Waste Management and they don't have any competition. The main benefit to every citizen in Chatham County is we create a competitive environment to dispose of municipal solid waste. And, again, municipal solid waste that we get goes to Jesup and doesn't go hear.

Chairman Hair said, I have another question, Mr. McCorkle. One of the residents raised this question and maybe you can answer it. If this is going to be a brand new facility —, is that not correct? Mr. McCorkle said, the transfer station will be. Chairman Hair asked, it's a brand new facility, right? Why would you not go out into uninhabited areas and build a brand new facility as opposed to trying to build it in a congested area? Mr. McCorkle said, transfer stations are built generally for economies of scale —, scale houses, not just economy of scale, scale houses near what landfill you do have. They're almost always built with landfills. Chairman Hair said, but you're saying you're transferring to Jesup anyway so you might actually build it closer to Jesup. That actually cuts your transportation costs.

Commissioner Price said, some of the C&D stuff —. Mr. McCorkle said, but the C&D will be processed out. Some material will be processed out of the municipal solid waste landfill and this is by far the best place for us to put it economically. Instead of operating with separate [inaudible], with separate employees, separate scale. This allows us to be competitive in the market, and that's why they're generally put with your landfills.

Chairman Hair asked, let —, how much longer are you going to have with your presentation? Mr. McCorkle said, not much. Chairman Hair said, because I think it'd probably be better just for maybe to deal with questions that maybe the Commissioners have. I think we've probably got a pretty good idea —. Does anybody not have a good idea —, Mr. Saussy, anybody? Are we ready for questions maybe? Anybody have any major thing? I think probably at this point let's proceed with maybe questions, specific questions. I do want to recognize the resident again to maybe probably do a little rebuttal here.

Mr. Hardee said, Mr. McCorkle said, that by putting this transfer station right here that that's getting it away from our house. That's a lie. Here's their plans. I didn't draw these, they drew them. They gave them to us. This right here —, I live right there. There's going to be 140-foot —, a 143-foot mound in front of my house. Chairman Hair asked, what's there now? Mr. Hardee said, nothing. There was water over there because there were beavers over there, so that tells me that should have been under wetlands. Chairman Hair said, thank you. Mr. Hardee said, and he just said, we have a change in use. That should require a zoning change. I mean, is that not correct? Chairman Hair said, that's not required. County Attorney Hart said, this is a change in the master plan or development plan. Chairman Hair said, so it's not a change in zoning. County Attorney Hart said, no sir. Chairman Hair said, it's not required. County Attorney Hart said, not the way our current zoning ordinance is written. Mr. Hardee said, they sat there and —, what he sat here and done is technically zone this thing. He's done it through C&D. That's how he's doing it. Chairman Hair said, okay. Thanks. Mr. Hardee said, I mean, I just want you to realize what he's doing. He's going to make it sugarcoated to look good for them and to heck with everybody else. Chairman Hair said, okay. Thank you, sir.

Mr. McCorkle said, I just need to respond to that one issue. Chairman Hair said, yes sir. Mr. McCorkle said, very clearly the houses are here. Whether it's 125 or 143, I wasn't trying to change the facts. Whatever has been approved, it's going to be built there regardless of whether the transfer station is approved or not. Mr. Saxman said, 125 feet above the main sea level would be —. Mr. McCorkle said, okay, 125 feet in the air, well, the main sea level must be another 18 feet for 143 feet, so whatever. The 125 foot hill at 143 mean sea level is going to be built there regardless of what happens, so the issue becomes certainly what's approved is going to be built is going to impact these folks. Will this, will it not be a better situation without that 125 foot landfill there behind the buffer. That's the issue. Chairman Hair said, well, apparently they don't agree with that. That's just a change [inaudible].

Mr. Woods said, Mr. Hair, could I say something to keep from walking up there. Chairman Hair said, yes sir, make it —. Mr. Woods said, when I moved there, there was nothing there. Mr. Clifton got this thing and how Mr. Clifton got this permit to put this landfill in there in the first place and he says that he can stand and you can't see this building. Well, he better get him some new glasses because I can see it, but that's not the point. The point is we don't need that smell. That's what worries me, the smell and that as far as the building, they've got a nice building over there, but as far as it being completely enclosed, it ain't enclosed. Chairman Hair said, thank you. Mr. Woods said, thank you.

Chairman Hair said, thank you, sir. I appreciate you coming. Anybody else? Do any Commissioners have any questions? Commissioner Price has a question for Ms. Lamb I believe.

Commissioner Price asked, is Ms. Lamb here? Here she comes. Chairman Hair said, Commissioner Murray after Commissioner Price. Commissioner Price said, some of the residents indicated that you had voiced reservations about the plan to them that possibly would not be voiced to members of the MPC or ourselves. I just wanted to address that because I know you and I know that you're a very straightforward person, and I know you wouldn't —, my understanding of history, you wouldn't not say what's on your mind. Ms. Lamb said, no sir. Commissioner Price asked, could you tell me —. Ms. Lamb said, that's correct. Commissioner Price asked, would you address those concerns?

Ms. Virginia Lamb said, I was very concerned about this when I first saw the staff report coming from MPC because I did not think it presented a very clear picture of what was going to go on, and I think above all else a County has a responsibility

to all of its citizens to let them know exactly what they're going to have to contend with. To that end, I wrote a letter to MPC with regard to what I considered errors in their staff report and things that they had overlooked. I did receive responses back and to that end they were able to answer the questions that I posed, but I do not think initially there was sufficient information for anyone to have made a determination of the impact to the residents without having those issues clarified. There's always concerns when you're putting in a facility of any kind that deals with solid waste. The [inaudible] principle, not in my back yard, and oftentimes nowhere on planet Earth. But unfortunately we have solid waste to have to deal with and so that's one of the problems. If you suggested putting it at Sandhill, the problems with that is that you're going to impact resident there that aren't going to want it either. The bigger concern is why have it here, and that is because of the hub and spoke. Understand you buy a small hauling company, as you haul to one facility you offload and then you can truck it to another facility where they're able to dispose of it. All your costs are wrapped internally in your own company. That's why doing it. Does it make a difference in Chatham County? Probably not, but you're being a transfer point. You're not getting any of the benefit either. You're not getting any disposal dollars coming in here. You're losing the dollar per ton that goes into our Solid Waste Fund that will fund our recycling program. Recycling coming out of here —, when you see MSW mixed with stuff, you're not going to get much recycling. I went to them initially because I was afraid that they were going to be a competitor and that we ought to look to work with them to start a recycling program for Chatham County, but they're not looking to pull out the bottles and cans and jars and those kinds of things. They will pull out some metals, some concrete, cardboard's fairly much contaminated to a large extent unless they go for their own routes where they're actually picking up cardboard separately, so don't get too fuzzy a feeling about the recycling because that's kind of a happy thought but not much reality there. As far as disposal capacity goes, you're not disposing of the MSW here, but you are bringing it in from South Carolina because they've got operating companies over there as well. So to answer your question directly, no, I have not been reticent about expressing my opinion, and I would not be because I think I'm responsible for the well-being of Chatham County residents and that's my job.

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

Commissioner Murray said, it's obvious that this has been a pretty controversial issue. I think Mr. McCorkle made his point pretty plain and he did a good job of that. However, if you look in your agenda books at the MPC, there were four people that voted in favor of it, three people voted against it and one person abstained. This tells me it's a pretty close vote. I'm opposed to any expansion of any landfills, any of this, transfer sites or anything being done in Chatham County until we have worked an issue with the outlying counties and tried to come up with a regional facility somewhere, whether it's in Chatham County or whether it's in one of the other counties that we can all work under. I don't think that just because this is going to save the new owners of this landfill money is a just reason for us to approve the zoning. I know they have a place in Jesup, and they can certainly haul the stuff to Jesup, but I don't think we need to sit there and approve any changes in what we have right now until we have done further research, not just on this, but on everything and the main thing's a regional landfill, a regional facility not just to benefit one particular business, and I think that's what this zoning does, and I would be opposed to it and will vote against it.

Chairman Hair said, I also have some serious reservations about this I think that this will have a negative impact on the neighborhood and I guess the answer that I got to my question as to why you don't put it out in an uninhabited area was personally was not a very good answer to my question because what the answer was it's money, and I'm a businessman myself and I understand money and I understand profit, but at the same time if we can do the same thing but do it in a portion of the community that does not impact neighborhoods, I would be much more supportive of that. I personally cannot support this, and I have some real problems with it. Chairman Hair recognized Commissioner Thomas.

Commissioner Thomas said, thank you. You've said exactly what I wanted to say. I think that's very imperative. I also hope and trust that we have heard what the citizens have said. Their main concern —, one of their main concerns was the fact of the offensive odor that it might also generate and if any of you have never lived in an area where you had to deal with offensive odor 24 hours a day, then I'd like to invite you to move in some of these areas and live there for maybe one night or two nights. You would want to get out there real fast, so we need to be considerate. We do not need to put people in these kinds of situations where their lives will not be as happy as they should be, and I'm hoping that we will consider that too.

Chairman Hair said, thank you, Commissioner Thomas. I'll entertain a motion if we're ready. If you've got anything final to say, Mr. McCorkle, I'll be glad to hear you if you've got any final comments.

Mr. McCorkle said, before you vote I would —, we would like to invite all of you to Charleston to see what is really going on at the facility because the concerns expressed —, I can't convince you apparently that 1800 feet away you will not have a pest and smell problem. A facility identical to this one viewed by you I would hope would convince you of that. The person who we didn't pick from Port Wentworth who went was satisfied that it was a clean and non-obnoxious or offensive facility. So this is a very important issue to this community, not just to Republic. I've tried to express how important it is to this community to have another MSW handler here. So before you would vote no, I would ask that you perhaps would consider postponing the vote until you can view that facility and have more information.

Chairman Hair said, okay, Commissioner Price, I'll recognize —.

Commissioner Price said, it's my understanding that the landfill across from the residents is going to be built regardless of the transfer station going in. Is that something that because of Republic's interest in that property —? I mean, you have the right to do that at that property? Mr. McCorkle said, absolutely. The City landfill's going to be there for 30 years. It will take that long to fill it up. Commissioner Price said, okay, but it is zoned for C&D and not municipal solid waste. Mr.

McCorkle said, correct. It's not —. Commissioner Price said, okay. Mr. McCorkle said, it's a landfill for C&D waste, that's correct. Commissioner Price said, okay. The valuation of the properties at that location and the lifestyle and, you know, livability in that area, the reason question that I see is whether that will be impacted by the fact that there's a transfer some 1500, 1800 feet away from where they're talking about. It seems like you're already impacted to some degree by what's already there. Will it have a negative impact with the municipal solid waste over there in that area? It probably will, probably will. Would it do us any good to go to Charleston to see this? It probably would do us good if we did that. The bottom line though is this, we're probably not going to be able to do that. Also, what concerns me is most of the waste that we're talking about from this whole area, where does it come from? It comes from where the majority of the people live, where the population is. Where is the population mainly focused in this seven-county area? It's in Chatham County. That's where everybody lives. So we're talking about for the most part our waste. Everybody says, well, don't send me your waste, but here we are talking about sending our waste —. Eventually we're going to have to because we are so congested in Chatham County there's no place left. We don't have an area to go that's not going to affect residential. We don't have an area to go where we're not going to have somebody, as these people are here today, out in front of us saying not in my back yard. That's not going to happen, people. The reality is we don't have any more land available in Chatham County, and this is a fact. In my opinion, this is a good plan. In my opinion, this is a good plan. It's not the best situation for the residents that live there, but it is a good plan and it's transferring waste out of Chatham County. So I don't think that we should be quick to judge this just solely because, you know, of what we've heard from both sides of this. Think long term. Think about the impact long term on this County and what we need to be able to do to comply also with the State Solid Waste Management Act.

Chairman Hair said, I have two comments: One is that I don't think delaying this is going to solve anything. You know, me going to Charleston and looking at something is not going to change my mind about the negative impact on the neighborhood. I will stipulate that this facility is going to be just what Mr. McCorkle says it is, so I don't need to see it. I mean, I have great respect for Mr. McCorkle, and whatever he tells me I believe to be true. So whatever you tell me I believe; however, I think this is an issue that begs for regional cooperation, and I would hope that we would see fit today, as a Commission, to direct staff to begin immediately in meeting with our neighboring counties' staffs in Effingham and Bryan and Liberty Counties, and I would be more than happy to meet with my counterparts. I've discussed this with them, and they're willing. Mr. King in Effingham and Mr. Warnell in Bryan County, Mr. Smith in Liberty County. I think that we should take a longer view and let's deal with this issue on a regional basis and not come back here six months from now and six months from now and six months from now and have to deal with these kind of issues. I think we need a long term 50-year solution and I think we need to do it on a regional basis, and I think that's what we need to do, and I would hope we don't lose site of that fact. And regardless of this vote today, I still think that it does not change the need for us, and I would hope that whoever makes the motion either way, would include as part of their motion, since I can't make a motion, would include as part of their motion that we would direct staff to begin immediately in meeting with their counterparts in these neighboring counties and look at this on a regional basis.

Commissioner Rivers asked, Mr. Chairman, aren't we already doing that? Chairman Hair said, no sir. Commissioner Murray said, we're supposed to be. Chairman Hair said, we're —, you know, I think we need to —, what I would like to see, Commissioner Rivers, is a time line of meetings to be held and then options to be brought back to us and the respective County Commissions, and I think that needs to be done. I don't think we have it to the point that we've established deadlines and things to be done. Commissioner Rivers said, okay. Well, somewhere along the line I got reports back concerning solid waste and also the RDC was looking at some solid waste and I don't know. If I'm confused about that then somebody needs to clarify that for me. County Manager Abolt said, we have been. Y'all asked particularly in light of the dry trash issue. We can certainly [inaudible] and give you what the Chairman wants.

Chairman Hair said, yes, and it also —, you know, I'm an organizational development person. I need to see time lines, I need to see when it's going to be done, what needs to be done and that sort of thing, and if we don't set deadlines, it'll never happen. It'll be one of those things that will go on forever and a year from now we'll be right back here with the same kind of issues. Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, I would like to make a motion we deny the petitioner's request and in that same motion that —, those things that you've stipulated about the regional side of it that we direct staff to start moving forward on it. Chairman Hair said, all right, we have a motion to deny and to direct staff to —. Commissioner Jackel said, Mr. Chairman, I think that —. Chairman Hair asked, do we have a second? Commissioner Jackel said, I think that —. Chairman Hair said, let's get a second in with an amendment, I believe. Commissioner Saussy said, yes, I just wanted to add to that that we look into recycling. Commissioner Murray said, that's fine. Commissioner Saussy said, on a mandatory basis. Chairman Hair said, part of the regional. I think that's a good idea, Commissioner Saussy, if you'll accept that as part of your motion. Commissioner Murray said, that's fine. Chairman Hair said, all right, we have a motion and a second. I'll recognize Commissioner Jackel.

Commissioner Jackel said, I think it needs to be broken down into two motions. I just don't —. Chairman Hair said, well, let's vote on this. We have a motion on the floor now we already have to deal with. Commissioner Jackel said, I think it's inappropriate to have that sort of motion. I would ask the County Attorney. Commissioner Murray said, that's fine with me. I would just make the motion right now, if you would allow it as a second, that we deny the request of the petitioner. Chairman Hair said, all right, let's do that first. Commissioner Saussy, would you accept that amendment to your second? Commissioner Saussy said, yes.

Chairman Hair said, all right, we have a motion to deny. All those in favor of denial will vote yes, and opposing denial will vote no. Chairman Hair and Commissioners Saussy, Rivers, Jackel, Murray and Odell voted in favor of the motion to deny.

Commissioners Price and Thomas voted in opposition. The motion carried by a vote of six to two. [NOTE: Commissioner DeLoach was recused from voting.] Chairman Hair said, the motion [sic] is denied. Okay, now —.

Commissioner Murray said, now I want to make a motion that we include the recycling in the regional and direct staff to move forward on that. Chairman Hair said, okay, we have a motion. Do I have a second? Commissioner Saussy said, second. Chairman Hair said, second. Any discussion? All those in favor vote yes, opposed vote no. The motion carried unanimously. Chairman Hair said, thank you very much.

ACTION OF THE BOARD:

1. Price moved to recuse Commissioner DeLoach from voting on this item due to a conflict of interest because of a business relationship with the petitioner. Commissioner Thomas seconded the motion and it carried unanimously.
2. Commissioner Murray moved to deny the request of Petitioner Chris Stovall, agent for Savannah Regional Industrial Landfill, Inc., owner, requesting approval of a revised General Development Plan to allow an existing single-bay Transfer Station located at the Savannah Regional Industrial Landfill to also accept municipal solid waste and expand to a future three-bay Transfer Station/Processing Facility. Commissioner Saussy seconded the motion. Chairman Hair and Commissioners Saussy, Rivers, Jackel, Murray and Odell voted in favor of the motion to deny. Commissioners Price and Thomas voted in opposition. The motion carried by a vote of six to two. [NOTE: Commissioner DeLoach was recused from voting.]
3. Commissioner Murray moved that the Board direct staff to begin immediately meeting with their counterparts in neighboring counties of Effingham, Bryan and Liberty Counties to establish on a long-term basis a regional landfill and recycling program and staff come back to the Commissions with a list of what needs to be done, etc., and setting deadlines to accomplish it. Commissioner Saussy seconded the motion and it carried unanimously.

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8. 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.

- **MAGISTRATE COURT - DEPUTY COURT CLERK II (ONE POSITION)**
- **CHILD SUPPORT ENFORCEMENT - CHILD SUPPORT SPECIALIST I (ONE POSITION)**
- **SHERIFF - STOREKEEPER I (ONE POSITION)**

Chairman Hair said, Magistrate Court - Deputy Court Clerk II. Is anyone from Magistrate Court here? In the absence —. Yes, there is. Okay. Would you explain about this position.

Ms. Susan Dixon said, yes sir. My name is Susan Dixon. I'm the Deputy Court Administrator. This position that we have open is in our Criminal Division, which is an extremely high volume area that we have dealing mainly with worthless checks, and it [inaudible].

Commissioner Jackel said, I move for approval. Chairman Hair said, we have a motion to approval. Commissioner Odell said, I'll second with a question. Chairman Hair said, question. Commissioner Odell asked, how long has this position been open? Ms. Dixon said, two weeks. Commissioner Odell said, two weeks. Ms. Dixon said, right. Commissioner Odell asked, is it open as a result of a transfer or what? Ms. Dixon said, termination.

Commissioner DeLoach said, move for approval. Chairman Hair said, we already have a motion and a second. Commissioner DeLoach said, okay.

Chairman Hair asked, any further discussion? All those in favor vote yes, opposed vote no. The motion carried unanimously. Chairman Hair said, the motion passes. Thank you.

Chairman Hair said, next one, Chief —, Child Support Enforcement - Child Support Specialist I (one position). Commissioner DeLoach said, move for approval. Commissioner Price said, second. Chairman Hair said, motion for approval and a second. Any discussion?

Commissioner Odell said, discussion? How many of these positions will be transferred out? Is the State taking over some of the functions? Mr. David Lowe said, they're taking over the receiver function, the money function, the collection and distribution. None of these positions will be absorbed by the State. Commissioner Odell said, okay.

Chairman Hair said, I have a motion and a second. Any further discussion?

Commissioner Rivers said, let me ask a question. Will these positions stay in our budget, the Chatham County budget, or will they be offset by the collection fees? What happens to the collection fee? The collection fee somewhat offsets your budget. Mr. Lowe said, the collection distribution is a separate part of the operation. It comes under a separate director and it's going to be absorbed by the State. This position, all positions in Child Support Enforcement are reimbursed at 106% of expenses, so it's totally reimbursed by the State.

Chairman Hair said, okay. Commissioner Rivers, does that answer your question? Commissioner Rivers said, yes. Chairman Hair said, okay. We have a motion and a second. All those in favor vote yes, opposed vote no. The motion carried unanimously. Chairman Hair said, the motion passes. I would like to say before you leave, I think you folks do a wonderful job. The reports we get from y'all monthly about the amount of recovery, y'all —. Commissioner Price said, they're the best in the State. Chairman Hair said, you guys have a standing job and I commend you for your efforts. Mr. Lowe said, thank you, sir. Commissioner Odell said, there's some good people over there. Commissioner Price said, they sure do. Chairman Hair said, they do a great job. Commissioner Thomas said, they are good.

Commissioner Jackel said, Mr. Chairman. Chairman Hair asked, something on this issue or —. Commissioner Jackel said, yes, on this issue. We have a real problem here. We had three positions up today on the 90-day hiring freeze and because of that we had three of our people up here, one from Magistrate Court, one from Child Support and now we have someone from the Jail. Three hours out of their day. We've lost nine productive man hours at a minimum for them being up here to do this. We need a better way of doing this. This is just too costly of some of our key people's times for them to come up here on this issues, whether we need more information than the report or whether we need to put this thing off if someone really has a question of the person involved. I just say this is a waste of manpower that we don't need to be doing. Chairman Hair said, I think —. I disagree slightly with that. I mean, I think that maybe one way to solve that would be —, I mean, there's no need for them to come here at 9:00 when they know this is not going to be until 10:30 or 11:00 or 11:30. They don't need to be here and sit here for two hours to go through all this other stuff. So I think that could just be —, we could have the department heads to —. Go ahead.

County Manager Abolt said, that could be done, sir. But, as you know, we monitor the audio. Chairman Hair said, exactly. County Manager Abolt said, any department can flip their phone and know exactly where you are on the agenda. Chairman Hair said, and I think that's the appropriate thing to do. I still think —, Commissioner Murray is the one that suggested this way back when, and I personally have benefitted from us dealing with these one by one and having the people here, and it was his idea and I think it was a wonderful idea, and I think we still need the folks here to justify these positions. I don't —, but I think we could —, I think the County Manager made a good suggestion. Maybe just in his department head meetings he can get the word out that they just need to come here toward later in the meeting and only, you know, 20 minutes or 30 minutes before the vote. Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, I would agree with that also and, if you will notice, I'm not just voting the red light everytime now. Commissioner Jackel said, I need --. Commissioner Murray said, if they can justify it, I'll support it. If they can't justify it in my opinion, I will not. Chairman Hair said, it's a good idea. I can tell you, I have learned a lot by having these done individually. I think it's a great idea that Commissioner Murray had and I'd like to see us continue to do it. I think it would be a mistake to go back to the old way. Commissioner Murray said, to me that really is part of the department head's job. Chairman Hair said, I agree. Commissioner Jackel said, well, I —.

Chairman Hair said, okay, we have Sheriff - Storekeeper I (one position). Mr. Sheriff, why is the Storekeeper so urgent? Commissioner Price said, move for approval. Commissioner Thomas said, second. Commissioner Price said, call the question.

Sheriff Al St. Lawrence said, well, it's really not a storekeeper. Chairman Hair said, well, that's what it says here. Sheriff St. Lawrence said, we call it a storekeeper. He is a warehouse person. I only have two. Two warehouse people that takes in everything for the Jail, feeds 3600 meals a day, and it has to be accounted for when it comes in. They have to bring it out on hand trucks to the different units and all, and I can't have one person there, you know, since I don't have but two to start with.

Commissioner Price said, call the question.

Chairman Hair said, we have a motion and a second. Commissioner Murray asked, that position wasn't in that long list, was it? Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously. Chairman Hair said, the motion passes.

ACTION OF THE BOARD:

1. Commissioner Jackel moved to approve waiver of the 90-day hiring freeze and authorize the Human Resources to advertise: Magistrate Court - Deputy Court Clerk II (one position). Commissioner Odell seconded the motion and it carried unanimously.
2. Commissioner DeLoach moved to approve waiver of the 90-day hiring freeze and authorize the Human Resources to advertise: Child Support Enforcement - Child Support Specialist I (one position). Commissioner Price seconded the motion and it carried unanimously.
3. Commissioner Price moved to approve waiver of the 90-day hiring freeze and authorize the Human Resources to advertise: Sheriff - Storekeeper I (one position). Commissioner Thomas seconded the motion and it carried unanimously.

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X. ACTION CALENDAR

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

Chairman Hair asked, anybody want to pull anything off the Action Calendar? Commissioner Jackel said, Item #3. Chairman Hair said, #3. Anything else? Commissioner Murray said, Item J, J. Commissioner Saussy said, Item G. Commissioner Thomas said, J. Chairman Hair said, wait a minute. Commissioner Thomas asked, J? Chairman Hair said, G for Commissioner Saussy and J for Commissioner Murray. Anything else? The Chair will entertain a motion to approve the balance of the Action Calendar. Commissioner Rivers said, so moved. Commissioner Thomas said, second. Commissioner Price said, second. Chairman Hair said, second. All those in favor vote yes, opposed vote no. The motion carried unanimously. Chairman Hair said, the motion passes.

Commissioner Price said, Hilda Whitaker has a question.

Ms. Hilda Whitaker said, yes, I'd like to know the 2500 ballroom chairs [inaudible]. Is that right? Commissioner Price asked, what number? Ms. Whitaker said, page 7, A, and I'd also like to know about the \$1.3 million on O on 9, an explanation please.

Chairman Hair asked, which ones, Hilda [Whitaker]? Ms. Whitaker said, A and O. Chairman Hair said, A and O. Ms. Whitaker said, I thought all of those things were funded. Was I wrong? Chairman Hair said, well, they are funded. They're just purchasing them, isn't that correct? This is just a purchase. They've already —. This is not an additional claim. These are just the purchase. Ms. Whitaker said, that's what I wanted you to say. Chairman Hair said, okay. Well, I said it. Ms. Whitaker said, how about O, the \$1.3 million? Could you explain that transferring it from the Jimmy DeLoach? County Manager Abolt said, we've already done that. Chairman Hair said, that's the ferry system transfer. Ms. Whitaker said, I know, but it says the money from the Jimmy DeLoach Parkway Interchange Project. Chairman Hair said, the way it is it's a swap with the State. The State's going to pick up that project. Ms. Whitaker said, thank you for the explanation. Chairman Hair said, yes. I tried to convey that when I was talking about the meeting. That's what Commissioner Shackelford helped along. He just swapped out the State money for local money and allowed us to do it. Ms. Whitaker asked, well, we've still got everything in place for —? Chairman Hair said, absolutely? Ms. Whitaker said, thank you. Chairman Hair said, there will be no projects delayed or anything like that. It's just it will be funded by a different source of money. Ms. Whitaker said, thank you very much. Chairman Hair said, thanks.

Chairman Hair asked, did we approve the balance of the Action Calendar? Commissioner Price said, yes. The Acting Clerk said, you didn't vote. Chairman Hair said, I didn't think we did. Okay, all those in favor vote yes, opposed vote no. Commissioner Rivers said, yes, we did. Commissioner Murray said, we did vote. Commissioner Thomas said, I thought we did. Chairman Hair said, the Clerk said, we didn't. The motion carried unanimously. Commissioner Saussy said, well, we voted twice. Chairman Hair said, I listen to the Clerk. The Clerk said, we didn't vote. Commissioner Odell said, but she's new.

ACTION OF THE BOARD:

Commissioner Rivers moved that the Action Calendar be approved in its entirety with the exception of Items 3, 10-G and 10-J. Commissioners Price and Thomas seconded the motion and it carried unanimously.

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

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1. APPROVAL OF THE MINUTES OF THE REGULAR MEETING ON MAY 14, 1999, AS MAILED.

ACTION OF THE BOARD:

Commissioner Rivers moved to approve the minutes of the regular meeting on May 14, 1999, as mailed. Commissioners Price and Thomas seconded the motion and it carried unanimously.

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2. CLAIMS VS. CHATHAM COUNTY FOR THE PERIOD MAY 6 THROUGH MAY 18, 1999.

ACTION OF THE BOARD:

Commissioner Rivers moved that the Finance Director is authorized to pay claims for the period May 6, 1999, through May 18, 1999, in the amount of \$5,854,968. Commissioners Price and Thomas seconded the motion and it carried unanimously.

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3. REQUEST BOARD APPROVAL OF LEASE FINANCING AND AUTHORIZE THE CHAIRMAN TO SIGN FINANCING AGREEMENTS WITH G. E. CAPITAL PUBLIC FINANCE, INC., WITH AN INTEREST RATE OF 4.96% OVER A PERIOD OF FOUR YEARS FOR THE FOLLOWING: (1) \$1,175,000 FOR Y2K REMEDIATION PROJECT; (2) \$120,000 FOR GOLF CARTS.

Chairman Hair recognized Commissioner Jackel.

Commissioner Price said, so moved. Commissioner DeLoach said, second. Chairman Hair said, second. Chairman Hair recognized Commissioner Jackel.

Commissioner Jackel said, I see that it says 4.96% rate. Is that —, what type of interest rate is that? Is that —? Commissioner DeLoach said, some I'd like to have. Chairman Hair said, so would I. Commissioner Jackel said, I don't see the information that I normally get in a disclosure statement. Is that on the unpaid balance or is that just a true —? Chairman Hair said, simple interest. Commissioner Price said, that's a government lease rate. Chairman Hair said, yes, it's a lease rate. Commissioner Jackel said, all right. But that's a simple interest rate? Commissioner Price said, right. Commissioner Jackel said, so it's —. Chairman Hair said, yes. Commissioner Jackel said, all right, now on the payment schedule, if you'll look on page seven, the total payments are roughly \$1.35 million. You take the principal payments are \$1.175 million and the interest component is \$140,000. All right, that exceeds the total of the payments. Commissioner Price asked, who are you asking the question? Chairman Hair said, the County Manager. Commissioner Jackel said, I'm asking —, I don't —. I need someone to explain to me why the principal component and the interest component would exceed the total of the payments. Chairman Hair said, well, he's trying to answer your question. Commissioner Jackel, he's trying to answer your question.

County Manager Abolt said, I did some fast math here. If you take the 1.175 and 140,000 and it comes to the 1.3. That's it right there. I did the math quick. Commissioner Jackel asked, it's the same figure then? County Manager Abolt said, yes sir. I did it quickly here. You check me. You take principal component and interest component, add those two figures and you get 1.3. Commissioner Jackel said, all right, then if they add up, then that's correct.

Commissioner Price said, call the question. [Unintelligible comments when several Commissioners were speaking at the same time.]

Chairman Hair said, all right, we have a motion and second. All those in favor vote yes, opposed vote no. The motion carried unanimously. Chairman Hair said, the motion is approved.

ACTION OF THE BOARD:

Commissioner Price moved to approve the request for lease financing and authorize the Chairman to sign financing agreements with G. E. Capital Public Finance, Inc., with an interest rate of 4.96% over a period of four years for the following: (1) \$1,175,000 for Y2K Remediation Project, and (2) \$120,000 for golf carts. Commissioner DeLoach seconded the motion and it carried unanimously.

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**4. REQUEST FROM GERALD CRAMER, DEVELOPER, TO RECORD THE SUBDIVISION PLAT FOR CYPRESS CREEK SUBDIVISION.
[DISTRICT 7.]**

ACTION OF THE BOARD:

Commissioner Rivers moved to approve a request from Gerald Cramer, developer, to record the subdivision plat for Cypress Creek Subdivision. Commissioners Price and Thomas seconded the motion and it carried unanimously.

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- 5. **REQUEST FROM EMC ENGINEERING, AGENT FOR JERRY C. WARDLAW CONSTRUCTION, TO RECORD THE FINAL PLAT FOR HERON CREST SUBDIVISION PHASE 5 AND TO COMBINE THE STREETLIGHT ASSESSMENT DISTRICT WITH THE EXISTING DISTRICT.
[DISTRICT 6.]**

ACTION OF THE BOARD:

Commissioner Rivers moved to approve a request from EMC Engineering, agent for Jerry C. Wardlaw Construction, to record the final plat for Heron Crest Subdivision Phase 5 (now Eagles Landing Phase II) and to combine the streetlight assessment district with the existing district. Commissioners Price and Thomas seconded the motion and it carried unanimously.

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- 6. **REQUEST FROM FREEMAN & VAUGHN ENGINEERING, AGENT FOR EAGLE DEVELOPMENT GROUP, TO RECORD THE FINAL PLAT FOR LAUREL OAKS SUBDIVISION PHASE 2 (FORMERLY KNOWN AS QUACCO TRAIL SUBDIVISION), TO COMBINE THE STREETLIGHT ASSESSMENT DISTRICT WITH THE EXISTING DISTRICT, AND TO COMBINE THE OPEN SPACE ASSESSMENT DISTRICT WITH THE EXISTING DISTRICT.
[DISTRICT 7.]**

ACTION OF THE BOARD:

Commissioner Rivers moved to approve a request from Freeman & Vaughn Engineering, agent for Eagle Development Group, to record the final plat for Laurel Oaks Subdivision Phase 2 (formerly known as Quacco Trail Subdivision), to combine the streetlight assessment district with the existing district, and to combine the open space assessment district with the existing district. Commissioners Price and Thomas seconded the motion and it carried unanimously.

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- 7. **REQUEST BOARD APPROVE A LOCAL GOVERNMENT PROJECT AGREEMENT AND AN AGREEMENT BETWEEN THE GEORGIA DEPARTMENT OF TRANSPORTATION, STATE OF GEORGIA AND CHATHAM COUNTY FOR THE CONSTRUCTION OF AN INTERCHANGE AT POOLER PARKWAY AND SR17/SR26/US80 (GDOT PROJECT NO. STP-005-5 (45), PI#550594), AND AUTHORIZE THE CHAIRMAN, COUNTY ENGINEER, COUNTY ATTORNEY AND COUNTY CLERK TO SIGN ALL REQUIRED DOCUMENTS TO EXECUTE AND COMPLY WITH THE AGREEMENT.
[DISTRICT 7.]**

ACTION OF THE BOARD:

Commissioner Rivers moved to approve a Local Government Project Agreement and an Agreement between the Georgia Department of Transportation, State of Georgia and Chatham County for the construction of an interchange at Pooler Parkway and SR17/SR26/US80 (GDOT Project No. STP-005-5 (45), PI#550594), and authorize the Chairman, County Engineer, County Attorney and County Clerk to sign all required documents to execute and comply with the agreement. Commissioners Price and Thomas seconded the motion and it carried unanimously.

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- 8. **REQUEST BOARD APPROVE AN ENCROACHMENT AND ACCESS AGREEMENT WITH SAVANNAH ELECTRIC AND POWER COMPANY FOR POOLER PARKWAY PHASE II.
[DISTRICT 7.]**

ACTION OF THE BOARD:

Commissioner Rivers moved to approve an Encroachment and Access Agreement with Savannah Electric and Power Company for Pooler Parkway Phase II. Commissioners Price and Thomas seconded the motion and it carried unanimously.

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9. REQUEST BOARD APPROVE AN ENCROACHMENT AGREEMENT WITH SAVANNAH ELECTRIC AND POWER COMPANY FOR THE JIMMY DELOACH PARKWAY/HIGHWAY 21 INTERCHANGE. [DISTRICT 7.]

ACTION OF THE BOARD:

Commissioner Rivers moved to approve an Encroachment and Access Agreement with Savannah Electric and Power Company for JimmyDeLoachParkway/Highway21 Interchange. Commissioners Price and Thomas seconded the motion and it carried unanimously.

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

<u>ITEM</u>	<u>DEPT.</u>	<u>SOURCE</u>	<u>AMOUNT</u>	<u>FUNDING</u>
A. 2,500 ballroom stack chairs with additional glides, bumpers and fabric	SPLOST	Virco, Inc.	\$137,542.50	SPLOST (1993-1998) - Trade Center (FF&E)
B. Six (6) month extension to the annual contract to provide concession services at the Tybee Pier and Pavilion	Recreation	Riptide Bait and Tackle	N/A	Revenue Producing
C. Change Order No. 12 to the contract for professional services for geotechnical design of dikes in the Dredged Material Containment Areas (DMCA) for additional services	Engineering	GeoSyntec Consultants	\$1,135	General Fund/M&O - Harbor Maintenance (100% reimbursable by GDOT)
D. Change Order No. 5 to the contract for improvements to the County's water and sewer system for the addition of sanitary sewer lines	Water and Sewer	Thomas Griffin Construction	\$11,070	Water and Sewer Enterprise Fund
E. Change Order No. 1 to the contract for the installation of 166 new water service laterals to existing County water customers at Isle of Hope to replace water service connections at three (3) additional locations	Water and Sewer	Collins Plumbing and Construction	\$6,318.58	Water and Sewer Enterprise Fund
F. Software licenses and maintenance	I.C.S.	Georgia Department of Administrative Services (D.O.A.S) (sole source)	\$21,125.49	CIP - NetPlan
G. Eight (8) month maintenance agreement on the high speed networking infrastructure	Commissioners	CODARAM (sole source)	\$13,023.36	General Fund/M&O - Commissioners

<u>ITEM</u>	<u>DEPT.</u>	<u>SOURCE</u>	<u>AMOUNT</u>	<u>FUNDING</u>
H. Award and annual contract for the purchase of gasoline and diesel fuel	Various	See staff report	OPIS price, plus or minus overhead and delivery charge	•General Fund/M&O - Various •SSD - Various
I. Change Order No. 3 to the contract for engineering and design services, to perform hydraulic and hydrologic study and establish the flood plain for the Jimmy DeLoach Parkway, Phase II	SPLOST	Thomas & Hutton Engineering	\$96,000	SPLOST (1993-1998) - Jimmy DeLoach Parkway, Phase II
J. Confirmation of emergency purchase for two (2) pickup trucks	Animal Control	Willoughby Ford	\$28,196	CIP/General Fund - Vehicle Replacement
K. Three (3) pickup trucks	•Recreation •Sheriff •Building Maintenance and Operations	Willoughby Ford	\$42,294	•CIP/General Fund - Vehicle Replacement
L. Confirmation of six-month price agreement for disposal and tipping fees	Solid Waste	•Waste Management •Savannah Regional Industrial Landfill	\$22 per ton	Solid Waste Enterprise Fund
M. Two (2) riding greens mowers	Henderson Golf Course	Turf Care Products	\$32,181	Henderson Golf Course Fund
N. Confirmation of Change Order No. 13 to the Trade Center contract to substitute Category 5 (instead of Category 3) telecommunications cabling in the Exhibit Hall	SPLOST	MTCB	\$38,430	SPLOST (1993-1998) - Trade Center (contingency)
O. Professional services contract to prepare a preliminary engineering report of docking and related facilities necessary to accommodate inland ferry vessels	Trade Center	Thomas & Hutton Engineering	\$8,500	SPLOST (1993-1998) - Trade Center (pending Board approval of intergovernmental agreement with GDOT presented as item for Individual Action on this agenda and transfer of \$1.3 million from the Jimmy DeLoach Parkway Interchange Project)

Items 10-A through 10-O, except 10-G and 10-J:

Commissioner Rivers moved to approve Items 10-A through 10-O, except Items 10-G and 10-J. Commissioners Price and Thomas seconded the motion and it carried unanimously.

Item 10-G:

EIGHT (8) MONTH MAINTENANCE AGREEMENT ON THE HIGH SPEED NETWORKING INFRASTRUCTURE, SOURCE: CODARAM (SOLE SOURCE), AMOUNT: \$13,023.36; FUNDING: GENERAL FUND/M&O - COMMISSIONERS.

Chairman Hair recognized Commissioner Saussy.

Commissioner Saussy said, well, I've just got a question. I was just wondering, is this coming out of the Commissioners' budget?

Chairman Hair said, that's part of —. Is this part of our —, is that part of our channel, cable channel that we purchased? Commissioner Saussy asked, oh, is that what it is? Chairman Hair said, yes, that's what that is. It's in our budget. Commissioner Saussy said, okay. Chairman Hair said, that's what it is.

Commissioner Price said, motion to approve. Commissioner DeLoach said, second. Chairman Hair said, by the way, we have an invitation from Lori [Griffin] and Pete [Nichols] to come by and look at that today. They have it set up. Commissioner Price said, it's cool. Chairman Hair said, it is cool. It really is. You need to go by and look at that today.

Chairman Hair asked, do we have a motion and a second? Commissioner DeLoach said, yes. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously. Chairman Hair said, the motion passes.

Item 10-J:

CONFIRMATION OF EMERGENCY PURCHASE FOR TWO (2) PICKUP TRUCKS, DEPARTMENT: ANIMAL CONTROL, SOURCE: WILLOUGHBY FORD, AMOUNT: \$28,196, FUNDING: CIP/GENERAL FUND - VEHICLE REPLACEMENT.

Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, my only question is why is it an emergency purchase? County Manager Abolt said, they both died. Mr. George Lynch said, because they were dead. Commissioner Murray asked, at the same time? Mr. Lynch said, totally out. Commissioner Odell asked, the animals or the vehicles?

Chairman Hair said, no pun intended. This is Animal Control. Mr. Lynch said, sorry about that. Chairman Hair said, the trucks were dead too, right. Mr. Lynch said, they had become permanently inoperable. Chairman Hair said, okay, that's much better. Mr. Lynch said, thank you, sir. Chairman Hair said, I like that a lot better.

Commissioner Murray said, so moved. Chairman Hair said, we have a motion to approve, do we have a second. Commissioner Odell said, second. Chairman Hair said, second. All those in favor vote yes, opposed vote no. The motion carried unanimously. Chairman Hair said, the motion passes.

ACTION OF THE BOARD:

1. Commissioner Rivers moved to approve Items 10-A through 10-O, except Items 10-G and 10-J. Commissioners Price and Thomas seconded the motion and it carried unanimously.
2. Commissioner Price moved to approve Item 10-G. Commissioner DeLoach seconded the motion and it carried unanimously.
3. Commissioner Murray moved to approve Item 10-J. Commissioner Odell seconded the motion and it carried unanimously.

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XI. FIRST READINGS

Proposed changes to ordinances must be read or presented in written form at two meetings held not less than one week apart. A vote on the following listed matters will occur at the next regularly scheduled meeting. 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: UNION CAMP CORPORATION. PETITIONER IS REQUESTING THAT A 943 ACRE TRACT OF LAND LOCATED ON THE EAST SIDE OF LITTLE NECK ROAD, SOUTH OF I-16, BE REZONED FROM R-A (RESIDENTIAL-AGRICULTURE) TO A PD-R-SM (PLANNED DEVELOPMENT RECLAMATION SURFACE MINING) ZONING CLASSIFICATION IN ORDER TO OPERATE BORROW PITS ON THE SITE AND ULTIMATELY DEVELOP THE REMAINING AREAS FOR SINGLE FAMILY RESIDENTIAL USE. MPC RECOMMENDED THAT THE REQUEST BE APPROVED BASED ON ITS CONSISTENCY WITH THE LAND USE PLAN AND THE ZONING AND DEVELOPMENT PATTERNS OF THE AREA. IT IS FURTHER RECOMMENDED THAT THE GENERAL DEVELOPMENT PLAN BE APPROVED SUBJECT TO THE CONDITIONS LISTED IN THE REPORT.
MPC FILE NO. 99-125-18-C
[DISTRICT 7.]**

ACTION OF THE BOARD:

Read into the record as first reading.

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- 2. MPC IS RECOMMENDING THAT THE TEXT OF THE COUNTY ZONING ORDINANCE BE AMENDED TO CREATE SECTION 4-6.613, PLANNED UNIT DEVELOPMENT MIXED-USE (PUD-MXU) IN ORDER TO CREATE A NEW MIXED USE ZONING CLASSIFICATION.
MPC FILE NO. 99-12465-C.1
[NO DISTRICT - TEXT AMENDMENT - UNINCORPORATED AREA]

ACTION OF THE BOARD:

Read into the record as first reading.

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- 3. PETITIONER: ERWIN FRIEDMAN, AGENT FOR WILMINGTON ISLAND INVESTORS, L.L.C., OWNER, REQUESTED THAT A 16.75 ACRE PARCEL LOCATED ON THE SOUTH SIDE OF U.S. HIGHWAY 80 BETWEEN QUARTERMAN DRIVE AND JOHNNY MERCER BOULEVARD BE REZONED FROM PUD-M-5 (PLANNED UNIT DEVELOPMENT-MULTI-FAMILY) TO THE FOLLOWING: THE EASTERN 7.42 ACRES TO A P-B-C (PLANNED COMMUNITY BUSINESS) CLASSIFICATION AND THE REMAINING 9.33 ACRES TO A RECREATIONAL/CONSERVATION CLASSIFICATION. MPC RECOMMENDED THAT THE PETITIONER’S REQUEST BE DENIED BASED ON THE INAPPROPRIATENESS OF MANY USES IN THE B-C CLASSIFICATION FOR THIS AREA. MPC FURTHER RECOMMENDED THAT A PUD-MXU (PLANNED UNIT DEVELOPMENT-MIXED USE) CLASSIFICATION FOR THE 7.42 ACRES AND A R-1-C (ONE-FAMILY RESIDENTIAL) CLASSIFICATION FOR THE BALANCE BE APPROVED PROVIDED THAT A MECHANISM IS IN PLACE PRIOR TO THE REZONING TO ASSURE THE PERPETUAL PRESERVATION OF THE 9.33 ACRE OPEN SPACE TRACT BY A PUBLIC AGENCY OR A PRIVATE NONPROFIT CONSERVATION ENTITY. MPC FURTHER RECOMMENDED THAT THE GENERAL DEVELOPMENT PLAN FOR THE PUD-MXU DISTRICT BE APPROVED SUBJECT TO CONDITIONS.
MPC FILE NO. 99-12465-C
[DISTRICT 4.]

ACTION OF THE BOARD:

Read into the record as first reading.

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XII. SECOND READINGS

- 1. PETITIONER: ARF DEVELOPMENT GROUP, L.L.P., OWNER. THE PETITIONER IS REQUESTING THAT A 296 ACRE TRACT OF LAND LOCATED ON THE SOUTH SIDE OF STATE ROUTE 204, 2.1 MILES WEST OF BUSH ROAD, BE REZONED FROM R-A (RESIDENTIAL-AGRICULTURE) TO A PD-R-SM (PLANNED DEVELOPMENT-RECLAMATION SURFACE MINING) ZONING CLASSIFICATION IN ORDER TO CREATE A BORROW ACTIVITY, WITH AN ULTIMATE USE AS SINGLE-FAMILY RESIDENTIAL. THE MPC RECOMMENDED THAT THE REQUEST BE APPROVED.
MPC FILE NO. 99-12519-C
[DISTRICT 7.]

Chairman Hair said, we’ll follow our normal process. Mr. Saxman first and the rest of any questions the Commissioners have.

Mr. Bill Saxman said, petitioner is requesting that the property identified be rezoned from the current R-A, Agricultural-Residential classification, to a Planned Development-Reclamation Surface Mining operation in order to establish six borrowpits, which are approximately 39 acres in size, and then the remainder of that property after the borrow pit operation is would be to develop approximately 40-acre single-family lots. The Planning Commission recommended that those lots be regulated under the R-1 single-family regulations and that the operation of the borrow bits be limited to only two-year phases, a total of six years maximum to finish out the borrow pit activities, but each two years the County Engineer would re-evaluate the operations and the maintenance and how they operate their business, and if everything's in order, then they would continue until another two-year period. This area isn't an area that's basically landfilled operations. We have six sites in the immediate area that's been rezoned over the last 10 years. It's probably the only area in the County that has such a large amount of fill material with all the construction we have going on that's in dire needs of the developers and the growth rate program of the County. The regulations that are in place we feel are adequate, protected. We do have a letter from one of the adjoining property owners at the end of the road indicating some wetlands. While this property is wetland, they would have to develop in accordance with the County regulations and State regulations dealing with wetlands. There are properties on the site that are not classified as wetland, and that is the area they've identified as the borrow pits and the future home sites. The Planning Commission is recommending approval subject to the conditions laid out in your report.

Chairman Hair recognized Commissioner DeLoach.

Commissioner DeLoach said, yes sir. I don't know whether the —, I'm sure the MPC is aware of the situation out there. I want to show a tape. Now this is not during a floody period, this is 1997 the tape I'm running here. This is not when we had a flood or anybody knew anything about a problem with water. This is the Ogeechee. There's nothing we can do about the drainage problem there because this is right near the Ogeechee River and when the Ogeechee River decides to flood, it floods and we just sit back and wait until it goes down. Well, these folks are in the process of developing a planned community setup here, and they're going to sell these lots to people and they're going to come in there and they're going to buy them and it's going to be dry for one or two years, like it is right now, and then these folks are going to come in there with a flood, and I've got a picture of a flood here that happened in 1997 when we were dry most everywhere else. So I want everybody and the Commission to look at this. I don't know why the MPC didn't see this and vote against this because this is —, this is the area that these folks are going to be living in if you can take a peak at it. This is the entire —, and it goes on and on and it's about waist deep.

Commissioner Price asked, are there any requirements, Bill [Saxman], on how they're going to build these houses? Are they going to be built off the ground or —? Mr. Saxman said, well, they'd have to meet the hundred-year flood plane ordinance requirement. Of course, they'd have to be built up to whatever the flood elevations are for that particular area based on the federal flood insurance program. Now if that's somewhere —. Commissioner DeLoach said, that's the road they'd be coming down there. Mr. Saxman said, the County Engineer could answer that better than I could. Commissioner Price said, well, there's a lot of homes out there. There are a lot of homes out there that are built off —. Commissioner DeLoach said, that's your dry spot right here. Mr. Saxman said, I'm not sure where the, you know, what —. A lot of this land is wetlands and they've been identified that. They've indicated where they propose to put the subdivision and that's something we'd have to work with the County Engineering Department to make sure the flood maps and this —.

Commissioner DeLoach said, I can assure you —, looking at this picture here, I hope y'all can appreciate the —, how large an area you're looking at. We're not talking about a flood period now. This is not flood. This is not what we had in 1994 and all this. This is the Ogeechee River which flooded this area in the last ten years seven times, this whole place. This is what comes up. This happens periodically. It's nature and it's taking its course and we're going to put people in the middle of that and we want them to live there. I want —, if you vote for it, I want to make sure you understand you're putting people in hell out there and I don't want to be a part of it. So whatever you want to do with it, go for it. There it is. That's where they're going to be living right there. Now they can wade to the other side and get on the inter —, I mean, back on 204, but it's going to be awful deep. That's a telephone marker right there. You can see what they're doing there.

Chairman Hair said, Mr. Saxman. Mr. Saxman said, they could develop the property under what it's currently zoned, single-family, it just has to get under the proposed zoned. By this land be approved, it does not give them any more approval process to the developer than the current regulations. Commissioner DeLoach said, all the property in Chatham County was moved to R-A so that we could control it. That's not an issue there, Mr. Saxman. We did —, Daddy did that a long time ago because we were sticking trailers here and there and yonder and he did that to control what was taking place, so the R-A is not an issue here. What's the issue here is we're fixing to develop something that folks will come in there, they'll spend their money and then they're going to be stuck with a place that floods, and we don't need that. Mr. Saxman said, well, they can develop that under the —. Commissioner DeLoach said, I mean, we've got plenty of other areas they can live in. Mr. Saxman said, I'm just saying that they can develop it under the current regulations based on —. Commissioner DeLoach said, without —. It has to go by us though, and I would be doing the same thing. I'd drag that picture out and say do you want to sell one family home out there or do you want to sell 20? That's a pit out there for people to live in and it's not right. Mr. Saxman said, what I'm just saying though is under the current zoning regulations they can subdivide that property unless the zoning regulations or subdivision regulations preclude it from developing it or we amend the subdivision regulations. If it's in a flood plain, they can't develop it unless they get above certain elevations and the flood plain maps are wrong, then we need to look at them based on —. Commissioner DeLoach said, you tell me if it's wrong.

Chairman Hair asked, Mr. Saxman, can I ask you a question? Would it be possible to get a building permit to build a house on the property we're looking at? Mr. Saxman said, if it's outside the flood plain elevation or they raise the floor elevation

that exceeds the flood elevation based on the map, that's what they would have to do. Chairman Hair said, so you don't know if that property is —. Mr. Saxman said, I'm not sure exactly. It's 296 acres of land. I'm not sure exactly what that is, but they've indicated to us that where they propose to put the single-family housing would be the higher elevations and they would have to document that to the Corps and to the County Engineering Department either under the current zoning or under the proposed zoning, and if the County has a problem with the future use —, now this future plan they're coming up with is just showing what the property would be limited to. If you have some reservations, you put caveats or comments on the —, approving the general development plan indicating that they would have to meet certain minimum elevations, they'd have to be outside the flood plain, the County Engineer would have to do certain type of investigation, and those kinds of conditions could be put on the plan.

Chairman Hair said, Commissioner Murray and then —, oh, you aren't --.

Commissioner DeLoach said, I want to —, let me just —, I want to hit on that. You can put all kinds of specifications on it, but if you have to live there and it's standing in water, I don't care what you write on it, it doesn't get your money back. Mr. Saxman said, I'm just saying though that under the current regulations they could do this same thing they're proposing on this general development plan. Commissioner DeLoach said, not without approval they can't. Mr. Saxman said, well, they would have to subdivide. They'd have to subdivide this one. This is not a —. Commissioner DeLoach asked, but don't they have to have approval? Mr. Saxman said, they'd have to come back for a subdivision plat. Commissioner DeLoach said, okay, but they have to have approval. Mr. Saxman said, well, they'd have to have approval —. Commissioner DeLoach asked, can you say yes or no do they have to have approval? Mr. Saxman said, under this and the other plan yes. Commissioner DeLoach said, okay, they do then. I want to show that picture when they come for a single family thing to say why would we put people in something like that. This is not, this is not a place for people to live. I mean, it's great land and all that stuff there for the deer and everybody else, but the fact of it is you can't put people out there walking around in water. Mr. Saxman said, okay, when this property's subdivided either under the current R-A or under the proposed zoning district, they would have to go through the same subdivision procedures and the same review process under either zoning district. At that time —. Commissioner DeLoach said, there is no need to do this period. Mr. Saxman said, unless there was a borrow pit need. I mean, a need for the land for borrow pit activities. Commissioner DeLoach said, no, the point is there is no need —, I mean, everybody let's look at this. If you get a picture of it, we're going to sell this property to somebody who hasn't got a clue. They ride up here and the land —, and when it's dry, it's dry as popcorn, but whenever it's wet, it's standing in water. There's no —, there's no in between so these folks have come up here and this guy will sell them a lot and say, my God, this is awesome, and they'll buy a lot and then two years from now they're going to be walking out on a boat, or riding out on a boat and they're going to be saying, why in the world did I buy, and it's going to be us approving it up here. Mr. Saxman said, well, like I'm trying to say —.

Commissioner Odell said, [inaudible] property with a lakefront view. Commissioner DeLoach said, that is the Ogeechee River, that is the Ogeechee River up there. That's Mr. Tony Saxon's [phonetic] house right here. His is built up. He's got the highest point in there. This gentleman's right here, Mr. Tony Saxon, but that is what he lives on and he chooses to live there and has lived there and his family and her family have lived there for 40 years. So, well, her family has been there since 18-something. He's been there for years, but the issue is do we want to put other people in front of him in that kind of situation? I say we don't. I don't know how we can kill it, but tell them to come back with another game plan. Mr. Saxman said, well, as far as the future use of the property, you would have controls over that under the subdivision regulations. I mean, if they had the property now and they wanted to subdivide it, unless it violated some regulations, then technically they could go ahead and subdivide that land under the R-A district and do the same type development. They wouldn't have the borrow pits. Now they could do the ponds as long as they keep the dirt on the site and don't carry it off the site, but basically what they're trying to do now in Phase One is run the borrow pits. The ordinance requires, based on efforts we've had in the past, that we don't want people just digging holes, we want to have a future use of the property, and that's what this plan's showing that the future use would be a low density residential type development. Commissioner DeLoach said, what they're going to do is they're going to sell a pile a dirt out of there and they're going to make their money, and they're going to walk off and there are going to be 48 lots sitting there for somebody to buy —. Mr. Saxman said, well, the lots aren't there now. This is just a —. Commissioner DeLoach said, hey. I know the lots aren't there, I know the borrow pits aren't there now, but the fact of it is they're going to dig that hole, they're going to sell that dirt and then whenever it does come up, the Ogeechee River is going to flood that area and those folks will be standing there with nothing. Mr. Saxman said, if they get a permit. Commissioner DeLoach asked, huh? Mr. Saxman said, if they get a subdivision permit. Commissioner DeLoach said, if they get a subdivision permit, right. And I don't think they will on my vote.

Chairman Hair said, I've got one question and then we'll recognize Commissioner Murray and Commissioner Price. If this were approved today, it does not allow the developer to build on this property or to subdivide this property, it only allows the people to do the borrow pits. Is that correct? Mr. Saxman said, correct. Correct. Chairman Hair asked, so there's no —, if this motion were to pass, it in no way allows anyone to build on this property, it only allows the borrow pits, is that correct? Mr. Saxman said, correct. Chairman Hair said, okay. Commissioner Murray and then Commissioner Price.

Commissioner Murray said, that was one of my questions. The other is this land —, if we don't rezone this land today and it stays as is, they can go in today if they could get the permits and build more homes today than they could if the zoning —, if this zoning was —. Mr. Saxman said, right. If they meet the minimum floor elevations and the lot sizes are. Commissioner Murray said, and that's a big if at this time. Mr. Saxman said, right. Commissioner Murray said, all right. The other point, first of all, it would not —, if we leave it as is it wouldn't have to come back to the County Commission anyway, it would be decided at the MPC. Mr. Saxman said, it would be a subdivision —, well, the County Engineering Department and various staff would —. Commissioner Murray said, but we wouldn't have a vote as the County whether

those —. Mr. Saxman said, of course, the County would have to approve a plat or sign the plat if there's any public roads or dedications, right. Commissioner Murray said, and the real issue then is just to give them permission to do the borrow pits. Is that correct? Mr. Saxman said, that's basically what it runs down to right now.

Commissioner Murray said, I would like to ask Mrs. Whitaker a question since she sits on the MPC and voted in favor of it based on the write-up we have. Mrs. Whitaker said, [inaudible]. I thought I voted no. Commissioner Murray said, your name is on there and it says —. Chairman Hair said, it says you voted yes. Mrs. Whitaker said, I thought I voted no. I'll have to check those tapes, but they do them at such a speed I can't get copies of them. Commissioner Price said, one abstention. Mrs. Whitaker said, but my concern is that the subdivision regulations, they change subdivisions all the time and they never come back to you people. You don't see, and a lot of times and it's gotten to the point where you get borrow pits because you put down you're going to do low residential to get it through. Commissioner DeLoach said, right. Mrs. Whitaker said, is that —, is that —? Commissioner DeLoach said, that's my answer. Chairman Hair asked, did that answer your question? Mrs. Whitaker asked, did I answer your —? Commissioner Murray said, you answered my question and I understand where —. Mrs. Whitaker said, that's my opinion. Commissioner Murray said, well, I understand where Commissioner DeLoach is coming from and I have some of the same concerns because we have places in the Islands area that have been not as bad as that, but some that water comes up in and that are —. Mrs. Whitaker said, absolutely. Commissioner Murray said, that's building going on today. I guess where I'm trying to decide is it better to allow the borrow pits to go ahead with the possibility of less residential building in there or leave it as it is with the possibility of more if they can get approvals to do it. I know they've got a wetlands and —. Mrs. Whitaker said, well, it —, I think that it was confusing to begin with because you know you've got a lot of them right in there together. It is low and it came up on Bush Road in '97 to those homes down there on the corner of Bush Road and Fort Argyle and it came up behind all the houses on that road, so I don't know how high you can build a road if it would take all the dirt they excavate, the soil they excavate to build the road.

Chairman Hair asked, Mrs. Whitaker, would it —, if this motion were to pass, wouldn't it be more restrictive and we would have more control over building if we were to pass than less control —? Mrs. Whitaker said, I don't think you've got any control much at all anyway to tell you the truth. That's one of the reasons I wanted the subdivision and the zoning ordinance rewritten and paid my money to come in and I'm still looking for the money to get by with things like this. Chairman Hair said, okay. Thank you, Mrs. Whitaker. Commissioner Price and then Commissioner DeLoach.

Commissioner Price said, Jon [Hart]. County Attorney Hart said, yes sir. Commissioner Price said, Mr. Attorney. County Attorney Hart said, yes sir. Commissioner Price said, I didn't mean to be so informal. A person has —, owns property, he has certain rights to do what he wants to do with that property to an extent. I can't sit here today and say what Eddie [DeLoach] has shown us isn't valid because certainly it is, but I can say that I do think that if we go the route of not allowing the property owner to do anything with his property, do we not subject ourselves to inverse condemnation in any way. Chairman Hair said, or a taking. County Attorney Hart said, well, it's difficult to answer that hypothetically. If you tell somebody they can't use their property for anything, yes, you've got a real problem there. I think there's two things here. I think Commissioner DeLoach's concern is a very valid one. The property right now is zoned R-A, which does permit subdivisions if the subdivisions meet the requirements and if the subdivisions get approved by the MPC and Engineering says you can have roads that can go through that kind of land and meet the specifications. If they rezone for the borrow pits under the current zoning classifications, what they're doing is they're saying they're going to make it into a borrow pit. You're going to have holes in the ground, you're going to use it for your road program, but you're not approving the subdivision at this point. Now they're very candid in saying they're going to come back and ask for a subdivision, but whether they can meet the requirements of the subdivision ordinance, you know —. Chairman Hair said, but we can [inaudible] that at that time though. Commissioner Price asked, are they required to come back to us for a subdivision? Commissioner Murray said, no. County Attorney Hart said, not necessarily. Commissioner Price asked, if we put a requirement on them to come back to us for a subdivision? County Attorney Hart said, yes. Commissioner Price asked, why don't we do that?

Chairman Hair said, I think that's a —, that's a good compromise position. Commissioner DeLoach said, no. The wrong angle though. I don't think they should be allowed to dig until they can meet the requirements of the subdivision. Now if they —, no, you can't go and dig me a hole and then say I can't make it. Well, hey, I'm sorry. Commissioner Price said, Eddie [DeLoach], that's telling somebody what they can and cannot do with their own property. How would you like people to tell you what you can and can't do with your property? Commissioner DeLoach said, unfortunately or fortunately —. I'll wait my turn. Chairman Hair said, Commissioner Price has —.

Commissioner Price said, let me finish what I'm saying. One of the greatest rights we have as citizens of this country is the right to own property and the right to do with that property, within reason, as long as it doesn't affect others in a harmful way, to do what we want to do with that property. We are, with the MPC and the different elected bodies of which we're one, we're required to make decisions from time to time about, you know, what's best for the entire community or those individuals that would be affected by that property in the future. I don't see how allowing a borrow pit to be dug on this gentleman's property with the stipulation that it's got to come back to us if ever there's going to be a request for a subdivision permit is going to hurt anybody. I don't have a problem with that point of it, but I do think we need put a —, put a stipulation that it's got to come back to the County Commission to be voted on if there's going to be a subdivision permit requested.

Chairman Hair said, Commissioner DeLoach and then Commissioner Jackel.

Commissioner DeLoach said, okay. If we would allow or if we put in the suggestion that this person be allowed to dig these borrow pits if they have a community or if they have a plan in place as far as a development and they meet the

specifications for that development before they dig, I don't have a problem with it, but when we do it this way we are throwing away the future on making a dollar today and that's not right. I don't care what —, when you dig those holes out there, that is useless property from then on. Now it doesn't bother you if you don't live out there, but if you've got to go by there every day and you see those holes in the ground and knowing that that person is going to come back and he's going to apply for a zoning permit to build this, whatever they called it, and then all of a sudden, oh, my God, I can't that. Well, I'm sorry, I've sold the dirt, I've made my money and I've walked on. Then if you do that, you're selling yourself short, regardless if it's your right to do what you want to with your land. We wouldn't have MPC if we weren't looking for some controls on property, and every time we have an MPC, you're — daggummed [phonetic], you're controlling somebody's property, so I think we've got an issue here that we need to have these people come forward with a plan in place that is approved by MPC, and if they can do that and it's a nice subdivision and those people are not going to be walking around in water, then, hey, I don't have a problem with it, but I don't think you're going to get that because they're in the middle of a flood area that you're not going to be able to develop that long term.

Chairman Hair said, I've got a question for the attorney on that issues, Commissioner DeLoach. Can we require —, today can we make a motion that requires that or would that have to be sent back to the MPC to require that? Commissioner DeLoach said, specific site plans. County Attorney Hart said, specific site plans. Chairman Hair said, if we were to approve it contingent upon a site plan, would that have to go back before the MPC or could we do that today? Mr. Saxman said, well, the general site plan controls the use of the property, whatever conditions you put on the general site plan. The Planning Commission can't approve a specific site plan unless it meets all the conditions of the general site plan, so that's the control you have on it. If there are certain requirements you put on the general site plan —. Commissioner DeLoach said, I want to make a motion. Mr. Saxman, to be a safety valve —. Chairman Hair said, wait just a second. Mr. Saxman said, the Planning Commission could not approve a specific site plan unless it met all the conditions of the general site plan, but you do have a right to put conditions on that. Chairman Hair said, so we could move to approve this with the contingency that they have to have the site plan approved in advance. Is that correct? Is that what I'm hearing you say? Mr. Saxman said, I'm not saying for it being in advance, because they can do a lot of engineering in it. Chairman Hair said, but prior to —. Mr. Saxman said, but you could put a condition. Chairman Hair said, prior to doing the market —. Mr. Saxman said, I'll refer that to —. Chairman Hair said, okay, Commissioner DeLoach, did you want to make a motion?

Commissioner Jackel said, I'd like to make a comment. I've been sitting here patiently. Let me tell you the way I see this —, see this thing here now. I think there's a problem with the regulations we have in place. Someone can come forward and say I'm going to build a proposed subdivision but first I need approval for the borrow pits, and they take their borrow pits and they close down. What we're approving is mining. Mr. Saxman said, that basically is what that is. Commissioner Jackel said, I mean, that's what we're talking about, mining, and we don't allow that in this County it's my understanding. Mr. Saxman said, yes, we do. Chairman Hair said, oh, yes. Commissioner Jackel said, just to come in and mine in a residential area. Mr. Saxman said, right. That's what —, all —, that's the reason you created the PD-R districts because it basically is a mining operation. You did not want to create an industrial district so that's a way of getting around allowing them to have a temporary use of that property and then it's converted to a use that's going in compliance with your future land use plans. Commissioner Jackel said, I mean, if that's the intention —, if that's your intention to mine, I think they need to come at us that way. If it is their real intention to have the subdivision, I'm with Commissioner DeLoach that ought to be done as one complete plan. Otherwise, it doesn't work. Mr. Saxman said, well, those standards are put in at the direction of the Commissioners because you did not want people going out and mining. Somebody might have a hundred acres of land and mine 99 —, 199 acres and have no land developed, so the Commissioners require basically the developer show how he's going to have land around the pits in order to be in compliance with future land use, and it's worked out where we have some pond develop because it does make a desirable residential setting. Now in this particular case there are some houses and a fish camp down on the river, and we pointed that out in the report that whatever roadway the County Engineering Department, make sure that whatever roads and put in to haul this dirt is not going to be adversely affecting the property owners that are already utilizing this road. There's a joint use of this particular roadway and we wanted to make sure that was going to be a situation and not create a problem down the road, and that's the reason we recommended it be done in phases where the County Engineer could have a chance each two years to make an evaluation whether not this is being done in compliance. County Attorney Hart said, Mr. Chairman —.

Chairman Hair said, I'm going to recognize the resident first Mrs. Whitaker. Mrs. Whitaker said, I just wanted to say this about the regulations so you can think about it, if I may. Chairman Hair said, well, make it quick. Mrs. Whitaker said, all right. Chairman Hair said, okay, very quick.

Mrs. Whitaker said, the marginal lands for development in West Chatham County have never been identified and we've been waiting on it for many years. Chairman Hair said, okay, thank you, Mrs. Whitaker. Now I'm going to recognize the resident and then I'm going to recognize Commissioner Thomas and then Commissioner DeLoach for a motion.

Mr. Tony Saxon said, I'm the one that sent the letter for residents —, everyone that received it, and it's my concern —, it's like Commissioner DeLoach says, I don't want my grandchild toting her baby out of there on here back when water's 48 inches deep in the road because that's what it is. I mean, my wife has lived there, she was born and raised down there. That's one of the inconveniences that we choose. To a lot of y'all that piece of land out there is just a piece of paper. If your staff were to go out and find it, you probably couldn't do it. Chatham County Engineers, the young lady yesterday evening was asking me where it was at. To go out there and see this piece of land, you can plant corn, peanuts and stuff on it now, but in —, I've seen it flood in July. The year David went through here it flooded. It was four foot deep in the middle of the road. If this is what you want, Mr. Price, and no offense to you, but no, we don't have no regulation over our land. We own it, we pay taxes, but the governing body of Chatham County tells us what we can do with our land. The road that goes in there, they [inaudible] not —, they're not supposed to mess up with the wetlands and things like that, there's one road that

goes, it's a mile and three-tenths from the hard road in to the fish camp, they can't rebuild or upgrade roads in swampland from what I understand, I might be wrong, and that's the only road in there and it is not designed —. I built that road in the last 40 years with a Ford tractor, an old piece of bulldozer, and I did it myself. I couldn't get the County to help me. I mean, you don't know how much water can come through there and washes how much dirt off, but I do not want to see your grandchild in there. She'd have to build a house 24 foot off the dirt to get [inaudible] enough to be able to get out of this water.

Chairman Hair said, thank you, Mr. Saxon, I appreciate your comments. Commissioner Thomas and then I'll recognize Commissioner DeLoach for a motion. Commissioner Thomas said, I will yield for the motion. Chairman Hair recognized Commissioner DeLoach.

County Attorney Hart said, Mr. Chairman. Chairman Hair said, yes sir. County Attorney Hart said, just one comment. I recognize that the Commission has a lot of concerns here. One thing, and I just throw this out as a suggestion for discussion, the Commission could refer this matter back to the MPC and ask that the MPC look at the general development plan and come up with recommendations in regard to what needs to be attached to the general development plan from a standpoint for the future development. For example, certain engineering requirements in regard to roads, right-of-ways [sic], drainage plans, that type of thing. That could then be referred back to this Commission at the second meeting in July for action. That would —. If the Commission so chose to approve that, it would mean the property could be rezoned for the use of the borrow pit under the zoning classification, but if there were ever to be a subdivision out of that, they would have to come back to the MPC for a subdivision specific plan that would have to meet the general conditions —. Chairman Hair asked, could that also be done with a motion today though rather than sending it back to the MPC? Commissioner Murray said, yes. Chairman Hair said, we need to do that. Do the exact same thing, but we'll be doing it today. County Attorney Hart said, well, the only trouble with that is you're kind of shooting in the dark a little bit about what you want to put on the general conditions versus sitting down looking at the plan and letting Engineering say this will work or will not work.

Chairman Hair asked, okay, Commissioner DeLoach, would you like to —?

Commissioner DeLoach said, I still would like to make a motion, and I understand your concern there, but I do know if we're going to have borrow pit activities, I think the borrow pit activities should take effect after the zoning is approved for either a single family, multi family or whatever. That must be approved before the borrow pit activity takes place. Chairman Hair asked, is that your motion? Commissioner DeLoach said, and that's my motion at this time. Chairman Hair said, yes, come forward please.

Mr. David Nelson said, my name is David Nelson. I'm the agent for the owner here, and as Mr. Jackel said, it's obvious that with an R-A zoning we could obviously go in and do a subdivision now. The whole intent of going to the PD-R rezoning is because they want dirt from mining operations. The single family on the reclamation plan was shown because the MPC regulations require us to show an end use of our product. Our client is certainly willing to forego any single family and dedicate the final product as being a conservation recreation area. His intent right up front is he wants to use the dirt.

Chairman Hair asked, am I hearing you correct that you're saying if the markets allow you, you will withdraw any action as far as putting houses there? Mr. Nelson said, we will change the reclamation plan and take out single family —. Chairman Hair said, and declare it back to conservation area. Mr. Nelson said, and make it a conservation area. Chairman Hair said, and not allow houses to go in. Mr. Nelson said, that's correct. Commissioner Price said, recreation conservation. Chairman Hair asked, Mr. Saxon, how does that sound to you? Mr. Saxon said, I don't know —. Chairman Hair asked, pardon? Mr. Saxon said, I just don't want my grandchildren and your grandchildren toting their babies out on their backs [inaudible] this deep in water. Chairman Hair asked, but wouldn't that —, I'm just asking you, sir, wouldn't that solve the problem if they said, no building and make it a conservation area after the borrow pits are there? Wouldn't that —? Mr. Saxon said, according to the regulations of the MPC and [inaudible]. Chairman Hair said, okay, and that would protect the property from houses.

Commissioner DeLoach said, okay. Can I make a motion then? Chairman Hair said, you certainly —. Commissioner DeLoach said, to refer this --. Chairman Hair said, Mr. Earls, I'm going to recognize you for a quick comment.

Mr. Ken Earls said, a quick question. Okay, this just —, you said this is going back to a conservation area. What if the property is sold, will this be in perpetuity or what? Chairman Hair said, it would have to be —, that would have to be determined. Mr. Earls said, well, I think that's yes. Chairman Hair said, it would have to be.

Commissioner DeLoach said, I'm going to refer to the Attorney to get it right. Commissioner Price said, let me ask a question. Chairman Hair said, all right, Commissioner Murray for a quick question and then I'm going to ask Commissioner DeLoach to make a motion.

Commissioner Murray said, I think to make this a little bit more solid, if the agent for this property owner —. Commissioner Price said, Mr. Nelson, come on back to the —. Commissioner Murray said, it's obvious the vote's going to be to send this back to MPC, I think, based on what you just said, but I think if you get your owner to put in writing or go ahead and dedicate this land after this borrow pit stuff is done, to what's the land back —. County Attorney Hart said, they're going to do a conservation easement in my understanding as the written document. Commissioner Murray said, but once it's in place it can never come off. Chairman Hair said, and that would be perpetual to answer Mr. Earls' question. It would be a perpetual easement for conservation. Okay, Commissioner DeLoach.

Commissioner DeLoach said, I'll make the motion we refer it back to MPC based on the fact that we're moving towards a conservation district after the borrow pit. Commissioner Thomas said, second. Chairman Hair said, all right, we have a motion and second. Is there a second? Commissioner Thomas said, yes.

County Attorney Hart asked, can we give public notice that we're going to bring this back to the Commission on the second meeting in July so that we won't have to readvertise? Chairman Hair asked, well, will the MPC be ready by then? Mr. Saxman said, yes, we can meet on the first meeting in July and y'all have it ready for the second where you won't have to readvertise it.

Chairman Hair said, that adds to the motion, the second meeting in July. Commissioner DeLoach said, so moved. Chairman Hair said, you've heard the discussion. All those in favor vote yes, opposed vote no. The motion carried unanimously. Chairman Hair said, thank you. We appreciate everyone being here and commenting on it. Thank you.

ACTION OF THE BOARD:

Commissioner DeLoach moved to refer to the MPC the petition of ARF Development Group, L.L.P., owner, requesting that a 296 acre tract of land located on the south side of State Route 204, 2.1 miles west of Bush Road, be rezoned from R-A (Residential-Agriculture) to a PD-R-SM (Planned Development-Reclamation Surface Mining) zoning classification in order to create a borrow activity, to change the initial request for ultimate use from a single-family residential to an ultimate use of conservation recreation, and that the petition be brought back to the Commission at its second meeting in July 1999. Commissioner Thomas seconded the motion and it carried unanimously.

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- 2. **PETITIONER: JOHN V. LACEY, AGENT FOR MARIE S. JAMES, H. CURTIS JENKINS, III, AND MARVIN C. JENKINS, OWNERS. THE PETITIONER IS REQUESTED THAT A LOT SHOWN ON THE COUNTY TAX MAPS AS A 0.3 ACRE PARCEL LOCATED ON WHITEMARSH ISLAND AT 1032 OLD OATLAND ISLAND ROAD AND AN ADJOINING 0.7 ACRE UNDEVELOPED PARCEL BE REZONED FROM A R-1 (ONE-FAMILY RESIDENTIAL) TO A P-B-N (PLANNED NEIGHBORHOOD-BUSINESS) ZONING CLASSIFICATION TO ESTABLISH AN OFFICE, RESTAURANT OR RETAIL STORE. THE MPC RECOMMENDED DENIAL.
MPC FILE NO. 98-12425-C
[DISTRICT 4.]**

Chairman Hair said, the Chair will entertain a motion to send it back to MPC.

Commissioner Murray said, I move we send it back to MPC. Commissioner Price said, second. Chairman Hair said, second. Any discussion? All those in favor vote yes, opposed vote no. The motion carried unanimously. Chairman Hair said, the motion passes.

ACTION OF THE BOARD:

Commissioner Murray moved to return to the MPC the petition of John V. Lacey, agent for Marie S. James, H. Curtis Jenkins, III, and Marvin C. Jenkins, owners, requesting that a lot shown on the County tax maps as a 0.3 acre parcel located on Whitemarsh Island at 1032 Old Oatland Island Road and an adjoining 0.7 acre undeveloped parcel be rezoned from a R-1 (One-Family Residential) to a P-B-N (Planned Neighborhood-Business) zoning classification to establish an office, restaurant or retail store. Commissioner Price seconded the motion and it carried unanimously.

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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.

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

[ALL DISTRICTS.]

ACTION OF THE BOARD:

Report received as information.

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**3. INFORMATION REGARDING WATER BANK FOR EXPANSION OF WATER SYSTEMS IN CHATHAM, BRYAN AND EFFINGHAM COUNTIES.
[ALL DISTRICTS.]**

ACTION OF THE BOARD:

Report received as information.

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4. STATUS ON MERGER OF COUNTY AND CITY INSPECTIONS OPERATIONS.

ACTION OF THE BOARD:

Report received as information.

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5. STATUS OF SURPLUS PROPERTY DISPOSITION.

ACTION OF THE BOARD:

Report received as information.

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6. MONTHLY ROAD AND DRAINAGE REPORTS.

ACTION OF THE BOARD:

Reports received as information.

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EXECUTIVE SESSION

Commissioner Rivers moved the Board go into Executive Session for the purpose of discussing litigation, possible land acquisition and personnel. Commissioner Thomas seconded the motion and it carried unanimously.

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Following adjournment of the Executive Session, the meeting of the Board of Commissioners was reconvened.

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APPOINTMENTS

1. CHATHAM-EFFINGHAM-LIBERTY REGIONAL LIBRARY BOARD

ACTION OF THE BOARD:

Commissioner Thomas moved to appoint Donna Van Wirt, Mary Ellen Sprague and Robert Brooks to serve on the Chatham-Effingham-Liberty Regional Library Board to a term which will begin July 1, 1999, and will expire June 30, 2002, to replace members Karen Groce, Rev. James LaBon, Jack A. Kaster and Dr. Robert Strozier, whose terms expire on June 30, 1999. Commissioner Murray seconded the motion and it carried unanimously.

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ADJOURNMENT

There being no further business to be brought before the Board, Chairman Hair declared the meeting adjourned at 12:30 p.m.

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APPROVED: THIS _____ DAY OF _____, 1999

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

SYBIL E. TILLMAN, COUNTY CLERK