

MINUTES OF THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF CHATHAM COUNTY, GEORGIA, HELD ON JUNE 25, 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, June 25, 1999.

=====

II. INVOCATION

Commissioner Joe Murray Rivers gave the invocation.

=====

III. PLEDGE OF ALLEGIANCE

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

=====

IV. ROLL CALL

The Clerk called the roll.

- PRESENT:
 - Dr. Billy B. Hair, Chairman
 - 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 9:12 a.m.)
 - Ben Price, District Six (arrived approximately 9:03 a.m.)
 - Eddie W. DeLoach, District Seven (arrived approximately 9:10 a.m.)

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

=====

V. PROCLAMATIONS AND SPECIAL PRESENTATIONS

None.

=====

VI. CHAIRMAN'S ITEMS

1. IN-LINE HOCKEY (GARY BUTCH).

Chairman Hair said, we had a request from Mr. Gary Butch to come before us and talk a out the in-line hockey this morning. Is Mr. Butch here? Okay, next item.

* * *

Chairman Hair said, I understand Mr. Butch has arrived. He was not here when I called on him earlier. He wants to speak on in-line skating. We'll go back to that item. He was delayed I think.

Mr. Gary Butch said, good morning, Commissioners. Excuse me. I'm not kind of use to this, so you'll have to pardon me, and it's not quite —. Chairman Hair asked, will you pull the microphone down, sir, so that we can hear you a lot better. Mr. Butch said, it's not quite the gravity of your last matter I assure you. I just know that there's been some question about the in-line skating program and speaking to Commissioner Jackel he said that y'all folks probably wouldn't know about that either, and I didn't know much about it either, but I have a seven-year-old who now plays out there and it's probably the best run program we've ever been involved in. Every time we go out there's —, we're never asked to coach, we're never asked to referee, there's always —, the rinks are clean, they have coaches, they have referees, they have scorekeepers. There's never any swearing, there's not much smoke and there's not —, I mean, it's just very clean and probably the most —, probably the most poignant episode was actually two weeks ago and I think they were handing around just things to sign which were to support them, and in order to sign something I actually had to ask three people in order to find one just to sign because these guys were all making sure that our kids were [inaudible] and drinking their liquids, and there was one guy out refereeing and making sure they understood how hockey was played, so when you're sitting there as a parent you're saying, gee, these guys as a program aren't quite as involved, as concerned about their program, they're more concerned about my kids, and that really seemed to hit home with me. And in talking to any of the parents out there, we really haven't been involved in what goes on as far as how the program is run, but we're all most pleased with the program, and I really wanted to get down just to take two minutes. I know it's nearly the gravity of the last situation, but I know there's been questions about the program, and it's just an amazingly well run program, and not only that but the two fellows that mainly run the program have such respect by everybody that's out there. For example, parents were on the one side and they just said let's move over to the other side, and I say like 10 or 12 parents all just move over to the other side and you don't see that anywhere else and nobody says anything and they just moved over where they would be safer in behind the fence. So I just wanted to let you know that we just —, I mean, to a person if you speak to anybody out there, everybody thinks it's just an amazingly well run program, and that's all I wanted to say.

Chairman Hair said, thank you, Mr. Butch. We appreciate you coming. Mr. Butch said, thank you very much for your time. Chairman Hair said, thank you. Commissioner Jackel said, thank you.

ACTION OF THE BOARD:

Received as information.

=====

VII. COMMISSIONERS' ITEMS

1. COMMENTS FROM CITIZENS OWNING PROPERTY ALONG PLACENTIA CANAL (COMMISSIONER JACKEL).

Chairman Hair recognized Commissioner Jackel.

Commissioner Jackel said, we have a problem out along the Placentia Canal. The —, I think everybody has the material I'm seeing. The alignment. If the present the proposed alignment continues, several property owners are going to be seriously damaged by it. There is also a significant oak tree, one that's been there 300 years that they'll come so close to it will destroy that tree. This is a serious situation. I think you've see the pictures supplied by some of the people and supplied by our staff. If the present realignment continues, people are going to come out on their deck and they're going

to look right down into a ditch. It's pretty much a taking of their property. On the other sides are vacant lots and then a little further down there's a mini-warehouse commercial property. It was my understanding that we were going to move forward with the Placentia Canal and it's necessary do to stop flooding in the area, and the reason to stop the flooding is to preserve the homes that the people live in. Well, if we take their homes, I don't know how they have benefitted. If we force them to relocate or make it where they can't enjoy their homes, they might be better off with the floods than their houses being taken by us for enlarging the canal. So we have some people here today who are going to tell you about the problem and how this is going to effect them and how we're going —, if we don't change what we're doing, how we're going to lose this significant live oak.

Chairman Hair said, okay. Whoever would like to speak, if you'd come forward and state your name for the record please, we'd be glad to listen to anyone who has anything to say.

Ms. Scott said, hi. My name's [inaudible] Scott and I'm the one that prepared the report. I think you got one yesterday, Dr. Hair. Chairman Hair said, I certainly did. I did. Ms. Scott said, but in this report I have established the historical significance of this tree, and I want —, that's by the Bonaventure Historical Society. Also, too, the name Placentia, I understand there's some people from the County that want to validate that the name Placentia did come from a plantation. It is in Claudia Mullryne's Will down at the Georgia Historical Society, so I thought I'd add that this morning in case there's someone here who had that question. But the significance of this tree is that John Mullryne back in the late 1700's —, this was a deliberate planting of oak trees in this area and it is significant to Bonaventure, it is significant to the heritage that belongs to the people that live in that area and to the whole City as well as the Township of Thunderbolt. So in this report you will read about the historical significance as well as this tree's health and life as it is certified by the Georgia Forestry Commission and we hired an arborist that also certified to the health of this tree and as well as he compared it to the state and national champion and its species of Laurel Oaks. This tree has about 50 more feet from becoming a national or a state champion or a crowing glory, which is a tree in its species that is outstanding and a specimen tree. So with this report I'm asking you for the life of this tree, and that means move off the drip line 45-foot, and that's what it would take to keep this tree healthy. Does anybody have any questions about the report that I passed around yesterday or I left in your office? I brought one by everyone's office. I think Mr. Rivers is the only one that I couldn't get a —, I couldn't find your shop on Broughton Street, but I brought an extra one for you today so you may have it.

Chairman Hair asked, does anybody have any questions?

Commissioner Saussy asked, how many feet is it off right now? Ms. Scott said, the way they're looking at it right now, first it was 9-foot and then there was a mistake, and so I think what they're looking at is 20-foot. 20-foot would be, they would be severing some tree roots and it would cut off the water supply to the tree. Commissioner Saussy asked, so what you need is another 30 feet? Ms. Scott said, yes sir. We need 45-foot off the drip line.

Chairman Hair asked, any other questions? Does anybody have —. Chairman Hair recognized Commissioner Murray. Commissioner Murray said, no, I really don't have any questions of her. Chairman Hair said, any comments.

Commissioner Murray said, I'm inclined to agree with Commissioner Jackel. I think that we continuously are trying to take property whether it be for road projects or whether it be for other things, drainage or anything else, and it seems like that the property owners in their primary residence are the ones that are always penalized and I feel that we have got to come up with another way of doing this. I do know that if we go the other route it's going to cost us more money and we'll have to go through some commercial property, but I would much rather do that and spend the extra funds than uproot people that have been in these residences for years. I just feel like we need to be very conscious when we make these decisions when we are dealing with residential property as we are dealing with today. Chairman Hair said, okay.

Commissioner Jackel said, I'd like to make just one short comment. Ms. Scott? Ms. Scott? Ms. Scott said, yes sir. Commissioner Jackel said, I just wanted to tell everybody that when I first came to Savannah in 1977 I was the Assistant District Attorney with the Juvenile Court and Ms. Scott's father was one of the detectives on the Police Department and one of our finest. He then moved on to homicide and had a very successful career and was a very honored member of that Police Force and our community, and it was my privilege to know him. Ms. Scott said, thank you, I appreciate that. He always considered himself a public servant.

Chairman Hair said, thank you. Thank you, Ms. Scott.

Ms. Betty Nease said, I also —, I'm Betty Nease. I own one of the properties and I'm one of the properties that my mother lives next door, which with the two properties combined is almost a third of an acre that they would be taking, but while Ann [Scott] was on the subject of the tree, I thought that we —, my brother had brought out something interesting about that, as you know, through age and development, we're losing a lot of trees. They a similar problem in Atlanta where they're losing so many of the trees and in the areas where the green is gone, the temperature is five percent higher and sometimes ten percent higher. Because of this problem that they've created, they're now in the midst of trying to pass an ordinance that everybody there has to change their roofs to white. Not only are they using more electricity and more current, it's —, by saving our tree —, not only our tree, there's about a dozen trees that you Commissioners would save the life of that will enhance our neighborhood and will —, that's pleasing to the eye, that helps keep pollution from the air, and if we keep on cutting our trees down, our natural resources that are absorbing water, this particular tree we estimate drinks about 800

gallons a day, and there's 12 other trees, but —. I'm sorry. There was a couple of other issues that I did want to bring up if I —. Commissioner Jackel said, please. Chairman Hair said, certainly. Ms. Scott said, why don't you tell them [inaudible].

Ms. Nease said, okay, I could give you a little background on that. Back in the early 90's or late 80's we petitioned the City —, or the City of Thunderbolt's petition to build storage units here. We, as the residents, got a petition and presented it to the Town of Thunderbolt and requested that this be denied because it had flooding problems already and they were talking about building storage units and concreting this land that was absorbing water and with no place for the water to go, and in that petition for that, those buildings were denied. That was Mr. Allie Anderson and Mr. Harr [phonetic], that owns the property —, or now the property on Victory Drive where they had an Army Supply Store, so the storage unit problem had gone away we thought. Then a few years later somehow it just slipped through the cracks and here the storage units were, and not only did the storage units come, they came with an elevation of like eight to ten feet higher on the west side of the canal than the east side where we were. So when the floods and the rains came in 1994-95, of course with the storage units up and us down here, all of their water that was slanted to the canal came over the canal and all of us flooded. Our cars, our basements, our houses, everything flooded. It was at this time that we petitioned the City to look into the possibility that they have federal funding or anything that they might be able to do along the lines of installing some type of drainage canal or to put in some type of pump station that would push this water out because our problem had worsened. And then when the canal came about, we were enthusiastic and we were real pleased that we were going to get some help for this flooding problem. So we're not against this canal. We know that it's a needed, necessary thing. We didn't necessarily want it in our backyard and when you ride down Truman Parkway you see this Casey Canal and it kind of scares you that that's what you're going to have in your backyard. We didn't want that, but as I understand it, from the time we started with the —, or when the County started with the planning of the canal, it was in a different area than it is now and it has now, because of these storage units, moved over into the residential land, and this —, I think we're providing like 80 percent of that land opposed to the commercial, and we just feel like the taxpayers of Chatham County would sympathize with us with having this in our backyards, that we are diminishing the value of our property, and of course we have a tree that we just dearly and don't want to lose.

Commissioner Jackel asked, Ms. Nease, will you please tell us how this will impact on your house personally? Ms. Nease said, well, this tree —, we've been here 40-45 years and this tree has been the umbrella for all the family reunions and the children's and the grandchildren's parties and birthday parties and things like that, tree houses. It's a sentimental thing to me. I was told by the group of people that the County hired to approach us about purchasing our property for this condemnation that trees had no value and so we started our own research program as to what a tree was valued at. So we understood that there was a County Arborist that could help us with this, but the County Arborist could not be involved in it so we had to go outside that and hire our own arborist to find out information about whether this tree has a value. It's, like I said, it's a sentimental value for me, but the value of this tree is estimated at \$30,000 and it's not replaceable nor is any of our trees replaceable. You know, you take these trees down and they've been here 150 years, we're not ever going to see that tree grown again, and it's providing shade and its natural resources and it should be allowed to stand. Ms. Nease said, we have had flooding and there's other people on the canal that has had problem with flooding.

Commissioner Rivers asked, is the County Engineer here? County Manager Abolt said, yes sir, and please understand, we can make a presentation in general, but because you have the opportunity in Exec Session to discuss property acquisition, this can be arrayed in its full form. It's your pleasure. Certainly when it comes to the choices you have —. Commissioner Rivers said, I just wanted to know if there was an alternative to —? County Manager Abolt said, yes sir, we have a series of alternatives open. Chairman Hair said, yes, there are several alternatives. County Manager Abolt said, but again within the context of your Executive Session, it's appropriate to discuss that when you're talking about property acquisition.

Chairman Hair said, I think it might be —. Chairman Hair recognized County Attorney Hart.

County Attorney Hart said, it's, its —, it is absolutely an Executive Session matter if this Commission so elects because there are some dollars and cost factors involved in various proceedings that the County will have to take in regard condemnation of alternative routes and property.

Chairman Hair said, maybe we should defer any further discussion of this item on advise of the Attorney until we get in Executive Session and then deal with the issues. We appreciate the information you've given because that's going to be very helpful to us, but based on the advise of the Attorney maybe we should suspend further discussion until after the Executive Session.

Ms. Scott said, we have another property owner here that would like to speak. Chairman Hair said, certainly. Anybody that would like to speak, but I think as far as us discussing alternatives, I don't think we need to do that in open session.

Mr. Ernest Hudson said, good morning. I'm Ernest Hudson and I've lived there for 25 years a couple, three doors down from Betty Nease. I would like to start by saying I'm not against this canal. [Inaudible] the widening of the canal I think would help a lot of people there. Basically it's eroded on my property now. The canal flows through the back of our property and our property isn't as deep as what the lots actually show now. I sent a packet to each one of you. I think you can see.

From my window to my property, useable property, is only 12 feet now and that also entails in the pool there, from there along the back and everything, so to come 35½ —, I measured from your stake right at 36 inches more from the yard to me, you can sort of see about what we're talking about there, what it would do, and it would devastate our yard. I'll level with you, it really would. Next door my neighbor and family member is out of town today, Lynn Moody [phonetic] at 105 Bonaventure. It's within 33 inches of his brick on his home, 33 inches; 23 inches from the foundation of his house we're talking about, and look at those pictures. It's —, and the [inaudible] about it is when you look behind our property, a minimum of 300 feet of undeveloped property runs completely behind us, completely behind DeRenne and it runs aground at the next one where the buildings protrude backwards. And, by the way, when we're talking these storage bins, I don't think it's a matter of all of them. It's not like taking a dozer and flattening the place. These little rows of buildings, there's only one road and it protrudes back a little further than others and there are about two bays that probably can be used and about 15 bays that are out there is where the obstruction is and all this is to sort of bypass that obstruction on one of those bays. It looks like for —, if there could just be some alignment made there to work with us on it, and all we're asking for is just five feet behind my fence and my fence doesn't [inaudible] my property. I've got 20 feet on one side, 21 on one end and 19 on the other. I will give that up. I just want 5 feet behind the fence line that's shown in those pictures there that I can ours and we plant some trees and somewhat hides this canal if it's finished and there's a buffer between us and the canal. So I guess that pretty well concludes what ai have to say about it and sure hope you can give some help for us here.

Chairman Hair said, thank you. Mr. Hudson said, thank you. Chairman Hair said, I appreciate your comments. Would anybody else like to speak on behalf of this? Okay, we will consider the options when we go into Executive Session. Thank you for coming. We appreciate you coming.

ACTION OF THE BOARD:

Received as information.

=====

2. LOCAL ARTISTS AND THE TRADE CENTER (COMMISSIONER JACKEL).

Chairman Hair recognized Commissioner Jackel.

Commissioner Jackel said, I have been approached by several local artists in our community about the Trade Center. They are very concerned that we're going to leave the area to procure the art work for the Trade Center and I just wanted to bring this forward and make sure that we do whatever's necessary that our local artists have an equal playing field with any other artist and, if possible, I would like to see them get a preference. I think they're familiar with Savannah, they know the tastes of the City. I think when you look at the new Federal buildings and you see some of the art work there, you can see the disaster that happens when we go outside the community to bring in people who aren't familiar with our tastes and what's appropriate for this area. I just wanted to bring this up to push the people involved with the Trade Center to give our local artists an equal chance and, if possible, a preference to put their work with the Trade Center.

Chairman Hair said, okay. Any other comments or questions? Thank you.

ACTION OF THE BOARD:

Received as information.

=====

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. SUSPENDING FOR THE TIME BEING FURTHER CONSIDERATION FOR THE CONSTRUCTION OF ANOTHER BAND SHELL. *Item was tabled at meeting of May 28, 1999. Opportunity for proponents to comment.***

Chairman Hair said, I think we have a number of people here that want to talk about the band shell issue. That is on the table. We need to take it off the table if we want to discuss it today. I'll entertain a motion to take it off the table. Commissioner Price said, I move to do so. Commissioner Thomas said, second. Chairman Hair said, we have a motion and a second to take it off the table. All those in favor vote yes, opposed vote no. The motion carried unanimously.

Chairman Hair said, Russ [Abolt], do you want to introduce this topic and then we'll let anybody speak that wants to speak.

County Manager Abolt said, I'll introduce it very briefly, yes. Mr. Chairman, Dr. Thomas and members of the Board, this is an issue in which the Board, I believe, is most familiar with dealing with the 1993 SPLOST vote and the inclusion of \$700,000 for a band shell. This is part of many, many projects that had to be cited back in the early form —, the former years of this entitlement of the sales tax. There was a recommendation coming forward from Leadership Savannah in the person of Mr. Ellis Cook that made a recommendation saying given the amount of money and the desire to do something over on Hutchinson Island. They recommended and the County Commission then seated agreed to take \$700,000 and create a performance venue on the Trade Center site. Since that time, as recently as about a month and a half ago, the County Commission has been approached by those interested, such as Dana Braun and others, saying that they feel that the intent of the vote was that there shall be a covered band shell, and we were directed and in fact we did do a number a weeks ago began to analysis and to give you choices hoping that we would have sufficient monies possibly and in addition interest earnings in SPLOST to allow you to look at a more significant investment than the current \$700,000 which is committed at the Trade Center, but we were unfortunately not able to deliver that type of additional interest earnings to you, so we found ourselves with enough money to proceed in the actual design of a facility, and you directed us to work with the —, those interested in the band shell to come up with some site choices. You might also remember that Mayor Adams was before you and then made a very strong case for location of a band shell performance venue in Forsyth Park. The long and the short of it, the report which you received a while back says we still don't have the money and there's certainly sufficient money to commission the services of an architect to come up with a design, advises you that the interest group now seems to be gravitating and have made a recommendation that opposed to Forsyth Park, their prime location would be Battlefield Park off of MLK Boulevard. Staff's recommendation in fact is for your consideration. We want to keep in mind that until we have the money in hand, we do not want to raise community expectations as to where something might go. You have a variety of choices though. We can begin the feasibility study that may be sight specific or not. You would have to gain some consensus to [inaudible] I assume public hearings as to where you would want to relocate it when and if you have the money in hand.

Chairman Hair said, please state your name for the record.

Ms. Mary Bodziner said, I'm Mary Bodziner, a citizen of Chatham County. Chairman Hair and County Commissioners, in 1992 —, I'm going to give you a chronology which I think we just needed to use. My critical issues group of Leadership Savannah worked very hard to propose the building of a band concert shell for Chatham County and to make sure that in '93 this proposal would be on the special purpose local option sales tax and part of the Olympic legacy. Our mission statement was to coordinate or otherwise aid in the plan, design, construction and maintenance of a permanent multipurpose all-weather concert shell. In June of '93 the Option Sales Tax Referendum [sic] was passed by the voters of Chatham County in the amount of two hundred and eighty-five hundred thousand dollars [sic] was set aside for a portable band shell and \$700,000 was set aside for a permanent band shell. On June 22nd, '94 our group presented to the Chatham County Commissioners site selections that our Critical Issues Committee suggested, the first one being Hutchinson Island in view that the Maritime Trade Center would be there. Therefore, the facility, the aid of the parking, it would be wonderful to have it there, but not to be part of the Trade Center, and our second suggestion was Battlefield Park. A lot of hard work, many site visits and evaluations went into this decision. Since '94 to now —, to '98, last Summer, we believed the building and the planning of the band shell was progressing until we saw plans of the Trade Center, and we called the group back and we met with Pat Monahan in June of '98. This was only an extension of the landscaping as far as we were concerned. We all went to the July 24th, '98 meeting of the County Commissioners with Mayor Adams, as was stated, and the County Commissioners acknowledged the responsibility and commitment to a band shell as originally designed and requested our committee to find a new site. November 24th of '98 the County Commissioners issued a request for proposal for the design of a band shell for the County Commissioners. The committee then visited six more sites, met with two architectural firms, which we went by your guidelines of what a band shell was to be. March 4th of 1999 the Committee reports on the —, on proposed and recommended sites as requested by the County Commissioners, and the first was Battlefield Park, the second was Forsyth Park with several visits, evaluations, and I can show you the evaluations on how we did it also. On May 27, 1999, a letter to Dana Braun from Pat Monahan stated that funds are now not available for the band shell. Now I'd like to introduce Dr. Paul Kulbersh who will give some more points to our findings.

Dr. Kulbersh said, my name is Paul Kulbersh. I'm part of the original Leadership Savannah group, so let me state where we are right now. I'd like to state some facts to you. One is that a Diversified Critical List Use Committee of Leadership Savannah, consisting of nine people, jump started this process in 1992. We had two years of detailed planning. Fourteen technical advisors and/or experts were consulted. A community-wide survey of 41 user groups, people in this community that would potentially use this band shell, we did a survey of those 41 groups. Ten local sites were considered and studied in detail and site visits were —, we had site visits to each of the places. Twelve outdoor performance venues from across the country, all over the country, were researched and we made a site visit to Augusta, Georgia, to find out exactly what went wrong with their outdoor facility. The committee worked with the Chatham County Commission to have the band shell placed on the Special Purpose Local Option Sales Tax, which was ultimately passed by the voters of Chatham County. The Leadership Savannah Committee made final recommendations to the Chatham County Commission of site selection and alternates. We listed 16 specific technical details to the Chatham County Commission. These included the size of the stage, 40 by 40 with a 25-foot high top, recommended seating for 8,000 with recommended lighting, sound and parking. We made recommendations on dressing rooms, bathrooms, loading docks, concession areas, and as Mary [Bodziner] stated, this was presented to you on July 22nd, 1994. Additionally, at that time a final request was made of the

Chatham County Commission, and let me quote what the report said: "This committee is poised to assist with and consult on the design, implementation and operation of a permanent band shell facility wherever it is located. This is only another step in the continuing process from start to finish. The committee would like to participate in each and every step to meet the need of a growing community. Sincerely, The Concert Shell Committee Members." Now that was 1994, this is 1999. Let me tell you what we have. Number one is that we have an elevated concrete or brick platform, or what has been called a performance venue, in the landscaped space between the Trade Center and the river. "Best seating" will hold about 2,000 people. Number three, while a hard-cover facility was eliminated because it would conflict with riverfront design and aesthetics, it is recommended that a relatively unaesthetic portable band shell be inserted in the space between the Trade Center and the river every time there's a concert, which means you bring it in maybe the day before, you have a concert and maybe a day after you have that sitting right behind the Trade Center in view of everything, and we're concerned about aesthetics. Number four, assuming the Trade Center becomes busy and is used frequently, maybe weekly for moderate to large-sized conventions, the usefulness of the performance venue for community purposes will be negligible. I think that it's incompatible to have a large convention using the performance venue, as we were told, and also some type of concert at the same place at the same time. Number five, as you all know, a seawall is being constructed along the river in front of the Trade Center. A proportionate cost of that portion of the seawall in front of the performance venue was allocated from the \$700,000 designated specifically by the voters for the band shell construction. That's what we were informed. Now these are the issues as we see it: number one, there was a Special Purpose Local Option Sales Tax commitment to the taxpayers and voters of Chatham County for a fixed band shell. Where is it? We have the Aquatic Center, we have the Civil Rights Museum, we have the Lucas Theatre, we have the Tybee Pavilion. Secondly, the Chatham County Commission has a fiscal responsibility to determine what happened to the funding or, in other words, show me the money. Number three, the Chatham County Commission requested that the Leadership Savannah Group make recommendations regarding a band shell where it was done on behalf of the County by concerned citizens, and then the Chatham County Commission essentially ignored these recommendations. In addition, the Commission is ignoring wishes and vote of the citizens of Chatham County. This scenario creates a terrible image because our elected leadership is not following the mandates of the referendum and the Commission is asking the citizens to perform services for the County and then ignoring the services that are performed by these citizens. Finally, our recommendations can be summarized as follows: number one, the Chatham County Commission has an obligation to the voters to carry out the directives of the referendum in 1993 and to construct a band shell. Instead of tabling this matter, staff should be directed to thoroughly examine all funds from the Special Purpose Local Option Sales Tax and to correct the error of the band shell funds being used in the Trade Center construction. Secondly, if the band shell funds have been used in the Trade Center or if the cost of the Trade Center is more than proposed, the County Commission and staff should find another source for the Trade Center construction rather than taking it from the band shell project. And, third, planning and construction of a fixed band shell, using the technical specifications outlined in the Commission's own RFP, which is dated 30 October 1998, should begin immediately on a site mutually agreed upon. Thank you very much.

Chairman Hair said, okay. I have a couple of questions. Dr. Kulbersh said, sure. I don't —, I was not on the Commission in '93 and '94, so maybe someone can enlighten me. First of all, what I heard this morning to me is incompatible with the figure that was in the referendum in 1993. The figure in the referendum was, I believe, \$700,000. Is that correct? Dr. Kulbersh said, that's correct. Chairman Hair said, you're proposing a band shell that will seat 8,000 people. There is no way in the world you can build that for \$700,000. Dr. Kulbersh said, I'm not —, we're not proposing fixed seating for 8,000 people. Chairman Hair asked, what are you proposing? Dr. Kulbersh said, we're proposing an area that can seat or at least can accommodate more than 2,000 people. Chairman Hair asked, are you proposing something that would fit into the \$700,000 budget without going over the \$700,000? That's my concern. Dr. Kulbersh said, we're concerned with building a fixed band shell. The \$700,000 would probably be spent mostly, for the most part on the construction of the band shell, the lighting, everything else that goes around it. \$700,000 may not cover the entire cost, but that's what we were allocated. Chairman Hair said, but it seems to me the commitment that was made to the voters was \$700,000 and I would support anything that would be up to the \$700,000. I think you're talking —, if you're talking about more than \$700,000, I think that's not what the voters voted on. The voters voted on \$700,000. If you propose something in excess of that, then I've got a problem with that. Commissioner Price said, well, I think the interest —. Dr. Kulbersh said, \$700,000 for the original referendum. It would be nice to have the interest that might have accrued on that \$700,000 over the last five years, or whatever it is, but that —, we have talked with architects and people who are knowledgeable, and if we spend that money just on the band shell, in other words if the band shell is put at a public space like Frosyth Park or some place like that where the space is already usable, that's an adequate amount of money. Chairman Hair said, okay, so you're not asking for more than \$700,000 plus interest. Dr. Kulbersh said, please, yes. Chairman Hair said, anything beyond that —. Dr. Kulbersh said, including —, absolutely not. Chairman Hair said, you're not asking for that. Dr. Kulbersh said, absolutely not. Chairman Hair said, okay. Dr. Kulbersh said, I mean, we would certainly like to get more than \$700,000 plus interest, but we would —. Chairman Hair said, I think that's beyond the issue this morning. Dr. Kulbersh said, we'll at least take what we were granted.

Chairman Hair said, the second thing is I've got a question about —, and this again because I was not here in '93-94, but I was told that the group's leader from Leadership Savannah was involved in the decision and recommended approval of what was done on Hutchinson Island. Is that true or not true? Dr. Kulbersh said, that is not true. First of all —. Chairman Hair said, so no one from Leadership Savannah was involved in the decision of '94. Commissioner DeLoach said, that is not —, that is —. Chairman Hair said, I'm asking. Is that —, I've been told two different things. Dr. Kulbersh said, restate your question again. Chairman Hair said, my question is was not the leader of the Leadership Savannah group involved and made a recommendation to this body in '94, I was not on this body, but to this body that what was done on Hutchinson

Island was —, was in agreement with Leadership Savannah's wishes. Dr. Kulbersh said, let me clarify one thing. The —, this group issued a report and that report identified Hutchinson Island as the preferred site. Commissioner DeLoach said, right. Dr. Kulbersh said, okay. Chairman Hair said, so —, so this group —. Dr. Kulbersh said, so there was a recommendation to put it on Hutchinson Island. Chairman Hair said, okay. Dr. Kulbersh said, that may be a little different than saying the group approved the plans that are now in place, okay. Those are two different things. Chairman Hair asked, but if the group recommended that to the Commission in '94 and they acted based on that recommendation, why are we now getting a different recommendation from that group? Dr. Kulbersh said, we're talking about a site, okay. Hutchinson Island would still be a fine site, okay, if we could find a place that would accommodate the structure that we originally talked about, okay, but what has evolved is a structure that is in no way related to what we talked about, and Hutchinson Island would still be a fine place, but not on the Trade Center and not on a grassy space between the Trade Center and the river. Chairman Hair said, so your group did support a Hutchinson Island band shell. That's what you're telling me? Dr. Kulbersh said, well, yes, we would if we'd originally —.

Ms. Bodziner said, we've asked to find a different site when it was tabled, so we went and we looked at six other sites because of —, we didn't know the space on Hutchinson Island. Chairman Hair said, but the Commission in '94 did act in accordance with the report for —, from Leadership. That's what I'm hearing. Ms. Bodziner said, it's not the building is not a band shell, it's an extension of the landscape. Chairman Hair said, I mean, so the site —, you don't argue with Hutchinson Island as being the site. You're arguing with what's being built? Ms. Bodziner said, right. Dr. Kulbersh said, Hutchinson Island would be fine, sure. Ms. Bodziner said, that's the plan. The band shell is not a band shell, it's just a —. Chairman Hair said, we understand that. I was just trying to get a clarification —. Ms. Bodziner said, okay. Chairman Hair said, though that now we're —, what I'm hearing now is Battlefield Park, that's not what the Commission was told in '94 from the Leadership group. They —, y'all agreed that Hutchinson Island was the site. Dr. Kulbersh said, you have to understand, we were advised that this is where the band shell or the performance is. If we can't do any more on Hutchinson Island because there's not land available, that it is either private or we cannot purchase the land and we were recom —, it was told to us to go back and research another location, which we did. That's where Battlefield Park came up mostly recently is because the Trade —, the Hutchinson Island area couldn't be utilized for various reasons. Ms. Bodziner said, well, for \$700,000 we don't want to have to spend it on buying the land when we have it.

Chairman Hair said, I'll recognize Commissioner Price, then Commissioner Rivers and then Commissioner Murray. Chairman Hair recognized Commissioner Price.

Commissioner Price said, one thing I'd like to be able to do here is maybe to deflate the level of emotions that's involved here. I know you're frustrated. I'm frustrated by the whole situation, but I think we can get a lot further in our efforts today if we could do that to begin with. What I recognize is what you're up here trying to do is correct. We —, we dropped the ball. We didn't do what we said we were going to do and when that happened, and I know that we feel like in a lot of ways that there are certain instances where we thought we might have been doing it, but the bottom line is we said we were going to build a permanent band shell. We put that on the ballot, the voters voted on it, and we didn't do it. Now last —, last year we agreed that that was our responsibility, okay, and so I guess we're —, some of us are taken aback today is we've already admitted, yes, we didn't do it the way we told the voters we would do it. We're committed to do that. The question I have is why is it Forsyth and not Battlefield Park? Ms. Bodziner said, because Forsyth is really, it's more the principle at this point. We went back —. Dr. Kulbersh said, I think after a fair amount of research the group felt like Battlefield Park was the —, had a great opportunity, but we recognized that there's some complexities about that and it maybe that Forsyth is a more simple, you know, community location. Commissioner Price said, so, in other words, maybe because there's —, it would be a lot more money involved in Battlefield, Dr. Kulbersh said, yes, there's —. Ms. Bodziner said, we don't know who owns the land in Battlefield. Dr. Kulbersh said, yes, there's issues about the land and all that sort of thing whereas voting —, whereas Forsyth is the typical site for outdoor performances as we all know. Commissioner Price said, well, I agree with what you're saying, I can see that, I understand that. It is unfortunate because there is an opportunity to work on building the corridor along MLK and that whole area that needs the restoration, needs the renovation that this could have gone a long way to help do. I mean, I'd like —, I'd like, you know —. Ms. Bodziner said, if you would go with us I'll show you —, really, Battlefield has this natural fold —. Commissioner Price said, it's beautiful. Ms. Bodziner said, I mean, and —. Commissioner Price said, it's perfect for it. Ms. Bodziner said, there's all this —, you can do parking in the back. We got really excited when we went and looked at it, and —, I mean, it could be natural seating. I mean, we don't need to do a lot and we just thought it would help that west side of Savannah, and it was just a —. Commissioner Price asked, so are you saying that you're still thinking that might be the way to go? Ms. Bodziner said, right. Commissioner Price said, okay. Ms. Bodziner said, I mean, they're —, this City is so wonderful, there's so many different spots. Commissioner Price said, right. Dr. Kulbersh said, obviously, our big issue today is to not let the money escape, but when we were here this time last Summer your County Manager said there were \$2,000,000 left undesignated in the fund and so, obviously, at that point there was money to deal with this. So we would just like a reconfirmation that we're really gong to get the \$700,000 plus interest and then we can work on the location.

Commissioner Price asked, can I ask —, Russ [Abolt]? County Manager Abolt said, yes sir. Commissioner Price asked, we —, you heard us last Summer commit to do this project, and I know you brought us all kinds of other projects that maybe we have let get ahead of this project. I don't know. County Manager Abolt said, I can give you an estimate. Commissioner Price asked, can you answer the question of whether we've actually designated where this money is going to come from? County Manager Abolt said, no sir. What, what you have done —, and permit me because I do not want the feeling of *mia culpa* to go too far. This Board, the previous Board did a yeoman's job in making decisions on sites. You all at that time

you had where was the pool going to go, where was the weightlifting center, where was the soccer complex going to go? It went on and on and on and you also had the band shell issue. You were literally working week in and week out making site selections. The issue was known that \$700,000 was not sufficient to build a band shell. The Leadership Savannah came forward, we got a compromise and at that time was embraced as a wise move. It was all done in the open. There was no attempt to, by slight of hand, eliminate any options. Staff understands it. We understand also that the agent of change in this community, in my estimation, has been this County Commission. We want to find the money for you. In the past the reference of \$2,000,000, we have had interest earnings up until this year, and yes we have made it in other projects. We've taken money and we've put it in projects that have already been approved. The Civil Rights Museum is a good example. We've also built two new community centers and we're not a party to it. Commissioner Price asked, is there money currently available —? County Manager Abolt said, \$265,000 we have available right now. Commissioner Price asked, how much? County Manager Abolt said, \$265,000. Commissioner Price asked, okay, why did we not earmark and why didn't we hear from staff with an earmarking of the \$700,000 figure? County Manager Abolt said, because when it came to you on the issue of locating on Hutchinson Island, the decision was made that that was a wise compromise. It was pure and simple. There was no, there was no attempt again to mislead. We were, we were going on several projects, and most of those projects have all been built. We thought we had closure on the issue of a band shell performance venue at Hutchinson Island, which was made in the open. Commissioner Price asked, where do we find the \$700,000 today? County Manager Abolt said, the only —, well, Commissioner Rivers asked me the same thing. I question whether \$700,000 will be enough to do it, you know, and —. Commissioner Price said, well, it's not a question of whether it's enough, it's a question the voters decided it. County Manager Abolt said, I know, sir, and —. Commissioner Price said, we deliver —, we either deliver or we resign, the way I look at it. I'm serious. I mean, this is —. County Manager Abolt said, I don't want to put you in —. Commissioner Price said, to me it's that serious of a matter. County Manager Abolt said, okay. I would prefer and I realize your strong opinion. I would prefer not to put you in that corner because I know what you all went through three or four years ago when you made site decisions, but I do want to tell you I understand the general wish is to develop a way to make this happen. We were hoping that we would have additional interest earnings. We don't have them as yet. Our —, the option we have before you is either commission an engineer or architect to study it further, come up with some more specific cost estimates. If you choose a site before then, fine, and then wait on the interest. The other option you have, you have fund balance. That's all you have. Commissioner Price said, well, I mean, the vote was to spend Special Purpose Local Option Sales Tax. County Manager Abolt said, yes sir. Commissioner Price said, I mean, and I'd have to ask the County Attorney then whether we could even use fund balance money for a project like this. County Manager Abolt said, whether you would want to use.

County Attorney Hart said, well, you can use fund balance if you've got the money. There's nothing in the SPLOST that says you can't use it from a SPLOST standpoint. That's a decision that —. Commissioner Price said, well, the wise thing to do would be not to touch what's left, the 285 [sic] —, what is it? County Manager Abolt said, 265 [sic]. Commissioner Price said, 265 [sic], and then look for some way to fund it out of fund balance so either way we have got to fund this project and go forward with it. We can say we're going to spend more money and study it and do all this and it's not going to get done. I mean, I want to see it done before I end my term. You guys know I'm not running again. I mean, I want to see it done and at least in the process of being constructed to feel good about the fact that we told the voters we would do this and we're going to do it.

Chairman Hair recognized Commissioner Rivers.

Commissioner Rivers said, you know, we made a decision and I think I was part of that decision. We made it and, hey, it was a mistake. Where do we go from here. How do we rectify this? What I'm getting from the Manager is that we only have \$265,000 and we're waiting on interest. My suggestion and I will make a motion that we commit to building that band shell out of future interest as earned. If we fall short, then we can look at an alternative, or if we want to jump-start it, we can look at an alternative of putting it in and borrowing the money to construct it and paying it back as those interests accrue. That would be my suggestion and I can put that in the form of a motion when the time comes.

Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, I've got a couple of questions and, Pat [Monahan], could you —, you might need to come up since you've been involved in it. The County Attorney also will be asked a couple of questions from a legal standpoint. I know we've heard it all before, but I'd like to hear it again, Pat [Monahan], the process we took. I know it was committed \$700,000 during the referendum for the band shell. Mr. Monahan said, correct. Commissioner Murray said, all right. We have not deemed that project nonfeasible. Mr. Monahan said, right. Commissioner Murray said, so therefore the money still has to be spent for the band shell. Now there was a decision made to do what was done on Hutchinson Island. Could you explain that a little bit more please?

Mr. Monahan said, okay, you might recall the key element, the key sequence was the Board of Commissioners' approval of what was called schematic design, and that was developing the plan for the development of the Trade Center and the riverfront, and as part of that presentation, I mean, I can recall and you might recall that the architect for the project sat here and remember he projected the screen to the rear and explained the different elements of the project and at that point he also noted to the Commission the decision not to put a hard shell on the riverfront performance venue, and the reason there it was approximately 25 feet high. It felt that it would be a visual blight to the riverfront improvements, and admittedly when he made that presentation to the County Commission, it was part of the overall plan of the Trade Center. He talked about

the esplanade, he talked about the East Square, he talked about the spaces within the Trade Center, and I think what happened is that the Commission —, none of us really, none of us really hit hard on that point that he was talking about the performance venue without a band shell. His idea was because he went back and looked at the responses to surveys that they mentioned, and there were only two uses annually that said it needed a permanent hard cover, and his contention was, well, for only two uses why do you want to put that hard cover, that hard scape, along the riverfront plaza. Instead he designed the performance venue to include a circular area that's approximately 2,000 square feet with sculpted seating into the esplanade so that for a special performance when you needed a hard cover, the portable band shell could then be set on the performance platform and then people sit naturally along the tiered steps and the lawn grass so that it fits both into the day to day use of the Trade Center as well as for special performances. And as I said, I'll emphasize that again, it was probably, it was probably not —, did not help the presentation in the fact that he did not highlight specifically the band shell and probably caught the Commission a little bit off guard because at that point, you've got to recall, we were very excited about the development of the schematic design for the Trade Center. He also made that presentation later at design development, and I think that's when Commissioner Price first started asking the questions, but by that it's, you know, it's 50% complete and the ability to step backwards is a little more difficult.

Commissioner Murray asked, so at that time the \$700,000 was incorporated into the Trade Center? Mr. Monahan said, yes sir, and it still is. Now you've got to remember that every site, I mean, Forsyth Park, Battlefield Park —, first of all, let me straighten out, Battlefield Park is not off MLK, it's off Boundary Street. That's the site that they're talking about. It is not off Martin Luther King, Jr. Boulevard, so let me straighten that out. The —, all the sites have certain advantages and disadvantages. For example, with the Trade Center, yes, it will not seat 8,000 people. It will seat approximately 2,250 for regular concerts. You can bring in additional seating so that it could seat up to 4,000 people, but it did have some other advantages that the other sites did not have. For example, parking. You've got parking for at least 1,800 vehicles on site and available parking between the pit and paddock area and the tidegate property, you know, to park another 3,000 or 4,000 vehicles. It has restrooms there. It can allow for ticketed events, meaning there are only two entryways down to the riverfront so you can set up ticketing stations. Those are some of the requirements that Leadership Savannah said. Now the —, of course, the big disadvantage is, one, it cannot seat up to 8,000 and, two, it does not provide the hard shell, and the same with the other sites. The other sites offer certain advantages and disadvantages. I mean, there is —, of all the sites there is no absolutely perfect site.

Commissioner Murray said, okay, now, my question to you from a legal standpoint. The money being transferred meets all the requirements —, I'm not talking about personal feelings, I'm talking about by law that we were obligated to in the sales tax referendum of the \$700,000? County Attorney Hart said, the performance venue was transferred —, some of the money in the performance —, some of the money set aside for the band shell was put into the performance venue, and I think that that money being transferred over there could challenge —, could sustain a legal challenge because it is an alternative type of public performance venue. I recognize it's not a hard shell on top of it and I recognize that from a design capacity it is different, but in my opinion it would probably withstand that challenge. The remaining money in there is going to have to be spent though either on that performance venue or, if the Commission chose to go with a alternative site for a performance venue for a band shell with a hard cover, it should be spent on that program. One of the primary problems I think the Commission is wrestling with right now is nobody knows how much one of these things would cost if you went with the alternative site. So whether it's 500, 700 or a million dollars, nobody knows. We know there is 260-some thousand dollars still in that fund and it should stay in that fund because that was the intent to either incorporate it into that performance venue either through some modification to try to put a hard shell on it or not. Again that raises other issues in regard to the design, or to be moved into the other situation. Commissioner Murray said, I would say though that the County has met its obligation from a legal standpoint for the \$700,000. County Attorney Hart said, if I may, it would be my opinion that from a legal standpoint we could withstand the challenge and, you know, whether that is the true intent of the parties or what everybody envisioned, you know, if you got down to whether you've provided a performance venue, you could probably justify it under case law. Now both of these people, Mr. Kulbersh, are neighbors of mine, they're good friends of mine, and I understand their concerns, and I think you could probably withstand that challenge. Commissioner Murray said, I'm not suggesting that's what we do, I'm just trying to get everything in perspective where it needs to be so everybody understands what we're talking about. I, too, agree with what Pat [Monahan] said earlier that when we were going to do a permanent band shell that it would be actually a shell; however, I do know that you cannot build what you're talking about today for \$700,000. You probably wouldn't even get the shell up for \$700,000.

Mr. Monahan said, if I may, because what I did and, you know, I've got to admit these folks probably put in more time on this project than in any other project that the County put on the sales tax. It was one of the few projects in which we actually had the program developed for us, but in my opinion that program was a little bit ambitious for \$700,000. I mean, I took their basic program, which is a 40 by 40 stage, the hard cover band shell, which is 25 feet high, just minimal restrooms, the concession area, and I sent it and I asked a contractor as a favor who builds these types of buildings to price it for me. It came in at \$1.4 million and that was last year. Commissioner Murray said, and that was without the lighting and the —. Mr. Monahan said, I mean, so that's the other issue is that even for \$700,000 I'm not so sure we could get the hard cover. Now if the Commission agreed to interest earnings, you know, maybe we could get that closer to a million dollars and we cut back on some of the other things, maybe you can do it for that price, but, you know, that's a decision of the Commission.

Commissioner Murray said, I'm not opposed to trying to find a way to do it and do it like —, as a close as we thought we were going to have to begin with, but there was another thing I'd just like to clarify though. You know, you listed several

projects that were complete. Yes, we fortunately have the Aquatic Center and some of the other projects completed right now and they're doing a great job. We wish this was completed, but we also have some projects that are older than this that was funded before this and still aren't completed, one being the Truman Parkway and one being some other issues that we've got. So this is not the only one and I don't want you to sit there and try to say that that is the only project. I know this is one that y'all have the interest in and y'all have done a terrific amount of work on it and a lot of extra time, and it was all volunteer, and we appreciate that, and I think we as the Commission will do everything we can to try to find the funds to do what needs to be done, but the other thing is you're talking about the interest, keep in mind the \$700,000 the day the sales tax was approved was not sitting there to draw the interest. It was accumulated over time and the interest would be accumulated over time also, and I think we would have to go through that and find out what the interest is, but I will support that.

Mr. Monahan said, I would like to add one more item too to what Commissioner Price said. There are no other studies. What they refer to was the request for proposals. We actually have an architect that's been selected for the job. The only thing that's pending is for the County to give him a notice to proceed. So we're not talking about doing a study, we're actually talking about designing this building. If that occurs, as Mr. Abolt pointed out, we need to know a site. There's need doing a design without knowing the site. If we want to get to a site, then the Commission needs to set up some public hearings and talk about site.

Chairman Hair said, Commissioner DeLoach, then Commissioner Odell and then myself. Chairman Hair recognized Commissioner DeLoach. Commissioner DeLoach said, Ms. Priscilla [Thomas] wants to —. Chairman Hair asked, Dr. Thomas, you want to —, okay.

Commissioner DeLoach said, I just want to make a few points concerning the issue of was it done properly or was it not done properly. It was done properly. We went through all the procedures and Leadership Savannah participated in that procedure and recommended where the band shell would be and so forth and so on. I don't want the public to be misled by the approach that we've done something with the \$700,000 rather than build you a band shell or build you a performance venue or whatever you want to call it. We did what we agreed to do and y'all were involved in the process. It's not a question of whether y'all weren't here or not. The Leadership Savannah group was here and they were involved in it and, one they did recommend Hutchinson Island and, two, when it did come up for the actual we're going to put it here and how we're going to do it, we all looked at the on the —, you know, in the screen and on the recommendation of the architect and all that at that time, it was —, I mean, we knew exactly what was taking place. Other folks in this audience, which I understand we had some of the Leadership group here on that also, knew what was taking place with that band shell. Not necessarily the band shell, performance venue. They changed the name of it is exactly what they did because there wasn't going to be a band shell over it because the guy said it wouldn't, you know, it would lose the —, you'd lose the aesthetics of riverfront. So we did have this out in the open, we did spend the money properly. Whether you agree with it or not, that's your opinion and we all have one, but the fact of it is there's no doubt in mind when we voted on it that we did what we agreed to do in open meetings and in public hearings exactly what we —, and we did exactly what we agreed we would do because I just want to make sure everybody understands. There's no hidden agenda or anything else here. The fact of it was it was done in public hearings and it was done in public, and we actually spent the money just exactly like we told you we would spend it. Whether it's the way you want it spent, that's a different subject and I don't mind looking at that later, but as far as me agreeing that we did something wrong so that we need to come back to you and say we're sorry for what we did do and here let's make it up, but giving you \$700,000, I'm not here to do that. I wouldn't have voted for it the other day, but the fact of it is, if the public does want the band shell long term, then okay we'll work in that direction, but we did what we agreed to do when we voted on it in my mind. Just like you don't agree with me right now, that's fine, but we did do in public hearings and every other way what we agreed to do and everybody had a participation in that. So I just wanted to make that clear so the public out there will not perceive that we've done something with the money so that we could enhance some other area.

Chairman Hair said, thank you, Commissioner DeLoach.

Mr. Ken Matthews asked, could I add one other little comment? I'm certainly not an attorney and I don't know what bearing this has on any of your deliberations, but the County did issue the RFP that y'all were talking about just a few minutes ago, the RFP that was issued in October after our meeting last Summer, and the RFP, the request for proposal defines a band shell. You know, it says here's what the architect has got to go to work on. So that's a pretty good definition of what a band shell is, I think, at this time. Chairman Hair said, yes sir, in the Summer of '98. Mr. Matthews said, so, you know, I just —, that's just one more —.

Chairman Hair said, let me get with the other Commissioners comments and then I'll get back with you folks. Let me go on and make sure all the Commissioners comment first. Commissioner Odell, then myself and then Commissioner Thomas. Commissioner Odell asked, Pat [Monahan], could you come back. Commissioner Price said, David [Saussy] has something too. Chairman Hair said, and Commissioner Saussy.

Commissioner Odell said, the item that exists between Trade Center and the hotel with the natural seating and the cement seating, that is —. Mr. Monahan said, no sir. The area between the hotel and the Trade Center is called Bryan Square, so named by this Commission. It is the main arrival point for the Trade Center. It's approximately the same size as Johnson Square. I do not believe it would provide an opportunity for the placement of the band shell. I don't know if that's

the direction you were headed, if you were looking for other sites. Commissioner Odell said, it was. Mr. Monahan said, the difficulty there it is the main arrival entry. It is only 180 feet wide. The other is, it is —, it's at elevation 15, which means it's at an incline as you approach, so I don't think it's going to provide the amount of seating that these folks would be looking for in that type of location. Commissioner Odell said, we've done something. It may not be a band shell, but we've done something. Mr. Monahan said, yes sir, it's been —. I will admit that it is a compromise from what this group presented. Commissioner Odell asked, and that something that we've done would equal to, if you consider the land or construction, \$750,000 [sic]? Mr. Monahan said, probably not. The reason I say that is, for example, the riverfront improvements —, I mean, we allocate as cost allocation a percentage of the band shell to the riverfront improvements including the bulkheading, and you could argue that the bulkheading would be there regardless. I think I asked the architect to go back through and specifically say what things are we doing in that area that we would not have done otherwise, and I believe —, now this is just off the top of my head and it was last year, it was in that neighborhood of maybe 300 [sic], \$400,000 excluding design issues. Commissioner Odell said, my only concern was that we have \$265,000 that's been allocated for the band shell. Not having voted on it in 1992 [sic], I kind of do the math and said we've spent definitely the difference between 265 [sic] and \$700,000 for the construction that exists there, but that's not the logic, is it? Mr. Monahan said, no sir. I think the two issues these folks have today: one, there's not a hard cover and, two, it's not going to seat what I call festival seating for larger groups. Commissioner Odell said, and I was just wondering if it was a matter of terminology, and the terminology is that the permanent band shell of 1992 [sic] obviously was perceptual and it has changed from what it is today and it's your statement that that information came to this Commission and we approved the changes. Mr. Monahan said, yes sir. Commissioner Odell said, okay. Now Jon [Hart] has said that we are in essence in compliance and could stand —, withstand a legal challenge. County Attorney Hart said, I'm not saying that, you know, it's across the board makes everybody happy. I'm saying if you challenge me in court, I believe we're in a better position to defend that. Commissioner Odell said, but we've got a way —. I think the problem is that it's one of definition and I think that we can have a happy medium so that what was intended is in fact what we have. We had a guaranteed maximum price of \$70,000,000 to build the Trade Center. I understand those simple terms to mean that I guarantee to build this for X-number of dollars. As Dr. Hair, Mr. Jackel and myself are new Commissioners who just joined this, we learned that guaranteed doesn't mean guaranteed. Beyond that, maybe a permanent band shell doesn't mean that it has a top. I don't think the issue is whether or not we're legally obligated to do it, but whether or not there is something that we need to do that is in the spirit and complies with what was intended in 1992 [sic], and whether or not if we do that it should be at Forsyth Park or Battlefield Park. The Mayor thinks it should be at Forsyth. I think that we need a band shell on this side, a permanent fixed band shell with outdoor seating that would hold at least six to 10,000 people. How do we move from where we are to —, without the legal threat of you didn't comply with what you told the voters. I think we have sufficient information that we complied. Maybe it's different, but the spirit maybe not was the same. How can we go and correct that? And I think that's a decision that we need to make.

Chairman Hair said, I think so. Commissioner Thomas said, exactly. Chairman Hair said, I agree. Let me make a couple of quick comments and then I'll recognize Commissioner Thomas and Commissioner Saussy. You know, a lot's been said this morning about the responsibility we have of doing what we told the voters we were going to do, and I totally agree with that. I think if we committed to the voters for \$700,000 for the band shell, we ought to build a band shell, but that sword cuts both ways. We also have a responsibility that we tell the voters a project's going to cost \$700,000, we shouldn't spend \$710,000. We should stay within the budget that we told the voters we were going to stay within. So I'm going to support any motion to spend \$700,000 plus interest. I will oppose any motion that spends one dollar more than that. I think responsibility to voters goes both ways. We ought to do what we say we're going to do, but if we tell them it's going to cost a certain amount of money, that's what we ought to spend, and I think that's what we ought to have to do. Commissioner Price said, [inaudible]. Chairman Hair said, Commissioner Thomas —, I said \$700,000 plus interest. Commissioner Price said, there's an inflationary factor on top of that. Chairman Hair said, no. Chairman Hair recognized Commissioner Thomas.

Commissioner Thomas said, thank you. We can sit here and debate this all morning and we've not going to get but so far, and I agree with a lot that has been said. I want to make sure that it is understood that nothing was done behind closed doors. Everything was done in the open, and the intent there was a good one. Now what do we do? The horse is out, so now we've got to rein him back in somewhere. So my suggestion would be to look at what we need to do and find a way to do it and let's move on with it because, I mean, we can talk about this all morning and we're still not going to be conclusive to what we want to do.

Chairman Hair said, thank you, Dr. Thomas. Chairman Hair recognized Commissioner Saussy.

Commissioner Saussy said, thank you. I think what we've done what we set out to do, whether it be right or wrong, but I'd like to make a motion to commit the Commission to provide \$700,000 plus accrued interest to build a permanent band shell at a site approved by the band shell committee after public hearings and with approval of the County Commission. Commissioner Rivers said, I'll second that. Commissioner Thomas said, second.

Chairman Hair asked, can I ask you one question about your motion? Would you include in your motion a maximum of \$700,000 plus interest? Commissioner Saussy said, maximum, right. Chairman Hair said, okay, then I can support that. We have a motion and a second. Chairman Hair recognized Commissioner DeLoach.

Commissioner DeLoach said, we still did what we said we agreed to do. I'm tired of saying that, but that —, I want y'all to be clear on that, but there's no way — [unintelligible comments when several other Commissioners were speaking at the same time]. Commissioner DeLoach said, but if you're going to do this, when we set out to do these different projects and we set out certain amounts of money, we did not have a clue what it was going to cost to do these and, you know, although I'd love to be able to sit there and vote for \$700,000, I know we spent more money than that on Triplett Park because we didn't have a clue going into it how we were going to spend the money. I think we ought to do the drawings, I think we ought to get the design, I think the first thing we should do, we should not allocate just say it's going to be \$700,000. We need to look at what a quality venue would take. Now once we do that, then if we can stomach the fact that we want to spend that money on that, then let's do it, but let's don't hem this thing up and say it's \$700,000 because I don't know of a project that we have put before based on the way we originally did the —, allocated the monies that came in within or under budget. I don't know of one that we didn't have to go back and get additional monies because we did not have enough money the original time we did it, so I would not —, I would recommend that that motion not have that in there, and I understand Billy's [Hair] position on it, but he knows, I know, everybody knows that it's going to take more money than \$700,000 to, one, appropriate what land, design it and built it. It will not happen with \$700,000. Now if you want to sit back and figure out what it will cost and go from there, I don't have any problem with that and I would vote for it if we did not put a maximum on it, if we just said let's see where we're going with this thing and make sure that we have —, the main purpose is to have a quality location if we do it, and if we don't have that I don't think we ought to do it at all. I would rather not spend the \$700,000 on a half, half-baked idea.

Chairman Hair said, the reason I think that the motion is a very good motion and the word maximum needs to be in there is this: I think a compromise is a compromise on both sides. We may not be able to build 8,000 seats for \$700,000; maybe we can build 4,500 seats. To me fair is fair. Give and take is give and take on both sides not just one side. Maybe this group's going to have to modify its desires a little bit, but I think if we commit —, we told the voters that we were going to commit, I have no problem with \$700,000 but I do have a problem coming back here and trying to vote for something that's going to cost \$2,000,000. That's not what we told the voters either.

Dr. Kulbersh asked, can I respond to anything that's been said in the last 30 minutes? Chairman Hair said, yes sir, you can respond.

Commissioner DeLoach said, let me just hit on that one second. I agree with you. I agree with you on it, but my only issue is we don't have a clue how much it's going to cost and we don't even have the parameters of the design, so I think we first have to set the parameters of the design with the architect and determine —, you know, we never fill up Johnny Mercer Theater most of the time whenever they have concerts out there. So, I mean, everybody wants 10,000 seats and we don't even come close with Johnny Mercer, so —. Chairman Hair said, okay. Commissioner DeLoach said, that might be unrealistic, and you might be right, so let's just let the architect figure out what we need.

Chairman Hair said, Commissioner Murray, Commissioner Price and then Commissioner Rivers. Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, David [Saussy], I can support the motion, but there's one part of that motion I have a problem with and that is that that committee makes the final decision on the location. I think they need to make a recommendation back to the Commission for that decision, but —. Commissioner Saussy said, that's what I said. Chairman Hair said, it would be our —. Commissioner Murray said, the first step of this is to get the location before you can get the architect involved in it. Commissioner Saussy said, well, that's what I said. Chairman Hair said, yes, it would have to be our decision. Commissioner Murray said, okay. Chairman Hair said, it would have to be.

Chairman Hair recognized Commissioner Price.

Commissioner Price said, I like before I speak to yield to the gentleman that wanted to address this.

Dr. Kulbersh said, thank you. We don't feel that there's been any insidious attempt to hide the money, but by the same token the money was allocated for this particular use and it was stipulated at the very beginning. We recommended Hutchinson Island. Okay. We did not recommend the Trade Center to be the site of the band shell. We said Hutchinson Island. That's a large island. Okay. So part of the overrun —, that's enough to be stated on that. We can put the location anywhere that you want it. We're trying to accommodate, okay, what's best for the community, but if you want to put it on Battlefield Park or you want to put it on Forsyth Park, you know, that's fine with us. We'll be willing to accommodate that. Talking about overruns and not one penny more than \$700,000, if nothing —, if there's hardly anything in this community that's ever been built for what you expected it to be built, and then why put that limitation on us. We're not asking you for more than \$700,000. Okay. But if the Trade Center has almost doubled in price, why should we be held to something like that? The last thing was that you said that we didn't build my band shell, that we didn't build the band shell that you wanted. I'm sorry. It was not the band shell that I wanted. It was the band shell that the voters and, I assume you voted, that the voters of Chatham County voted for. This is what they said they wanted and the list of technical parameters was well —, was outlined well in advance, okay, of this being approved.

Commissioner Price asked, may I finish? Chairman Hair said, certainly. Commissioner Price said, Russ [Abolt], I would hope that in this effort for them to finish this recommendation to us, that we will give them access to our resources enabling

them and to help them make this recommendation because what I don't want us to feel like is, well, we're just going to put the ball back in their court and let them, you know, go about trying to come back with a recommendation when they may in fact have to spend dollars or have —, not have the resources we have from an engineering standpoint and from everything else, that's why I'm saying I think it would be important that we recognize we need to offer assistance in doing that.

County Manager Abolt said, Commissioner Price, and members of the Board, we would never deny that. Commissioner Price said, okay. County Manager Abolt said, let's —, I mean, I do want to say things that are interpreted as self-serving, but I don't want the Board again to be overly critical of yourselves. The reason we've had so many successful projects is for the reason that Commissioner Price has asked. If you give us this direction or any modification thereof, we will come forward with the same enthusiasm, the same sharing of information. The realization it's not County staff that makes successful projects, it's this type of partnership. If this motion passes, we will have before you on the 9th of July a notice to proceed to the architect.

Commissioner Price said, okay. My next point would be, I think you'll find —, and this is personal for me alone, okay. This isn't the County Commission as a Board saying this. I think you'll find you'll get the best bang for your buck at the Battlefield Park site. I think you'll find that that —, because of the natural terrain or the way it's designed already over there. That's just my own personal feeling.

Chairman Hair recognized Commissioner Rivers.

Commissioner Rivers said, I want to bring this thing —. Commissioner Thomas said, I agree. Commissioner Rivers said, to closure. Chairman Hair said, well, we have a motion and a second on the floor. Commissioner Rivers said, I want to bring it to closure, but I want everybody to understand a permanent band shell, just like those portable band shells that we got going around, is just a band shell, and we move that from one place to the other whether it can accommodate one person or 50 people. The band shell is a band shell. We ain't talking about no seating, we ain't talking about any other thing. I think when they envisioned this thing, they talked about bathrooms and all those things that surround that band shell. Now I would hope that this group, after this motion, will look at trying to come up with other means of securing some money and some dollars, but also we have —, put money out there on projects and we have overrun, I think, literally every project that we have done. I hate to see the maximum put on there, but that's not etched in stone. I think we always can come back and add to any project. It don't make no difference what the motion is up here. We need to understand that. We can change anything we want any time we want to change it. So with that I call the question.

Chairman Hair said, call the question. All those in favor of the motion vote yes, opposed vote no. Commissioner DeLoach asked, what is the motion? Chairman Hair said, the motion is to approve —. Commissioner Odell said, it's passed. Commissioner DeLoach said, yes, but I wanted to hear what we passed. Commissioner Murray asked, have you got a recommendation on the location?

The motion carried unanimously?

ACTION OF THE BOARD:

Commissioner Saussy moved to commit the Commission to provide a maximum of \$700,000, plus accrued interest, to build a permanent band shell at a site recommended by the band shell committee after public hearings and approved by the County Commission. Commissioners Rivers and Thomas seconded the motion and it carried unanimously.

=====

ORDER OF BUSINESS

Chairman Hair returned to Item VI-1 at this point on the agenda, Mr. Gary Butch now being in attendance.

=====

IX. ITEMS FOR INDIVIDUAL ACTION

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

1. **REQUEST BOARD APPROVE THE FOLLOWING: A GENERAL FUND M & O BUDGET AMENDMENTS TO RECOGNIZE A CHILDREN AND YOUTH COORDINATING COUNCIL GRANT OF \$50,000 FOR A JUVENILE OUTREACH PROGRAM, INCLUDING A PROBATION OFFICER I POSITION, FOR JUVENILE COURT AND A \$15,000 COUNCIL OF SUPERIOR COURT JUDGES FOR COMPUTER REPLACEMENT FOR SUPERIOR COURT JUDICIARY, CONTINGENCY TRANSFERS OF \$10,400 TO JUVENILE COURT FOR SOFTWARE LICENSING AND \$1,650 TO SUPERIOR COURT ADMINISTRATOR FOR A MODULAR RECLASSIFICATION FOR A LEGAL ASSISTANT AND AN INTRA-DEPARTMENTAL TRANSFER OF \$8,000 WITHIN BUILDING MAINTENANCE AND OPERATIONS FOR A TEMPORARY, PART-TIME ADMINISTRATIVE ASSISTANT II POSITION; A ONE PERCENT SALES TAX ROAD PROGRAM FUND (1985-1993) RESERVE FOR VARIOUS COUNTY ROADS TRANSFER OF \$30,000 TO INTERSECTION IMPROVEMENTS FOR TRAFFIC SIGNAL AT THE INTERSECTION OF SR204 AT PINE GROVE ROAD/GROVE HILL ROAD; A ONE PERCENT SALES TAX EXTENSION FUND (1993-1998) CONTINGENCY TRANSFER OF \$40,000 FOR THE MOTHER MATILDA BEASLEY PARK PHASE I PROJECT.**

Chairman Hair said, the Chair will entertain a motion. Commissioner Price said, so moved. Chairman Hair said, I have a motion. Do I have a second? Commissioner Saussy said, second. Commissioner DeLoach said, second. Chairman Hair asked, any discussion? All those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioners Rivers, Odell and Thomas were not present.] Chairman Hair said, the motion passes.

ACTION OF THE BOARD:

Commissioner Price moved to approve the following: A General Fund M & O budget amendments to recognize a Children and Youth Coordinating Council grant of \$50,000 for a Juvenile Outreach Program, including a Probation Officer I position, for Juvenile Court and a \$15,000 Council of Superior Court Judges for computer replacement for Superior Court Judiciary, Contingency transfers of \$10,400 to Juvenile Court for software licensing and \$1,650 to Superior Court Administrator for a modular reclassification for a legal assistant and an intra-departmental transfer of \$8,000 within Building Maintenance and Operations for a temporary, part-time Administrative Assistant II position; a One Percent Sales Tax Road Program fund (1985-1993) Reserve for Various County Roads transfer of \$30,000 to Intersection Improvements for traffic signal at the intersection of SR204 at Pine Grove Road/Grove Hill Road; a One Percent Sales Tax Extension Fund (1993-1998) Contingency transfer of \$40,000 for the Mother Matilda Beasley Park Phase I project. Commissioners Saussy and DeLoach seconded the motion and it carried unanimously. [NOTE: Commissioners Rivers, Odell and Thomas were not present.]

=====

2. **REQUEST BOARD CONSIDER AMENDING THE CURRENT CHATHAM COUNTY ANIMAL CONTROL ORDINANCE AS PROPOSED BY THE MAJORITY OF THE ANIMAL WELFARE ADVISORY BOARD, AND INCREASE THE STAFF ALLOCATED TO THE ANIMAL CONTROL UNIT OF THE CHATHAM COUNTY POLICE DEPARTMENT BY ONE (1) CLERICAL ASSISTANT III IF THE PROPOSED CHANGES TO THE ANIMAL CONTROL ORDINANCE ARE APPROVED.**

Chairman Hair said, I would —, Dr. Thomas has stepped out of the room, but at agenda review on Wednesday, she and I along with the County Manager discussed this. I don't have a bit of problem with this motion. I do think it might be inappropriate to discuss it now since it's going to have a budgetary impact and we're going to have budget deliberations here very soon. I think it might be more appropriate to delay this until we get to the budget item because it does increase —, it does add a position and I have a real problem with adding positions in the middle of the year. So I think because we're so close to budget deliberations I'd like to see us maybe delay this until the budget. Chairman Hair recognized Commissioner Saussy.

Commissioner Saussy said, I don't know whether we can do this or not, but could we pass —, could we pass the motion to have the ordinance —. Chairman Hair asked, without the position? Commissioner Saussy said, without the position at this time. Chairman Hair said, I think we could certainly do that. I think that —, I asked the County Manager about that and he said that you wouldn't be able to enforce it because the position would be needed to do the thing —. Commissioner Saussy said, right. Chairman Hair said, so if you pass the motion it would sort of be a toothless motion if you didn't have a person, and then I wouldn't want them to assume that they're automatically going to get that position in next year's budget. If you're going to do that, you might as well go ahead and vote for it. So I just think because we're so close to budget

deliberations I think it would be good if we could —. Commissioner Saussy said, I just don't want this thing to drop like it has. Chairman Hair said, I totally agree. I totally agree.

Commissioner Price said, I agree with that. As well as the people that are in attendance today, I agree with what you're saying, but if they want to have another chance to speak to us from the Welfare Advisory Board —. Chairman Hair said, I think they should. I think they should. I think that they —. Commissioner Price said, let's give them that opportunity, otherwise let's go ahead —, otherwise let's do what you suggest and table it until the budget deliberations.

Chairman Hair said, I'll entertain a motion. Commissioner DeLoach said, I'll make a motion. Chairman Hair said, okay.

Commissioner DeLoach said, I'll make a motion that we go ahead and approve this as outlined. Chairman Hair said, okay, we have a motion to approve. Do we have a second? Commissioner Saussy said, second. Commissioner Jackel said, I second that. Chairman Hair said, all right. All those in favor vote yes, opposed vote no. Commissioner Murray said, let's have some discussion first. Chairman Hair asked, well, do you want to discuss it, Commissioner Murray?

Commissioner Murray asked, are you approving another position right now? Chairman Hair said, yes. Commissioner DeLoach said, yes. Chairman Hair said, if you approve this motion you're approving one full time position. Commissioner Murray said, I've just got some questions then.

County Attorney Hart asked, are y'all amending —, just adding a position or changing the wording? Chairman Hair said, adding a position and changing the wording. County Attorney Hart said, well —. Commissioner Murray said, we can't, we can't —. Can we change an ordinance without a second reading? County Manager Abolt said, no. No, sir. Commissioner Murray said, I didn't think so.

County Manager Abolt said, let me help you here. You had asked and you had a deadline at your last meeting you wanted something back on this. It was delayed because of the progress being made. This amounts to the result of a compromise of that group. Commissioner Saussy was involved. If you approve it in its current form, you make a commitment certainly not only to allocate money for the position, but that we'd come back on first reading at your next meeting, second reading the last meeting in July; it'd go into effect some time last Summer. Chairman Hair asked, but it still would be approving a full time position? County Manager Abolt said, yes. Chairman Hair said, if the motion passes. County Manager Abolt said, I mean, it's altogether, but I mean you can't do it —. Chairman Hair said, I understand. Commissioner DeLoach asked, at what time?

Chairman Hair said, all right, we have a motion to approve it as it —, the staff recommendation that we —. Commissioner Saussy asked, well, can —. Commissioner DeLoach said, go ahead. Chairman Hair said, go ahead, Commissioner Saussy. Commissioner Saussy said, I was going to say, if we can —. Chairman Hair said, if you approve this motion —. Commissioner Saussy said, I'm trying to get a way to get this motion passed with the clerical thing, and If we have to put it off —. Chairman Hair said, if you approve this motion, you'll be approving a one full time position in the middle of a budget year. That's what you're going to approve. Commissioner Saussy asked, but can we, can we say in the motion that this will go in effect as of the next budget year? Chairman Hair said, well, if you do that, then you're still approving —, you're going ahead and fixing that into the next year's budget. You're doing the same thing as he's getting —. Commissioner DeLoach said, I'd like to make an amendment. Chairman Hair said, you know. Commissioner DeLoach said, all right, let's do that. Don't approve one —. Commissioner Saussy asked, that way we know it's there. Chairman Hair said, well, if you —, but if you do that then you're not going to be able to take —, it's going to take a separate motion to take it out of the budget if you want to do that. Commissioner Saussy said, well, that's fine. Chairman Hair said, okay. Chairman Hair said, all those in favor vote yes —. Commissioner Murray said, let's discuss —. Commissioner DeLoach asked, what's our motion now? Chairman Hair said, your motion. Commissioner DeLoach said, okay, my motion is to approve —. Chairman Hair said, you motion is to approve as it is. As it is. Commissioner DeLoach said, okay. Chairman Hair said, that's it. Commissioner Price said, staff's recommendation. Chairman Hair said, staff's recommendation. Commissioner DeLoach said, my motion is to approve based on David's [Saussy] addition that we not fund the person in the middle of the year, but to start the funding the first of the next —. Chairman Hair asked, so the funding is January? Commissioner DeLoach said, in January, but go ahead and pass the ordinance and get it in place and move forward.

Chairman Hair said, we've got a problem —. County Attorney Hart said, you can vote on a position. Y'all can do whatever you choose on a position, but if we're going to change the ordinance, we've got to come back before here for first and second readings. Chairman Hair asked, so then it's premature to even put the position in when we haven't even approved the ordinance yet. So why don't we wait until we approve the ordinance and don't do the position? Commissioner Price said, there you go. There you go. Chairman Hair asked, why don't we just do that? Then you end up [inaudible]. County Manager Abolt said, you can do that. Gentlemen, the reason it's here is this is —, yes, it's staff analysis, but this is a recommendation from that citizens group, but we're trying to put it all together. You're absolutely right. You can either wait until the ordinance or you can do it now. It makes no never mind. Chairman Hair said, I think it's, I think it's premature for us to approve the position before the ordinance is approved. Commissioner Price said, I agree. Chairman Hair said, I think we should approve the ordinance and then approve the position. So I think it would be an inappropriate motion. Commissioner Saussy said, all right, then we can approve the ordinance and then —.

Chairman Hair said, so let's just, let's just —, if you'll withdraw your motion. Commissioner DeLoach said, okay. Chairman Hair said, and then —. Commissioner Murray said, we can't approve the ordinance until we have a first and second reading. Chairman Hair said, we're going to —, that's what I'm saying. We'll come back and approve the ordinance and then at that point in time we can make a separate decision on the position. Commissioner DeLoach said, okay. Chairman Hair asked, okay, how about that?

County Manager Abolt said, if I may, sir. I think we may have misled in the way that the report was fashioned. Part of the [inaudible] is the position. I think you want to be familiar with what the recommendation is as to the fee changes and how that affects certain categories of animals. Chairman Hair said, at that time though would be the first —, the first time to discuss that would be at second reading —. County Manager Abolt said, that's when you want to do it. Chairman Hair said, not now. County Manager Abolt said, yes sir. At the time there was great division, remember. People had different positions. They have now come together.

Chairman Hair said, I think it appropriate for the public and the people that are here from the police to make sure they understand what we're saying. We'll have full debate on this motion, but we'll do it at the second reading of the ordinance change. We don't take debate on first reading of ordinance changes, but I want to make sure everybody who came today to talk about this, you will have —, we'll have full, a full-blown discussion of this item at the second reading and everybody will have a chance to say anything they want to say. I want to make sure you know that that's going to happen, but we can't approve the ordinance change today anyway. It has to go to first and second readings. So I think it is maybe a little bit premature to have it on here. Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, Russ [Abolt]. County Manager Abolt said, sir. Commissioner Murray said, my question is, and I don't know who would answer this, we have a leash law in effect right now in Chatham County. Why is it not being enforced? Mr. Ken Earls said, good question. County Manager Abolt said, I'll defer to Chief Sprague on that. Chairman Hair asked, Chief Sprague, would you like to answer the question? Commissioner Murray said, well, I just want a straight answer of why it's not being enforced. Mr. Earls said, especially on weekends. Chief Sprague said, Lt. Kitchell from Animal Control will respond to that.

Lt. Kitchell said, we do respond to complaint calls as far as dogs at large or cat complaints, which are strays and so forth. I have [inaudible] the authority of those that are sick and —, sick or injured, and I respond to those calls first. As far as staff goes, at times it —, we're limited with our resources. We only have five Animal Control officers to patrol the whole area of Chatham County, excluding Hunter Army Airfield and Vernonburg, so staff is very, very small, and considering the complaint calls that we do have, that at times that we have to maintain a complaint list and address those other complaints the following day. Now we do have a person working the weekend, which is only one person; however, he, working Saturday and Sunday, he does take two days off during the week just to hold the overtime down. So —, but we're limited with our resources to what services we can provide.

Commissioner Murray said, my other question is, if you cite somebody for a dog that's out or a cat that's out that's not on a leash and it goes to court, what's happening in the court system? Lt. Kitchell said, well, that's determined by the court. Commissioner Murray said, I know that's not up to you, but all y'all can do is cite the people. What happens when it gets to the court, are they turning loose or what? Lt. Kitchell said, they have been better. At one point they were dismissing the cases; however, through the Recorder's Court of Chatham County we have seen an improvement there, but also too we're dealing not only with that court, we're dealing with Bloomingdale, Port Wentworth, Garden City and the rest of the municipalities, so we're dealing with more than just one judge, you see, and as far as cats at large go, we do not have a cats at large ordinance. But also we have done some research as far as our licensing fees and we found that 87% of those cats that were inoculated against rabies were also altered from —, by being either spayed or either neutered. I had contacted Michael Wheaton [phonetic] with the Humane Society and asked him, I said, well, what are we addressing as far as return of people who are claiming their cats, and I had a figure from him which I think in 1998 was only something like six or seven cats that were returned back to the owners, so actually with cats we're dealing with a stray cat problem, but not necessarily only cats, but in addressing cats that we do leave a trap with the person who's complaining about the cat, assuming that the cat is a stray, and that animal is —, we have to handle it twice. We have to provide a cage to the person who's complaining about the cat and then provide the service of picking up the cat from the person. Commissioner Murray said, the reason I asked that about the leash law, we've got a leash law and I don't think it's being enforced to the extent it should be enforced and because of that we are now in the unincorporated area put signs up not allowing people to walk their animals on the bike paths or go in any public park in Chatham County even if they have the animal on a leash. I don't think that's right either, and I think that's something we, as a Commission, are going to have to address. I know why it was done and I know the person who complained about it, and once that particular person complained, then it was put into effect. That is not the way we should be doing things around Chatham County, and that will be addressed at another day.

Vice Chairman Thomas said, okay, Commissioner Saussy and then Commissioner Jackel.

Commissioner Saussy said, yes, I wondered myself, Frank [Murray], why we don't have this leash law. I don't think it's really up to the Animal Control to do that in any way. It's really up to all the police departments, and I think, Frank [Murray], that they're lacking in calling or even when they see a stray dog or a cat, I know they might be doing something else, but we've got this Community Policing thing, it looks like to me that would be part of Community Policing, that they could come up.

I mean, the City of Savannah, Port Wentworth, and all these other places, they could at least call Animal Control to try to do something. I don't think anything's being done frankly. So I would like to see those things that are on the books taken care of and I don't think it's the Animal Control that's at fault at this. I think it's the, the people are not just really reporting or they really don't care, but this is a part of policing as far as I'm concerned.

Commissioner Murray said, let me state to you, I'm not against animals. I've got two dogs and two cats. I had a dog when I was first elected that was picked up three times. I went down and paid the fine and everything else. That dog is no longer alive. It was a dog that we picked up as a stray off the street, so I know that it works and it's being enforced. Commissioner Saussy said, I think it does. Absolutely.

Vice Chairman Thomas recognized Commissioner Jackel.

Commissioner Jackel said, I live downtown and walk my dog and there are a number of dogs that are not on leashes. There's an awful lot of them. No one seems to be doing anything about it and when my little dog, 16 pounds, and some dog 30, 40 or 50 pounds comes charging at my animal, and me, it is a pretty scary thing, and each person that comes out, regardless of the size of their dog or the age of their dog, when their dog is not on a leash, that encourages someone else not to have their animal on the leash. I don't think y'all have made a case downtown in a couple of years. Lt. Kitchell said, we primarily work off a complaint list and we do respond whenever we do have complaints. As I mentioned earlier, our work load is quite heavy and primarily for that we don't have really that luxury of time in dealing with, say, patrolled areas where we know we have problems when we're faced with other calls and so forth. Commissioner Jackel said, so what I hear you telling me is that nothing can be done about it? Lt. Kitchell said, no, I'm not saying that at all. I'm saying, as a matter of fact, that I certainly make and take your complaint and I have someone investigate it. Commissioner Jackel said, well, they're —, the dogs are running loose in Whitfield Square and Troup Square and some of the other squares down there that we're going to —, there's just —, it's just no control on it. You say something to someone and you get a very nasty response in return. They don't care about the ordinance. Now if a few people got ticketed, I'm sure word would spread and the whole thing would turn around, but there's —, it —, there's just no enforcement and that's become almost the norm now to take your dog out to a square and turn it loose, and that's not right for other people with dogs or people who have young children out in a square or people who for some reason are afraid of dogs or whatever. They're just —, it's just a bad situation. Lt. Kitchell said, well, I'll have that investigated. Commissioner Jackel said, thanks. Thank you.

Chairman Hair recognized Ms. Montine Earls. Will y'all let Ms. Earls to the podium please. Commissioner Price said, give way.

Ms. Earls said, Montine Earls, and I live in Georgetown. This past weekend, and I think Commissioner Price can back me up on this. Commissioner Price said, yes, I can. Ms. Earls said, we had two large dogs, a Rottweiler and a German Shepherd running loose. I called Animal Control. They had my husband pinned up against a fence growling at him and he came running in the —, finally got loose and came running in the house. I called Animal Control. I want to know what is the priority when you call Animal Control. My neighbor came up. He had to sit in his truck. They would not let him get out of his truck. I called, Commissioner Price's wife called, I believe —. Commissioner Price said, I called. Ms. Earls said, oh, you called? And we had another neighbor also call on these dogs. Now there were three calls. I want to know, did anyone ever show up to try to get these two dogs? Chief Sprague said, I'm not aware of that situation. Commissioner Price said, not to my knowledge. Lt. Kitchell said, I'm not either, but certainly I'll be glad to investigate it. Commissioner Price said, we called 911. Chairman Hair said, that certainly —. Lt. Kitchell said, I'll get with her after this meeting. Ms. Earls said, okay. Commissioner DeLoach said, best thing to do is shoot them.

Chairman Hair said, okay. Based on —, well, I've got the lady and then Commissioner DeLoach and then I'll get to you, okay. The lady in black is what's written on my form here. Commissioner Thomas said, I didn't know your name, I'm sorry. Commissioner Price said, like the Men In Black.

Ms. Paula Wagner said, my name is Paula Wagner and I'm part of the AWAB Committee. What we submitted to you, gentlemen and lady, is our recommendation of what we call phase one. We were asked originally last time to work on the overpopulation problem, and those were our recommendations. What we need to do now, and I agree with you, is to look into the leash laws and perhaps revise them, write them in a more effective manner with some different types of penalties; however, the ultimate responsibility for an animal is the owner's responsibility, and this is the person who needs to be, first of all, educated, second of all, fined, and appropriately. Our fines are very, very low. They date back many years. In fact, one of them even includes time on the chain gang, which I do believe is a bit outdated. We need to look at that as part two for our committee. But I agree, running loose is a problem unquestionably, and we need to work on that, but the owners need to work on it as well. If you have a problem in your neighborhood, take it up with a neighborhood committee. Make life very difficult for the people who are disobeying.

Chairman Hair said, Commissioner Murray has a question for you, 'mam. Ms. Wagner said, yes sir. Commissioner Murray said, since our last meeting when y'all were here and y'all's committees have met, this is something that the total committee has now agreed upon, is that correct? Ms. Wagner said, yes, as to part one. As phase one. Commissioner Murray said, I just want to make sure that we don't have the conflicts that we had in the past with it. Ms. Wagner said, no, there's no conflicts. I mean, it was a compromise agreement. Commissioner Murray said, good. Well, that's what it was

supposed to be. Ms. Wagner said, among some very well informed people, and it's workable. But if you don't provide what we say is needed to make it workable, it will just be on —, so much on a piece of paper.

Commissioner Saussy asked, may I say something? Chairman Hair said, yes. Commissioner Saussy said, I was at two of the three meetings and they have worked very well together on this. Commissioner Thomas said, very good. Commissioner Saussy said, I think it's worked out. Ms. Wagner said, but we need to work on the next stage and at large is a big issue of what you need to do, redefine it, [inaudible] ourselves to the penalty system of somewhat stricter [inaudible]. Give the courts some teeth in their judgements. Chairman Hair said, thank you. Ms. Wagner said, thank you.

Chairman Hair said, we have Commissioner Odell, then Commissioner Rivers and then Ms. Stone. Chairman Hair recognized Commissioner Odell.

Commissioner Odell said, Chief, just clarification. Our Animal Control handles the entirety of Chatham County, is that true? Chief Sprague said, yes sir, and last year we picked up dogs and cats, about 5,700 of those. The majority were dogs, about 3,000 to 3,500, and I wanted to pass that information on because I heard comments that nothing was being done. Commissioner Odell said, I think it is. I think we have a limited staff, we have unlimited complaints, and we're complaint driven. So the people we have, I think, are doing an excellent job. My only concern is that the problem is not a minor problem. It maybe a problem, as Martin [Jackel] said, in the squares, but, you know, I've got constituents who are afraid to walk in Sylvan Terrace because dogs are loose everywhere, and I guess my concern is that is this a matter of under staffing or is it we have to continue to complain? Chief Sprague said, I don't think what we have in Animal Control officers is enough to do the job in a county this size. I also know the restrictions that y'all are under as far as new positions, et cetera, but there's no way five Animal Control officers can take on a population of 240,000 human beings, many of them with pets, and be able to respond immediately, especially on weekends when we're down to our lowest ebb in manpower and, for instance, the lady in Georgetown. I don't like the thought of any citizen being cornered by a large sized dog, her husband or her child, especially against the incident that occurred with —, when a child was killed by an animal. But was that Animal Control's fault? I don't believe so. Commissioner Odell said, absolutely not. Here's my point: my point is if we're going to take a beating and our people are working as hard as they can, but, you know, realistically we are undersized for the problem. We're under staffed for the problem. Can you come forth, regardless of what we tell you as far as leaving it up to you, what you perceive as necessary to handle the magnitude of the problem, and then we as the Commission can make a decision and that is if you've got a staff of five covering this area from Pooler to Thunderbolt, inner city, and what have you, you're going to have some substantial lag time. Chief Sprague said, yes sir. Commissioner Odell said, you've just got to. Chief Sprague said, and we can, we can bring forth the numbers in front of y'all for your review and we have to treat it much as we do with our traffic situation with our speed enforcement unit. It's small but it's very mobile, and we plug it into a problem based on complaints, for instance, from Mr. Jackel's area or from your area, we put saturation on a complaint of that nature in the traffic area.

Commissioner Murray said, yes, but that's just in the unincorporated area, the traffic now. We're talking about countywide. That's something that —. Chief Sprague said, yes sir, and those numbers we can give you of what it would take us to do to have a force able to answer your complaints. Commissioner Murray said, what I've heard though is that we're only responding now to calls and complaints basically because you don't have the manpower. Chief Sprague said, yes sir. We don't have patrol time. Commissioner Murray said, and I don't think any of us ever said you weren't doing the job. I just said the leash law was not being enforced, and if you're only being able to take care of those people that complain, then it's not being enforced because you've got a lot of animals on the street that people aren't complaining about. Chief Sprague said, yes sir. That's one way of looking at it. Commissioner Murray said, and that's my point. Not that y'all aren't doing a job. I know you are. I'm willing to support anything the Police Department wanting to fund. I always have and I will continue to do that as long as they're doing what I think they need to be doing, and you're doing that.

Commissioner Odell said, well, I'd like to see what your recommendation is as to the magnitude of the problem, what you consider to be a solution, not only for staff and equipment, and compare that with other areas, comparable areas as far as staffing, as far as their Animal Control, and give us a recommendation saying if you want like with EMS a response time of X, half an hour or an hour or that week, then you can staff at this level, and if you want a more keener response, then you might have to staff at this level, and in order to do that we need this kind of equipment and we need this kind of facility so that we can quantify and evaluate. If we're just going to talk about the problem and make no decisions about it and not identify, then we're just kind of not doing a justice to ourselves and the citizens, but I think you can put it into perspective as to what it is you need to do the kind of jobs that the citizens here are demanding. Don't you agree? Chief Sprague said, yes sir, I do, and we can provide that type of analysis. Commissioner Odell said, and Russ [Abolt] is shaking his hand and got his thumbs up and —. Commissioner Thomas said, that's great. Commissioner Odell said, and you know it's Commission day because he wore an extremely nice shirt and tie. Commissioner Price said, Diane [Abolt] dressed him today like always. Commissioner Odell said, Diane dressed him. [Unintelligible comments when several Commissioners began talking at the same time.]

Chairman Hair said, okay, Commissioner Rivers, and then Ms. Stone and then Commissioner Jackel. Commissioner Price said, put me on that list. Chairman Hair said, I've got you down here, number four.

Commissioner Rivers said, I know you've got a lot of strain on your staff, but at night I see dogs in packs. Commissioner Thomas said, they're all over the place. Commissioner Rivers said, I mean, they are in packs. I mean, and I can imagine if someone is walking, you know. Dogs may not even bother, but they'll run when the dogs get behind them, and I've see that happen and I've seen one guy just run behind them and stomp his feet and they'd take off, but that's a dangerous thing to see a pack of dogs at night, and I've seen between 36th Street and Park Avenue to downtown one night I saw about five packs of dogs just in packs, and this was about maybe a month ago and maybe that was the season, but —. Chairman Hair said, this is a G-rated show. Commissioner Rivers said, they travel in packs. Chief Sprague said, when we were studying a competing plan to the one that was just presented by the AWAB, we looked into cost analysis on what it would take to enforce that particular plan and it led to an additional police officer, three additional Animal Control officers, a clerk position and equipment, but in that plan in the survey of analysis we did, we planned to put Animal Control officers on the streets on hours of nighttime, one, and on weekends, and we don't have that available to us now because of [inaudible], but it did have a price to it. Commissioner Rivers said, yes, I —. Chief Sprague said, less that band shell. Commissioner Rivers said, we might have to remain with those. It is dangerous out there. Chief Sprague said, yes sir.

Chairman Hair said, we have Ms. Stone.

Ms. Helen Stone said, I just wanted to say the original impetus of my coming before you all a month or so ago was to try to do something about this. Animal Control and the Humane Society are the two organizations that house these free animals. The Humane Society is charged with trying to adopt them to people and find homes for them. I think that we have a very serious problem in Chatham County with animals at large. This group did go back together for three meetings, one of which I did miss, and we sat down and worked very diligently to come up with a compromise that we think will work. I hope that you all will read it very carefully. I think it is the starting point. It's already been addressed that, yes, there're going to be some additional costs. We can't —, Animal Control can't do their job with the current staff that they have, and if we want to address the problem it is going to cost some money, but I hope that you will take this proposal and read it. This board did sit down and work very hard to try to come up with some things that was a compromise that we thought would address all the issues to try to encourage people to contain their animals and not have them at large, plus an incentive to try to get people to spay and neuter their pets because that is a large part of the problem right there. Thank you.

Chairman Hair said, thank you, Ms. Stone. Chairman Hair recognized Commissioner Jackel.

Commissioner Jackel said, I have to agree with my colleague Commissioner Odell about a plan. As I understand, this thing is complaint driven now, but if there was some periodic policing I don't think incidents like they were talking about in Georgetown would happen. If some people had been ticketed out there for their dogs at large and word had spread and this was done on some periodic basis, then those type incidents may not happen. If it's just purely complaint driven, then all you do is run to put out fires, and I think Commissioner Odell is right on the mark when he says a more comprehensive plan is needed.

Chairman Hair said, okay, Commissioner Price and then I'll get you 'mam.

Commissioner Price said, you know, this is something that can easily go from the levity of in one sense to the very serious aspect of it, but what happened that Montine Earls was talking about out in Georgetown on the same street I live on, was that we saw a Rottweiler and German Shepherd. I didn't know about the cornering of the individuals until after the fact, after the fact that I had actually called the dog over and petted the dog and looked at the tag and called the phone number on the tag and told the people you'd better come get your dog before Animal Control comes to get it. And at the same time I had my little girl running around the yard. It was Rottweiler and I know that dog could have done something had I not held on to the dog. Well, I got my daughter secured into the house and after a while, about 20 or 30 minutes, not seeing any Animal Control or anybody come, I finally let the dog loose with some neighbors across the street calling the dog as if they knew the dog. I thought this might be the owner of the dog. In fact, it wasn't. My point is, I never heard back from Animal Control, I never heard back from anybody, and so for the rest of that weekend I wouldn't let my daughter out of the house, but the point is there's no —, if Montine [Earls] called 911 and said this is what these dogs did and then identified the dogs, and we know that the Rottweilers are more dangerous than other —, and the pit bulls are more dangerous than other types of dogs possibly, or at least that's the perception. Maybe that's a wrong perception. My point is there was no response back to the people in that community as to what ever happened and what ever came of that, and so for the rest of the weekend there were those that went out, I'm sure, in fear of being —, of the dogs being around in the neighborhood again. There needs to be a better way, whether it's when we call 911 and 911 calls Animal Control, I guess that's the way it happens, there needs to be a better way of getting some type of feedback as to the disposition of that call and, you know, what happened —, you know, what —, and we need some way of having better communication occurring, Chief, in order for us, you know, for people to feel better about, you know, moving about in their own neighborhood.

Chief Sprague said, Commissioner Price, you're absolutely correct. That should not have happened. Usually the normal response is they see the Animal Control officer in the truck. Obviously, that didn't occur. We will look into it and I will look into some organizational changes, some administrative changes to where the 911 caller does get a call back.

Ms. Katherine Kelly [phonetic] said, I'm Katherine Kelly, I'm treasurer of PALS, I'm also Spay & Neuter Chairman and I'm a dog trainer. Your problem is not only animals running at large. You have a big problem with animal overpopulation. It is not being addressed. To my knowledge PALS is the only group who spays and neuters for the county wide at a reduced

cost for low income people. We do have a scale that we use. We have spayed or neutered over 400 last year at a cost of \$25,000 to PALS. That's no tax money, that's our money. It can be done, but you need to consider in your ordinance you need to consider animals running at large, but you also need to consider spay and neuter and require these people who do not have their animals spayed or neutered a high, high license fee. This will help animal control.

Chairman Hair said, thank you very much. I appreciate that. Commissioner Thomas said, that's a good suggestion. Commissioner Odell said, that is a good suggestion. Chairman Hair said, that is a good, very good suggestion.

Chairman Hair said, okay, if there's no further comments, we will proceed then with the ordinance first reading, second reading, and at second reading we will discuss anything that needs to be discussed and you folks are welcome to come back at second reading and talk about whatever you need to talk about. We appreciate your time.

Commissioner Jackel asked, do we need to vote on this. Chairman Hair said, no, it doesn't need a vote. We'll get a chance to vote on it at the ordinance time, when it comes back for second reading. Commissioner Jackel said, well, don't we —, well it's just then staff direction to come up. Chairman Hair said, right. The ordinance will be written and drafted and come to us for first reading.

ACTION OF THE BOARD:

Received as information pending proposed ordinance changes being presented for first and second reading.

=====

3. REQUEST BOARD CONSIDER OVERFILLING THE STAFF ALLOCATED TO THE CHATHAM COUNTY POLICE DEPARTMENT BY TWO (2) POLICE OFFICERS.

Chairman Hair said, before I open discussion on this issue, again Dr. Thomas and I and Russ [Abolt] discuss this at great length at agenda review on Wednesday. I had several questions that I think most of you will have that I'll go ahead and give you the questions and the answers that I was given. The first question I had was would this be an increase in the budget this year, and I was told no. The second I asked, would this be an increase in budget next year, and I was told no. The third thing I said was, if we're going to allow this one department to do this, we would have to allow any other department that were in a similar situation to do. Commissioner Price said, no. Chairman Hair said, and —. Commissioner Price said, I disagree with that. Chairman Hair said, well, let me give you the answer that I was given. I was later told that —, I had a clarification yesterday, Russ [Abolt] called me and told me that that would only apply to departments that were not under the 90-day freeze, but it would apply, for example, to the Sheriff's Department because it would apply to uniformed officers, sworn officers. It would not apply to anything other than sworn officers, but that —, that was the answer I was given, and I have some mixed emotions about this, but I certainly think that if we approve this today, I think it needs to be approved for both the Police and the Sheriff's Department equally. I don't think that we could approve it for one and not approve the other. Okay, Commissioner Murray and then Commissioner Price.

Commissioner Murray asked, did I understand you right that you said there would not be any increase in the budget this year or next year? Chairman Hair said, I'll let Russ [Abolt] answer. That's what he told me. Commissioner Murray said, one says \$56,700 out of Contingency. That's not an increase? Chairman Hair said, he told —, he told me no increases.

County Manager Abolt said, no, no, no. Let me, let me explain. The issue is overfilling of the authorized table of organization of personnel charges. It is used fairly frequently in organizations that have reclaimed, as best they can, people. As we said in the advanced information, Chief Sprague over the years has reclaimed about four or five positions. We had some officers that were not appropriately used, picking up bank deposits, providing security at the Library. Very similarly, but not right on track with the Animal Control issue, the Chief is exercising extremely good judgment in trying to make sure those highly trained sworn personnel are used in areas where they should be using areas and be doing so effectively. What we're having —, what we're facing now because we've got a growing population, a community of over 64,000 as far as SSD, the Chief is having to borrow from other units to keep a patrol force. He's continually having to take from one agency in his department to another and denying that other agency the ability to do their job. What I told the Chairman and Dr. Thomas is we would employ the position of overflow. Whatever his allocation of sworn officers are, if you approve it, we would hire two more, then it would be [inaudible]. He would have to live though within the budget authorization. The reason the \$56,000 is there, obviously we have to equip these people. We have to put them in vehicles. We have to buy them —, we have to buy them gear. That's what we need, and if you do not want to do it, certainly we will not do it. The commitment, whether it's the Sheriff, the Chief of Police, whomever, the department head must know going into it, just like the Chairman says, they get no more money in the budget year. They can overhire up to two people, but closely monitor month to month to make sure the expenditure pattern is within the bottom line allocation. If for some reason they're overexpending, we pull them up short and make cuts, but the end result is when the year is all over, there is no more money spent in that department, and any —, and again, in an organization that does not have the 90-day hiring freeze, usually in large departments, they can accommodate it because they're going to happen in a 12-month period where you're going to have people, you know, they retire, they go to another job, other things happen where you can accommodate in a total

allocation for personal services enough money to hire more than you have authorization to do, but you have to manage your resources, and that's what this is all about. That's all it is.

Chairman Hair said, okay, Commissioner Price.

Commissioner Price said, I move that we approve the hiring of the two overfill police officers and authorize the transfer of the \$56,700 from SSD Contingency Fund to the Chatham County Police Department Budget 104411 for the purchase of equipment. Commissioner DeLoach said, so moved —, second.

Chairman Hair said, we have a motion and a second. Chairman Hair said, Commissioner Jackel, we have discussion.

Commissioner Jackel said, yes, I have some questions on this. I'm not, not —, from the County Manager I heard, I heard your explanation, but I'm not sure what we're doing here. We're hiring —, we're going to overfill so we'll have two extra people. All right, and then each of those is going to have a car and equipment. Now if everything is going right, does that mean we have two extra people out on the street? County Manager Abolt said, yes, yes. Commissioner Jackel said, so we're upping our patrol by two. These will be patrol people? County Manager Abolt said, if you —, yes sir. If you look for a moment at page six of the staff report, it will kind of show you how extreme this has become. For a variety of reasons, the Chief has been unable to tactically deploy his full authorized cadre of officers, and it reached the high, as you see, of almost 15 people in 1995 and 1997, so there are times during the year when there are tactical needs the Chief is hamstrung because he cannot assign people because they're either doing other things, they're sick, sick leave, comp time, vacation time, or there may be vacancies, what have you. We're just saying he would still have the same number of officers throughout 12-months period. When it all ends up, he's not going to spend any more than on those authorized number of officers, but for budget purposes he can go to personnel and say I want to hire two more officers. But he's got to manage his resources and when all the year is over his budget still is in balance.

Commissioner Price asked, what is the P/Y column? Commissioner Jackel said, all right, so, so —. County Manager Abolt said, persons per year. Commissioner Price asked, what is —? County Manager Abolt said, personnel per year. Commissioner Price said, personnel per year. Okay. Chief Sprague said, police officer per year. Commissioner Price said, okay.

Commissioner Jackel said, okay, so this is going to at times put two extra police officers on the street is the —. Chief Sprague said, yes sir. Basically that's what it does. We've been field-stripping other units, COP, gang unit, et cetera, to get our patrol shifts built up to where they can handle the traffic and keep up with the response times to the citizens in the unincorporated area. What these two —, for instance, two months ago I had five vacancies in —, four of them in patrol, one in CID. Now how do you cover —, if four of you, y'all weren't here during the year, I mean, how do you cover that? It's the old finger in the dike and you move things around like a checker board. That's because we are lean. We're not fat with manpower. These are direct police services to the citizens of the unincorporated area of Chatham County, direct police services, and I haven't been able to give them what they're entitled to because of the losses in man-years in the five past years due to various controllable and uncontrollable circumstances during those years. But it won't —, I have to stay within budget, as the Manager says, next year. This year we've already done our checks and we have enough money in salaries and benefits to carry police officers through the end. As a matter of fact, we've got enough to carry four police officers to the end; however, I don't anticipate those kind of savings next year to carry four. I do to carry two, for a total of \$62,500, which we'll have to get some place in the Police budget as the year progresses, and savings do occur as the year goes on. They have every year since I've been with the County due to officers leaving or winding up on workman's comp. They can [inaudible] their salaries and benefits and they're on workman's comp. There's a variety of circumstances that cause the savings. And, for instance, Savannah Police Department right now is averaging 12 officers a year that they're doing the overflow category. They have a large department and that's the kind of turnover they have.

Chairman Hair said, okay, we have Commissioner DeLoach, then Commissioner Murray and Commissioner Odell and Commissioner Saussy. Chairman Hair recognized Commissioner DeLoach.

Commissioner DeLoach said, I was just going to echo what the Chief was saying. I think it's a good policy. It's the same policy we basically used, you hire 20 to get 16. Most large companies have to do that because of turnover, because of people being sick or whatever other reason. You don't necessarily have two more officers on the street per se. Assuming that you had 100 and you added two more, you've got 102 on the street. No, it's usually that those two people are sick, well, you've got those two people to fill in where those people are sick. So in reality you usually have the same number going out and the same cost because for whatever reason these people don't use all their time, they take whatever reason. You just about have to have a backup of about —, we have to have a backup of about six to make our numbers work out for a full group going out every day, and I'm sure it's the same approach that everybody else has to use to make sure they have enough meeting the quota they have to have. Chief Sprague said, believe me if our savings had been projected beyond this, I would have asked for six. As a matter of fact, that's what I really needed. Commissioner DeLoach said, the Sheriff's probably in the same situation. Chairman Hair said, he does.

Commissioner Jackel said, I understand that —, Eddie [DeLoach], I understand exactly what you're saying. You have to have 20 to have 16 there. They understand the same thing, but the question is why on June 25th of '99 is this coming up for the first time? I mean you understood they've always had vacation and sick leave and turnover and all these other things

— Chief Sprague said, sir, as I said, two months ago it was five officers missing, and I —, since I've been there for three years I've noticed the missing officers for injuries or various reasons —. Commissioner Jackel said, all right. Chief Sprague said, but this time we got to a critical boiling point on it. We were having to put four people from not only COP and Gangs, but out of CID, out of Criminal Investigations, and they're carrying case loads, and you plug them in and they're temporarily in uniform because the patrol gets the —, they get the, the highlighted service from us. I mean, we're not we make sure our patrol watches are up because they're the first responders to the citizen complaints or robbers or whatever, and it's been hell keeping that up lately. A study had never been done as far as the lost man-years. I had that done and we were brought up to five two months ago. These two officers if we get them, if y'all approve it, they were to go directly into patrol, which is going to take a load off of COP and CID. We'll have one each right now. As we've done in the past, I have been here three years. I have never had an additional police officer added to the police force although our population in the unincorporated area is up to \$67,000 now according to M —, the MPC. I know what y'all's strategy is on no new hires, et cetera, and these are public safety positions with direct police services, direct police services to the citizens of the unincorporated area.

Chairman Hair said, okay. We've got —, in the order we've got, we've got Commissioner Murray, Commissioner Odell, Commissioner Saussy, Commissioner Price and myself, but I think we'll allow the Sheriff to speak first because I think he might have some information and then we'll be able to take —. I'm going to recognize the Sheriff and then, then in that order: Commissioner Murray, Commissioner Odell, Commissioner Saussy, and Commissioner Price.

Sheriff St. Lawrence said, thank you, Mr. Chairman and members of the Board. I wasn't aware this was up. Everybody likes to be in an over/under situation where you'd have —, I've got six vacancies I just filled so everybody would enjoy having that. We've never been allowed to do that. I've got so many budgeted positions authorized and that's all you could hire, so when you had a vacancy you left it open. It'd be nice to have two or three or four, whatever the case may be, over so that you could fill those positions very quickly and live within your budget because of the salary savings on hiring lag and so forth.

Chairman Hair said, okay. Commissioner Price said, I'm going to amend —. Chairman Hair said, I think we're going —, I think Commissioner Price is going to amend his motion to include your department. Sheriff St. Lawrence said, thank you. Chairman Hair said, all right. We'll get the amendment and second to the amendment.

Commissioner Jackel said, well, you might as well add the DA to it because he's coming next. Chairman Hair said, Commissioner Murray —, well, I think Russ [Abolt] will address this, but I think it applies to uniformed —, I mean, it applies to —. You tell me what it applies to.

County Manager Abolt said, yes, you —, please understand, yes. In this case, because of the 90-day hiring freeze, it applies only to those positions that are exempt. If they were —, I mean, if they're exempt, excuse me, because if we take into our pool of saving \$900,000 a year and say overhire, we've lost that money. Chairman Hair said, right. County Manager Abolt said, it has to be public safety positions. Now if you do extend it to the Sheriff, and certainly I will work with the Sheriff, there has to be a commitment made that you'll live within, and I know he will —. Chairman Hair said, he's already made that. County Manager Abolt said, and also we'd have to come back with a request from the Sheriff to come up with the equipment. Sheriff St. Lawrence said, let me answer that question. I wouldn't have a need for the equipment. Most of my people don't have take-home cars, so I mean, that wouldn't —. Chairman Hair said, okay, that answers that question. Okay, thank you, Sheriff. Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, Russ [Abolt], I was just looking down the Special Service District Contingency. We started out with \$105,000. Last month we replenished out of the fund balance \$358,000, if I'm reading it right. County Manager Abolt said, yes sir. Commissioner Murray said, and if this goes in effect that would draw it down to a little less than \$300,000. County Manager Abolt said, that's correct, sir, and we do have some —, this is something you'll get for the first time, but I will tell you because you're in the context of the Special Service District, we have some initial readings on the digest, and the digest growth was not as we expected it to be in the Special Service District, so we're going to have to draw down a little bit of that before the end of the Summer. Commissioner Murray said, okay. Chief, you know, we implemented a pay plan, a new pay plan for your department. I think we've also done that for the Sheriff's Department too. Is that having any effect at all on people leaving the force? Chief Sprague said, oh, yes sir. The turnover rates we've had in the last five years I do not anticipate them in the out years. This year, for instance, instead of 13, we're at the six-month mark, we have lost three officers for a variety of reasons, but they're good reasons. They weren't terminated, for instance, number one. One went to join his wife who got a scholarship for a master's degree up in the Atlanta area. Good officers, but we've lost three to date. I really don't see any in the next six months from just the APO, the bulk of our officers. Our turnaround rate has greatly improved from the pay plan, but we will —, the workman's comp angle and the injuries and vacation time, we're saddled with that. Commissioner Murray said, so the only cost that you're asking for right now is the \$56,000 for equipment and vehicles. Commissioner Thomas said, right. Chief Sprague said, yes sir. Commissioner Murray said, Sheriff, I'd like to ask you a question. How's —, has that pay plan been in effect long enough for you to see any benefits yet? Sheriff St. Lawrence said, it's very much improved. The only advantage they have now leaving the Sheriff's Department, it may be a take-home car or something of that nature. Pay-wise I believe, and I think the compensation study will show they're pretty much at market level, but we've already seen an improvement in that. Now you have to understand we have a very large department and I have, you know, a lot of —, close to 400 employees total. Where we're really lacking seriously, and I got a waiver on here today that's in the civilian staff, and I hope that the

compensation study is going to take care of that. Chairman Hair said, I think it will. But the peace officers, we're much better off.

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

Commissioner Odell said, Sheriff, you're probably going to be added to this motion, and what number would you like? He's getting two overstaffing, you'd like what? Three, four, six? Sheriff St. Lawrence said, four. You want an honest answer, I'll give you an honest answer. I realize that I'm going to have to —. Commissioner Odell said, no, give me a —, you're the Sheriff, give me a dishonest answer. Sheriff St. Lawrence said, bear in mind that sworn officers are officers. The County Police has, I guess, 150, 160, and I have close to 300. So, you know, we're in a different —. Commissioner Odell said, wait a minute. His is how many? Chief Sprague said, 133 currently. Commissioner Odell asked, and your's is —. Sheriff St. Lawrence said, right at 300. Chairman Hair said, so that's about right. Commissioner Odell said, doubled. Sheriff St. Lawrence said, but we will, we will —. Like I said, equipment wouldn't be a factor with us, and the other thing is, we realize we'd have to live within our budgeted —. We've just never been allowed to overfill. This is something new as far as the —. I know the City Police have done it for a long time, but they're dealing with the department and the City can do that. Commissioner Odell asked, how will this affect both of you utilization of the issue of overtime? Will this reduce overtime in part? Will there be some offsetting benefits? Chief Sprague said, from the Police Department perspective, no because we're using two overfill positions really to cover historically 13 people, but really in actuality if I were to ask, I'd ask for six to eight, but my budget can't take it in the out years. So it's not going to reduce overtime because that overtime has been used and will be used. Two is not going to fill the gap is what I'm saying. Commissioner Odell asked, Sheriff, is your overtime running about do you expect, approximately half a million dollars this year? Sheriff St. Lawrence said, my overtime is really running high and the greatest contributor to that is the courts. I mean, the courts are just, you know —, every day we've got people coming from the jail, sworn deputies that work helping in the courts because of the lack of manpower there, but I can't —, I've got to get along with them judges to do what I have to do —. Commissioner Odell said, oh, absolutely. Sheriff St. Lawrence said, and control the courtrooms, and that's where my greatest overtime is right now, and if we have somebody that checks out sick or more than one or two people on a shift at the institution, then somebody has to go on overtime because these people have to be watched and made to do what they're supposed to do. Commissioner Odell said, I guess my only concern is that I had hoped that we would have done this years ago because this is the logical thing to do. I think most private industries are doing this. I know that most hospitals do, and they leave the managers with the —, they leave the manager of a department with the obligation to remain within budget. Large departments you have enough turnover so that you reap some benefit and it's not going to be a problem. One of my concerns is overtime and how we also can reduce that and if doing something like this would also reducing overtime. Sheriff St. Lawrence said, I don't think it would be —, I think it would help some, but I don't think it would be that significant. The Chief said up here that he's asked the people before, or every year I've come up here and tried to increase the staff as far as the court's concerned and the money is never there. I'm not complaining about that, but we haven't increased the staff in the courts or anything in years and, you know, and we've got six Superior Court Judges now and we've got Judge Emeritus Judge Oliver and them come in. You know, we have to take care of those things. Commissioner Odell said, I agree, and it's kind of unfair and unrealistic when we said that the monies aren't there but we have to pay overtime to cover it. You don't dictate when the courts are open. The judges dictates when the court's open. Sheriff St. Lawrence said, well, we had us —, we had a visiting judge the other week. He carried court until after nine o'clock. Well, you know, you have to pay overtime. You can't —, I mean, I can't tell the judge to stop his trial, so to speak. Commissioner Odell said, I'd like this coming budget year for us to try to cure some of that. I'd rather pay a fixed hourly rate rather than pretend that we're not increasing staff and pay time and a half. Sheriff St. Lawrence said, I think we should look at the total amount of overtime that we're spending and see if we can't turn in to Personnel and cut out the overtime or just about cut it out, but I —, you know, it's kind of hard to guarantee you something like that. I know that the workload and they've got their problems, I've got mine, and the biggest problem I've got is with the courts and the jail. I don't have no overtime on the street, I've got reserve officers that come and help us in the Jail or this program that we run. We've got close to 40 reserve officers. They help us out. When we need two persons in a car and that sort of thing, and they don't cost the County anything, and that's the reason we maintain that program, but you do the best you can with it.

Chairman Hair said, also too, Sheriff and Commissioner Odell, the management study is going to also look at that issue. That's going to be a major part of the management study is looking at staffing levels. Not, you know, the compensation study is separate. We're talking about stacking levels, and that —, the compensation —, the management study is going to address that issue so we'll have a much better feel for what our problem is. We'll have an outside objective opinion of it, not one a department head and all the —. Commissioner Odell asked, do they actually look at our systems? Chairman Hair said, yes, yes. Processes and procedures is a major part of the study. So, they'll look at both the people side and the process and procedural side and see where we get the maximum efficiency. So that will address a lot of the issues. Chairman Hair recognized Commissioner Saussy.

Commissioner Saussy said, thank you. I think this is a good thing and I'd like to commend the Chief for coming up with this. In fact, I would hope that both the Sheriff and the District Attorney will thank you for doing this because it helps them too. I'd like to make a motion that this —. Commissioner Odell asked, we've got a motion, don't we? Chairman Hair said, we've got a motion on the floor. Commissioner Saussy said, oh, we have, okay. Chairman Hair said, yes, we do. We have a motion to, to —.

Commissioner Price said, if you're done, David [Saussy], I'll go ahead and amend the motion. Chairman Hair said, okay, we have a motion and a second. We'll have to deal with that motion first if you don't want to amend your motion. Commissioner Price said, I want to —. Chairman Hair said, listen to his motion and see if that's what you want to do. Commissioner Saussy said, okay. Commissioner Price said, simply put, the alternate one in your agenda item is what I originally moved for, and I would like to amend that to include the Sheriff's Department to be able to do the overfill procedure without any additional—. Chairman Hair said, up to four positions. Commissioner Price said, up four positions without it affecting the overall budget of the Sheriff. Chairman Hair asked, and will the second accept that? Eddie [DeLoach], I think you —. Commissioner DeLoach said, yes.

Chairman Hair asked, does that—? Commissioner Saussy, do you want to add anything to the motion? County Manager Abolt said, just for clarification, Commissioner Saussy referred to the District Attorney. Please understand, it only applies to public safety personnel with a uniformed officer. Commissioner Odell said, the District Attorney is not in this. County Manager Abolt said, no sir. Commissioner Odell made a comment why hadn't we done it before, the reason we've not done it before is because the vast majority of County employees are part of the 90-day hiring freeze, so the organizations that don't have it you could do what you just implied, but for a number of years we've had to amass up to \$800,000 in savings each year from turnovers. Commissioner Odell said, oh, I know. Y'all have done a good job.

Chairman Hair said, all right, we have a motion and a second. Any further discussion? 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:

Commissioner Price moved to approve the Police Department hiring two overfill police officers and the Sheriff's Department hiring up to four overfill officers for the remainder of 1999 and next year, to be funded from savings within their respective budgets, and authorize the transfer of \$56,700 from SSD Contingency Fund to the Chatham County Police Department Budget 104411 for the purchase of equipment for the two overfill positions. Commissioner DeLoach seconded the motion and it carried unanimously.

=====

RECOGNITION OF GUESTS

Chairman Hair said, I would like to recognize in the audience out there, we have Representative Anne Mueller with us this morning. We're glad you're here. Do you want to say anything, or —? Come on up.

=====

PAVING AT HUMANE SOCIETY

Representative Mueller said, I just want to ask you a question. Commissioner Price said, boy, did you open a can of worms? Representative Mueller said, thank you, Mr. Chairman, lady and gentlemen of the Commission. I came up here really to ask about the paving the Humane Society, and I know this is not on the agenda. I'd be happy for you to put it on right now if you'd like to, but —. You asked me if I have anything to say and that's it. Commissioner Odell said, don't be shy now. Chairman Hair said, to be totally technically legal we probably, if y'all want to put it on, we can amend the agenda in order to discuss it. Let's do that.

Commissioner Price said, so moved. Commissioner Thomas said, second. Chairman Hair said, we have a motion and a second. Any further discussion? All those in favor vote yes, opposed vote no. The motion carried unanimously. Chairman Hair said, we've put it on the agenda.

Representative Mueller said, that was smart. [inaudible] be on today, that's what —, that's what I really seriously —, because I've got another meeting and, I mean, I will —, if you're kind enough to put it on I will stay if it's not going to be too late. Chairman Hair said, it's on now. Representative Mueller said, oh, it's on now. Well, just pave that darn thing and get it over with. That's all I'm asking. It's —.

Chairman Hair asked, do we know what that costs, Russ [Abolt]? County Manager Abolt said, no sir. I'm reaching out and that's dangerous. Commissioner Price said, clarify what she's talking about. County Manager Abolt said, the issue —, the issue there was the Humane Society doing certain engineering because the County could not subsidize it. Now whether they've completed that or not, I do not know. Representative Mueller said, my understanding is when I talked to Al Bungard, the Engineer, that the paper work had been turned in from the Humane Society. That's my understanding. Chairman Hair asked, okay, and then what's the next step from there? Representative Mueller said, nothing. County

Manager Abolt said, we will submit the County contract. There's no problem. The issue was not the County to move. It was —. Representative Mueller said, if I need to come back at another meeting, you know, if you want to be sure that's correct, then I will come back.

Chairman Hair asked, can we do this? Before —, as soon as this meeting's over this afternoon, Russ [Abolt], if you will check with Al's [Bungard] office and make sure the engineering's there and then communicate back to Representative Mueller. County Manager Abolt said, you've got it. Chairman Hair said, and then the County contract will be issued that month. Representative Mueller said, I would appreciate it because we've been choking on dust for a long, long time out there, and there was a problem with the Humane Society not getting their part in because of the engineer they were working with. My understanding is that has been completed and it's ongoing. I just would like to ask y'all to start on that as soon as you can. Chairman Hair said, that will free up the County contract as soon as that's done. Representative Mueller said, thank you so much. I appreciate it. Chairman Hair said, thank you, Representative Mueller. We appreciate you being with us.

Commissioner Thomas said, the Dictionary Lady was here. I don't know whether she's still here or not. Chairman Hair said, I don't see here now. I saw here earlier. Commissioner Thomas said, well she was here.

=====

4. STATUS REPORT ON CONTINUATION OF BYRNE GRANT FOR CANINE PROGRAM.

Chairman Hair recognized Sheriff St. Lawrence.

Sheriff St. Lawrence said, thank you, Mr. Chairman and members of the Board. We had a meeting last Friday, the Grants Committee. I know you've gotten all this correspondence and the Chairman, at my request, came to the meeting, as well as the Manager. We had a great show of support up there. I want you to know from the beginning this was not political at all in my opinion. This all started over the unhappiness of a lieutenant I had out there that I fired and, you know, when we went into this program with the State, they were going to fund 100% of what they wanted us to do additionally, and I told them at that time if they ever stopped funding us, then it would be —, we wouldn't be able to do all these things and I wouldn't come up here and ask you to do them. I'd give you all the options, but first and foremost we'd have to take care of Chatham County, and that would be it. But I think —, I'm optimistic right now after all the phone calls and the talking over the last four or five weeks that we're going to reach a successful conclusion in this matter. We may have a State —, or a control board made up of myself and, I think what they had proposed originally, the District Attorney and someone from whatever State department the money would be funneled through, and the program would go on at their level at 100%. Again, I —, this is more of a personal matter involving Ms. Gilland, who's the Criminal Justice Coordinating Council Director, and Lt. Derryberry, who for the first year of this program did quite a bit of traveling with her selling this program, and when he became unhappy and wanted to be a Captain and so forth and so on, things just kind of went downhill. When he took that dog to Florida to do work for the Church of Scientology for profit and left the handler without —, immediately when I found out I had him in the next day, found out he had done it one time before, and I immediately terminated him. That's the only way we can do business, but I hope the program continues. There ain't but three certified trainers in this State, and Mr. Derryberry's one and I have the other two, and any day of the week you come out there you're going to see Augusta or Daugherty County or people in here in training, plus they get some practical experience on the calls that we get. I sent you a copy of my letter of our schedule of activities in the month of May. Now that was a heavy month, but we averaged 15½ searches a day for every day of the month, but, you know, with Columbine High School and what happened in Conyers and —, we had a bomb threat at the courthouse yesterday. So everybody's into making bomb threats over the telephone and you can't take them lightly and you have to search, and the other thing is there ain't but two bomb explosive dogs in this State and I've got both of them. The others in the Atlanta area won't go out of their jurisdiction, so I appreciate all the support I've gotten even from people out of the Governor's office, and we're trying to do everything we can do to maintain the program. I'm not up here asking for any money because we haven't reached that point yet, and we may have to —, and I assume we will cut it way back if it doesn't work out, but I'm optimistic right now, and I appreciate again the Chairman and the Manager coming out, and we did have a strong show of support from the Federal and State agencies out there.

Chairman Hair said, we'd —, I'd like to make a couple of comments about this, and Russ [Abolt] can add whatever he wants to add, but they were going to actually cut this program June 30th. Just cut it. Zero. We'd have nothing, and —, which would have been a really a —, have a serious impact on our County and the safety of our citizens, and through the efforts of the Sheriff, which he did an outstanding job at the Council, they allowed all of us to get up and make presentations. The show of support universally in this region for this program was absolutely astounding. We had —, we had representatives from DEA there, Customs, the School Board Police, Bloomingdale, the Chief of Police from Savannah. I mean, it was just —, and all of them were basically saying the same thing, this was an outstanding program, had benefitted tremendously, and I think the Council saw the handwriting on the wall that this program really did have an outstanding reputation and had helped a lot, so we were able to get —, at that meeting we were able to get a 60-day extension so at least we weren't cut off. That gives us two months to work out the permanent problem, and they voted at that meeting while we were there to give us a 60-day extension, and so I think it was an example of everybody worked together. Russ [Abolt], did you want to add anything? I mean, I think it was —, the support there was overwhelming in support of this program.

Sheriff St. Lawrence said, let me just add that three months ago we called —, most of the dealing goes on between Major Murray and Joe Hood, who is her right-hand man, and they told us to hurry up and get your paperwork in because your grant's approved for 1999-2000, you know, so everything was on track. It's very unusual for the State to cut you off of funding with 28-days notice and that's really terribly unfair to Chatham County because our budget year runs December 31st, and I want you to know that in the beginning if they don't —, you know, and nothing else, is that we called her on the telephone and talked to Joe Hood because she wasn't available and said that we need to sit down and talk and iron this out, there's some things you don't know. They didn't respond until the day I sent that letter out and they called that day and Mr. Prince said that the Director said that if we had anything to say, put it in writing, and that's exactly what I did and, you know, and I really don't think that's the way to solve the problem, hurling insults back and forth, if you want to call it that, but we got back against the wall and didn't have no choice, so —.

Chairman Hair said, well, I think it was a successful conclusion. I think you did a great job in leading that effort.

ACTION OF THE BOARD:

Received as information.

=====

- 5. 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. MPC FILE NO. S-98-12360-C**

Chairman Hair recognized Mr. Bill Saxman.

Mr. Saxman said, well, in summary, we did —. Commissioner Price said, I want to move —, I want to move that we recuse Commissioner DeLoach from a vote on this. Chairman Hair said, okay, we have a motion. Do I have a second. Commissioner Thomas said, second. Chairman Hair said, second to recuse Commissioner DeLoach. Okay, all those in favor vote yes, opposed vote no. The motion carried unanimously. Chairman Hair said, thank you. Chairman Hair recognized Mr. Saxman.

Mr. Saxman said, well, basically this is an amendment to the general development plan for the —, what used to be known as the Clifton Landfill, which is now the Savannah Regional Industrial Landfill. The site does have a plan that's been recorded. It does show a 125-foot landfill, industrial landfill on this site. They want to amend that site to put a transfer station and possibly a processing facility in the future. The Planning Commission did recommend approval of this. At a previous meeting y'all denied that action, and you are now reconsidering this. It was originally, the draft you have before you with the MPC input is an amendment to the original MPC report based on the County's request that the staff identify whether or not the 90-day temporary issue would be a problem. It would not have been because the Planning Commission recommended a permanent facility. I understand now that they are asking for consideration of a full approval of this process and not the 90-day time period, but either situation a final specific site plan would have to go back to the Planning Commission based on whatever the conditions are placed on the site by the Commissioners, and that would rule on the future use of this property.

Chairman Hair said, okay. I guess I'll open up the discussion of this. I voted against this last time. I was concerned about the neighborhood opposition, I was concerned about the Mayor of Port Wentworth, his opposition and the City of Port Wentworth. It's my understanding, and we have these folks, I'm sure they'll make their speeches to us in a moment, but it's my understanding the company's gone back and has tried to work with Port Wentworth and the residents, and I think they —, they've communicated to me a couple of times about the progress there and I'm willing to listen to anyone this morning, but I think this company, whether you vote for or against this, I think they really have made a yeoman's effort to try to appease the folks that had problems, and this thing was turned down because of citizen opposition primarily, and I know everybody is not going to be totally happy. They never are with anything we do, and I understand that, but I do think that they have satisfied —. I've discussed it with the Mayor as early —, as late as this morning, and he's a got a contract with them that he can live with, and he's here to speak for himself if he chooses to do that, but I do think that they've done that and I can now vote for this. Chairman Hair recognized Commissioner Thomas.

Commissioner Thomas said, I'd just like to concur that one thing that I found in my discussions with them, because I had great concerns about making sure that when you do business with these homeowners like that, they have been there for a lifetime, and to be asked to give up something that they have had for all of their lives, they need to really be compensated properly, and I think that they have made offers in good faith to do that, and I'm well pleased with that. So I just wanted to make that known to the public because oftentimes you do not find that companies will bend over backwards to do what they have done at this point, and I just want to say that publicly because I feel that this is very good. It's not only good public relations, but it makes the homeowners feel better not to, you know, their entire expense, but it makes them feel better that, okay, I have to give up my, you know, my property or my home or whatever, but at least I'm going to be given proper, you know, consideration in terms of making a new start.

Chairman Hair said, we'll recognize everybody. Mr. Amick do you want to make any opening comments, or Mr. Hardee, we'll recognize anybody back there, the Mayor, or anybody that wants to speak. If you want to speak, we'll certainly welcome you to speak.

Mr. Jamie Amick said, I'm Jamie Amick. I'm the General Manager of the Savannah Regional Industrial Landfill. First of all, I want to —, I appreciate the comments. I know we've worked diligently with the Mayor of Port Wentworth and his staff and his people and the residents across the street to try to make amends and a compromise so everybody will be satisfied, but I want to introduce Jimmy Steele, Director of Special Projects, which I know each one of you have talked to in the last few days. Like I say, I appreciate it. We have worked diligently and at this moment we are asking for the approval of the amendment, general development plan, to transfer and process waste, municipal solid waste at our site at Port Wentworth. Previously, you know, like I said, we had some opposition but we've worked that out, and at this time we'd like to, you know, like for you guys to consider the request for a permanent transfer station at the site.

Chairman Hair said, thank you, Mr. Amick. Mr. VanHook, Mr. Hardee, Mayor, anybody that wants to speak, please feel free to do so.

Mr. James VanHook said, good morning. They have come before the residents. I was pleased that Chatham County —. The Clerk said, please state your name for your the record. Mr. VanHook said, my name's James VanHook. I was please with what Chatham County, the Commissioners did the last time, that they gave us a little time, brought those Republic and the neighborhood together and gave us some time to, you know, sit down and talk and find out where everybody stood and negotiate. We had some input from Port Wentworth, who can benefit from this, and we're concerned about our neighborhood, but we're also concerned about the rest of the citizens in Port Wentworth. Twelve people, you know, I came up here and hollered about 12 people, but I also have in mind the rest of the people in that city, and this will be beneficial to them. I've elected to take the offer and I will not live in Port Wentworth. Not because of them, but I was ready to move on anyway and things just worked out that way for me. I'm no longer, you know, I'm not going to oppose them. I believe Mr. Amick's going to run a good facility over there. I've got to know these guys pretty good. We're on a first-name basis, and, you know, we sat down and talked and hashed out different things and really worked —, really, really sat down in a real hard effort and came to an agreement that I think everybody's happy with, all the residents. Chatham County can benefit from this. I hope that Chatham County just, you know, sticks their nose in once in a while and just looks and makes sure things are going on like they should be. Chairman Hair said, that will happen. Mr. VanHook said, we don't want the thing to turn bad. Chairman Hair said, that will happen. Mr. VanHook said, I even asked them, you know, if they'd allow somebody from the neighborhood —, you know, if somebody from the neighborhood wanted to come in there occasionally and looked, and they said no problem, we don't have a problem with that, you know, as long as they check in and so they were concerned about their safety out there, that they don't get run over by a truck, we don't have a problem with them coming out and looking at our facility. So that's made a big change for me too. So, you know, it's up to —, I guess up to you guys to decide which way you want to run with this thing.

Chairman Hair said, thank you, Mr. VanHook. Did you have a question for Mr. VanHook? Commissioner Price said, no, I want to make a motion. Chairman Hair said, okay. Let's recognize the Mayor, Mayor Hinely. Commissioner Price said, okay, go ahead.

Mayor John Hinely said, Mr. Chairman, most honorable members of the Commission. Good morning. I'm John Hinely, Mayor of Port Wentworth. I think the last time I stood here Mr. Steele had a lot of concerns. When I spoke to you last time I didn't bring my glasses and I had notes. This time I have my glasses and I've got notes, but I don't know that that's what I need to do. When you're talking about a process and transfer station, each and everyone of you has that little thought in the back of your mind, not in my backyard. You know, all of us has those concerns. That is indeed a concern of Port Wentworth. Has Republic made an honest effort to address all the issues brought before them. I think they have. You know, if you're asking me this morning do we like it in Port Wentworth, you know, the answer's still no, but I don't think that's the full question that you're going to need to address. I'm sure that when I finish if I don't say it, Mr. Steele or one of the representatives from them is going to address that. That's not your —, that's not what you're debating this morning. You're going to have to debate and decide whether this is in the best interest of Chatham County. They have come, they made offers to the first four people up on 21 for an irrevocable letter to purchase their property at any time. We said that that wasn't good enough, that was a whole community, that they needed to address those. They came back and they did those. They've given us a contract that was passed and signed last night at our council meeting. It's a very good offer for the City of Port Wentworth. You need to decide whether this is in the best interest of Chatham County as a whole, understanding we still have concerns. One of the concerns that we have that has not been addressed —, I've talked to the Chairman this

morning. You need to have somebody that's going to be responsible that if complaints and concerns arise, then we can contact with the County because it is not in Port Wentworth. It is in the County, and we need a contact that if something happens, Mr. Steele and them have said we can call them direct, and I'm sure they will try to address them, but if we're still not satisfied, we need to have somebody with the County that we can contact.

Chairman Hair said, let's see, Mayor Hinely —. Russ [Abolt], wouldn't that be Inspections Department if they —, who would that be? County Manager Abolt said, well, let's make it simple: my office. Chairman Hair said, your office. Okay, that's it, the County Manager's office, okay. Commissioner Price said, the buck stops there. Chairman Hair said, if they any —, any citizen has a complaint, call the County Manager. Mayor Hinely asked, do any of you have any other questions or anything —? Chairman Hair said, I have no questions. Does anyone have any questions of Mayor Hinely? Chairman Hair said, I recognize —, does anybody else —, Mr. Hardee, do you want to speak? Anybody want to speak? Chairman Hair said, okay, I'll recognized Chairman --. Chairman? Commissioner Price for a motion. Commissioner Odell asked, Chairman Price? Commissioner Price said, that's an honor that I've yet to assume in any way.

Commissioner Price said, you know, every year Port Wentworth has what we're all very proud of, which is the Stand Up For America Parade, and I think today what you're hearing is that Port Wentworth is willing to stand up for Chatham County too, and I think that's commendable that these parties have gotten together and have come to terms of something that is very vital and very essential for us, and that's the ability to take our waste and transfer it out of here, very simply put, and I'd like to commend the Mayor and I'd like to commend all of the parties involved, and with that I make a motion that we approve what the MPC has recommended to us. Commissioner Thomas said, second. Chairman Hair said, I have a motion and second. County Attorney Hart said, Mr. Chairman. Commissioner Jackel said, Mr. Chairman. Chairman Hair said, we have Mr. Hart first and then Commissioner Murray.

County Attorney Hart said, the current recommendation of the MPC is for a 90-day extension for a trial permit. It is my understanding that the petitioners are asking —. Commissioner Price said, I will change my motion to —. County Attorney Hart said, in lieu of the fact, to a permanent. Commissioner Price said, to a permanent. Chairman Hair said, okay, Commissioner Murray.

Commissioner Murray said, that's where I have a problem. That's where I have a problem. I think it still needs to stick with the MPC's recommendation for 90 days and at the end of that 90 days then it would be permanent if there are no problems. Mr. Saxman said, the Planning Commission's recommendation was for a entire permit. Now if they asked us to come back and we've got in —, we italicized it, but 90 days would not be in violation of the MPC's recommendation because it would be a shorter time period. Chairman Hair said, but the MPC did recommend approval. Mr. Saxman said, right. Chairman Hair said, that was there original recommendation. Chairman Hair recognized Mr. Steele.

Mr. Jimmy Steele said, we offered 90 days, but in the interim we went back and we addressed everybody's problem. That's why we're coming back now and asking for the permanent because I think the Mayor and the residents all agree that the permanent's fine with them.

Commissioner Murray said, let me just ask you a question. Since our last meeting when we had so many residents up here that were opposed to this and adamantly opposed to it, what have y'all done now other than offer to buy their homes to make them change their mind? Mr. Steele said, we've gone back to them and we've offered to buy everybody's home in the community. Everybody, you know, had the option to sell it. They didn't sell it to us so what we've done is when Mr. VanHook brought us the price of his property it was a set amount, and I told him to go back and put all your expenses you had, you know, coming up here, taking off work. That's what he did, he gave us a number, so we offered that to every household in the community because we know they all had expenses. Commissioner Murray said, I was just curious to see it change from one extreme to the other that quick. Mr. Steele said, I think a lot of it was in communication too. You know, they were here and we were here. We finally got together and sat in a room and talked.

Chairman Hair said, I would like to close this discussion —. Oh, you weren't through? I'm sorry.

Commissioner Murray said, no, I was just saying that, you called me yesterday and I returned your call and we talked about it, and what I told him then if the citizens were still opposed to it as they were before that I would support them and be opposed to it also, and so obviously they don't seem to be opposed to it right now. I guess this falls in the same category though that I see the situation we're going to be discussing in a few minutes in Executive Session under, and that is that we continue to take residential property that has been in place for years and years and been people lived in these homes for years and years. This is being done by their will. This time it's not something that's being forced upon them, so that's a little different, but I will support it if that's —.

Chairman Hair said, I would —, Mayor Hinely, let me make one comment. Basically I'll close my comments with my opening comments. I really think that everybody ought to be proud of the way this thing's worked out. I think that the Commission, I think the neighborhood, I think the Mayor of Port Wentworth and his council, I think we've all done the right thing. I think this is the way these kind of problems should be solved. I think this is a model of the way we should solve these problems, and I commend this company. They are certainly —, were major partners in this partnership and I just think that we all ought to be proud of the way this problem was solved. We've got a situation where everybody wins and that's —, when you can

do that, I mean, again, everybody's not perfect, but everybody wins to some degree. Chairman Hair recognized Mayor Hinely. Commissioner Thomas said, exactly. I wasn't that fortunate when they took mine.

Mayor Hinely said, thank you. I certainly don't want this to sound like some of the other discussions this morning. Commissioner Murray, they did go to the residents, they talked to them. They still have concerns, but they understand that if you reject this morning, the City stands to lose a great deal. Those residents in their wisdom understood that, and they have said they do not want the City to lose the impact fee that Republic has agreed to pay us. They also understand that the County Commission has the job to look out for the County as a whole. They understand that. It doesn't make them like it any better, but they understand it and they feel like if it's defeated today, Republic has too much money invested to let it go away. They'll be back and they'll be back and they'll be back. Eventually it will pass. They understand all that. It doesn't make them like it any more, but they understand, and it will be y'all's decision as to how you would like for it to go.

Commissioner Murray said, well, I understand that. The fact that you only have, I think, probably two residents that are here, I only see two, that speaks for itself.

Chairman Hair said, Mr. Hardee —, he's changed his mind, he does want to talk. That's fine.

Mr. Lewis Hardee said, well, I'd like to say one thing. I'm not for it 100%, I'm not for it period, but it's like this, like Brother Hinely said, our Mayor has got a lot to lose, the community —, that's what the community wants to do. I'm one, just one little fellow right over the hole over there, and if all of the rest of the community wants to do this, that's what they want to do, that's fine with me. So I'm like this, I want everybody to be happy, everybody to be satisfied, and that's the reason I said, well, I wasn't going to say anything, but just like I said, I'm not for it, I don't like it period, and I didn't get out and beat the bushes and beat the streets for it, but there's going to be a lot lost, the County's going to hurt, the —, Port Wentworth's going to hurt, and the community's going to hurt as a whole, and so everybody has got to be in there together, and we've all got to live together. No, I don't want to sell my house. I've been there 40 years. I know you're getting tired of hearing that, but I'm there and I'm not going anywhere else. But the first time that I hear and I smell the stinking mess, if they don't think I'm going to call, they'd better wake up in the morning, and him too. Chairman Hair said, I think they're well aware of that. Mr. Hardee said, thank you, sir.

Chairman Hair said, thank you, Mr. Hardee. I appreciate you coming. Commissioner Price said, call the question. We have a call for the question. All those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioners Saussy and Rivers were absent; Commissioner DeLoach was recused from voting.] Chairman Hair said, the motion passes. Thank you. Thanks all of you for coming. Mr. Hardee, Mr. VanHook, Mayor Hinely, I appreciate you being here.

ACTION OF THE BOARD:

1. Commissioner Price moved to recuse Commissioner DeLoach on this issue due to a conflict of interest as a result of a business relationship with Savannah Regional Industrial Landfill, Inc. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioners Saussy and Rivers were not present; Commissioner DeLoach did not cast a vote.]
2. Commissioner Price moved to approve petitioner's request for approval of a revised General Development Plan to permanently allow an existing single-bay transfer station located at the Savannah Regional Industrial Landfill to also accept municipal solid waste and expand to a three-bay transfer station/processing facility subject to the following conditions: Approval of a Specific Development Plan by the MPC or, if authorized by the MPC, by MPC staff; approval of a traffic circulation plan which addresses the need for a by-pass lane or other traffic control device by the Chatham County Traffic Engineer; approval by the Chatham County Engineer of the paving, grading, drainage, and dust control plans; approval by the Chatham County Engineer of the wastewater collection and disposal system; and approval by the MPC staff of signage. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioners Saussy and Rivers were not present; Commissioner DeLoach was recused from voting.]

=====

6. **REQUEST BOARD ACCEPT THE DEED TO THE RIVERWALK AREAS ON HUTCHINSON ISLAND AND APPROVE AN AGREEMENT WITH THE GEORGIA DEPARTMENT OF TRANSPORTATION TO ALLOW PLACEMENT OF MATERIAL FROM DREDGING INTO CDF 12A.**

Chairman Hair recognized County Manager Abolt.

County Manager Abolt said, Mr. Chairman, Dr. Thomas and members of the Board, normally this would appear on your individual —, on your Action Calendar. There's a bit non-standard dynamic here dealing with us having to accept certain types of material that do not meet the Federal contamination requirement. I'm going to defer to both Mr. Monahan and Mr. Hart, and we do apologize for a late submittal this morning on your desk as to refinements. This is time critical. It involves several jurisdictions and CSX Railroad, and again the only reason it's not on your calendar [sic] is because of the issue of the contaminant materials.

Chairman Hair recognized Mr. Pat Monahan.

Mr. Monahan said, I don't really know where to begin. This is —, we started this almost four years ago and we're finally bringing it to culmination, and, I might add, approximately 10 days before the dredging work is actually going to begin, but in essence it comes down to two agreements —, three agreements. Two agreements and a —.

County Attorney Hart said, you don't have a quorum. Commissioner Odell said, we just lost a quorum. Mr. Monahan said, well, I enjoy talking to them anyway. Commissioner Thomas said, hold on, we've lost a quorum. Commissioner Jackel said, we need to --, we need to propose a motion for overfill. Commissioner Thomas said, not a bad idea. Commissioner Price said, very good. Commissioner Murray said, within your present budget, Martin [Jackel]. Commissioner Jackel said, within the budget, within the budget.

Commissioner Murray said, while we're waiting, I do know that Mosquito Control has been doing a heck of a job because they've been flying over pretty low in those planes across the Island the last couple of nights. County Manager Abolt said, oh, yes sir. About nine o'clock last night I almost invited them in. Commissioner Murray said, I thought they were going to take the top of the trees out one time. Commissioner Odell said, they're not spraying, they're just sightseeing. Commissioner Murray said, they're not —, there's not a lot for them to see. County Manager Abolt said, and also the trucks were out too. Commissioner Murray said, well, I haven't many mosquitos. They're doing a great job with it. County Manager Abolt said, at 1:30 this morning they were out in that neighborhood too. Commissioner Thomas said, yes, they come, like, early in the morning. Commissioner Jackel said, they're driving them downtown. Commissioner Murray said, they're driving in the driveway, they're doing that, but the planes have been flying quite a bit.

Vice Chairman Thomas said, we can go ahead now. Proceed on. Commissioner Odell said, we waited for you, Mr. Chairman. Chairman Hair said, yes, that's only because you didn't have five. Commissioner Thomas said, right. Chairman Hair said, it's not because I'm chairman. Commissioner Jackel said, I put a motion forward that we have two extra members for overfill. Chairman Hair asked, who's going to pay for it? Commissioner Murray said, I propose it come out of the unincorporated area. Chairman Hair said, I agree with that as long as we can afford it. Okay. Go ahead.

Mr. Monahan said, I can't remember exactly where I was, but I think I was talking about the importance of these two agreements to continuing the work, particularly along the riverfront. The important issue here is the Commission might recall in the developing of Hutchinson Island we had tried to remove the perception that it's there just for tourism and visitors and visitors to the Westin, and one of the ways we've tried to do that is to incorporate what we consider to be a first-class riverwalk that will extend not only in front of the Trade Center, as many of the Commissioners got an opportunity to view last week, but through the good graciousness of the Westin Hotel, it will also continue past the Westin Hotel, around Slip One and eventually could include almost 6,000 linear feet of riverwalk with a little bit over a mile. In fact, that is probably more riverwalk than is on the south side of the Savannah River. So it's an opportunity which we can add public visitation to what will be one of the most beautiful views in the Southeast United States. The other part of that is the far eastern slip is known as Slip One, and as part of a goal of this project we have also tried to develop public boating facilities over there as well. So this property, approximately five acres would be needed for the future development as public boating facilities either, more than likely as a joint development between Chatham County and a private interest, of which there is significant private interest already in the project. That encapsulated —, just to paraphrase a little bit what Mr. Abolt said, this is not contaminated material, it does fall clearly within the Federal guidelines, but it does involve, because it's going to another State, it's going to the State of South Carolina, it did involve some complex permitting issues involving the Corps of Engineers and a number of the Federal agencies, as well as the State of South Carolina. It happens to be in an area that is owned by the Georgia Department of Transportation and it is only through the graciousness of the Georgia Department of Transportation that the County will be able to use the disposal area for the material.

Chairman Hair said, I've got a question on number two. Mr. Monahan said, okay. Chairman Hair asked, why six years? Why not permanent? Mr. Monahan said, well, first of all, we'd asked for 10 years. Changes are nothing's going to happen in six years that's not going to happen anyway, but you also might look —, the specific provision in that agreement has a reversion in which the County must agree to that reversion. So just because the six year term passes, they have to notify the County saying that you have not made any progress, and then the County would be responsible for demonstrating if progress has been made within those years. So, I mean, even though there's a reversion, the County has —, it's not an automatic reversion. That was a requirement that the County Attorney inserted into the language.

Chairman Hair said, okay. Does anybody have any questions? Commissioner Price asked, has a motion been made? Chairman Hair said, okay, I'll entertain a motion. Has a motion already been made? Commissioner Thomas said, yes, so moved. Commissioner Price said, second. Chairman Hair said, okay, we have a motion and a second.

Mr. Monahan said, if I may, when you include [sic] the motion, would you include the amendments that were passed out in the memo this morning too?

Chairman Hair asked, Dr. Thomas, do you include that in your motion, the amendments as well? Commissioner Thomas said, no, but I will now. Chairman Hair said, okay, Dr. Thomas is going to add the amendments to her motion and, Ben, do you second those? Commissioner Price said, yes, I'll second. Chairman Hair said, okay, second to the motion. Any further discussion? All those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioners Saussy, Rivers and DeLoach were not present.] Chairman Hair said, the motion passes.

ACTION OF THE BOARD:

Commissioner Thomas moved to accept and approve for recording the deed from Savannah Harbor Developers (SHRD) to Chatham County to allow development on Hutchinson Island of the riverwalk extension and future development of Slip One for public boating facilities, which deed shall reflect the following amendments: (1) Defines public boating facilities so as not to allow storage of boats nor any commercial repair shops; (2) Term before reversion would be six years, Chatham County maintaining right of reversion as long as it shows progress toward development; (3) Indemnification section shall be rewritten by the County Attorney to reflect requirements of defining spoils material consistent with the Environmental Impact Statement for the Savannah Harbor and would also remain consistent with Chatham County's responsibilities under an agreement for depositing materials on the eastern end of Hutchinson Island on CSX property; and (4) and SHRD would be given the first right of refusal of any public/private development of Slip One; and to authorize execution of the agreement with the Georgia Department of Transportation for use of Contained Dredged Facility 12A (CDF 12A). Commissioner Price seconded the motion and it carried unanimously. [NOTE: Commissioners Saussy, Rivers and DeLoach were not present.]

=====

7. 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.

- **SHERIFF - CLERICAL ASSISTANT III (ONE POSITION)**
- **BOARD OF REGISTRARS - CLERICAL ASSISTANT III (ONE POSITION)**
- **BOARD OF ASSESSORS - APPRAISER I (ONE POSITION); APPRAISER IV (ONE POSITION)**

Chairman Hair said, the first is Sheriff, Clerical Assistant III (one position). Mr. Sheriff? Commissioner Price said, move for approval. Chairman Hair said, we have a motion to approve. Do we have a second? Commissioner Odell said, second. Chairman Hair said, second. Any discussion? Commissioner Price said, despite the objections of the Tax Commissioner. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioners Saussy, Rivers and DeLoach were not present.] Chairman Hair said, Sheriff, just remember, he's going to have some up here some time too. Sheriff St. Lawrence said, and I'll oppose it whatever it is. Chairman Hair said, you're already opposed to it.

Chairman Hair said, okay, Board of Registrars, Clerical Assistant III (one position). Commissioner Price said, move to approve. Chairman Hair said, we have a motion. Do we have a second. Commissioner Price said, second. Chairman Hair asked, any discussion? Come on up please. Commissioner Price said, now we let the Sheriff off so it's not fair to grill her too hard. Commissioner Murray said, I'm going to grill the third one pretty heavy. Chairman Hair asked, do you have —, do you have any —, why do you need this position before the 90 days?

Ms. Sandra Williams said, because there's going to be six municipals elections in November and we only have a small staff of five people including myself.

Chairman Hair said, that's good enough for me. All those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioners Saussy, Rivers and DeLoach were not present.] Chairman Hair said, the motion passes.

Chairman Hair said, the next one is Board of Assessors, Appraiser I (one position), and Appraiser IV (one position). Mr. Udinsky, you might as well come up. Commissioner Murray said, I think he might as well come up. Chairman Hair said, Frank [Murray], has got some questions for you.

Commissioner Murray said, this comes at a prime time to me. Since most people in Chatham County received their reassessments in the mail yesterday. Chairman Hair said, and I got mine too. For the record, I got mine and mine went up. Commissioner Murray said, I have not had anybody that I've talked to that their's went down or stayed the same. Did y'all have any like that? Mr. Gary Udinsky said, oh, yes. There are a number of those. Commissioner Murray said, you always do, is that right? Mr. Udinsky said, we always have something go down, yes. Commissioner Murray asked, could

you just tell us why you need these positions, the purpose in them? Mr. Udinsky said, yes, I —. Tax Commissioner Danny Powers said, yes, so they can appraise more property. Chairman Hair said, you might be in his court [unintelligible comments when several individuals began speaking at the same time]. Commissioner Price said, you don't want to be part of this discussion. Chairman Hair said, we might have to provide him an escort, but that's okay. Mr. Udinsky said, I'm not sure how to address those. Commissioner Price said, you can tell who's appointed and who's elected.

Mr. Udinsky said, we need the positions filled as soon as possible primarily because we're trying to wrap up digest stuff, which includes appeals and so forth, but beyond that we currently —, counting these two, we currently have seven vacancies. I've been up here several times to waive these. Commissioner Odell said, I move to approve. Commissioner Price said, second. Mr. Udinsky said, we just have a hard time filling positions.

Commissioner Odell said, we've got a motion to approve and a second. Chairman Hair said, we have a motion. Commissioner Price said, let Frank [Murray] finish.

Commissioner Murray asked, these people would be going out on site? These people would actually be going out on site? Mr. Udinsky said, yes, these are field [inaudible]. Commissioner Murray asked, how long do they have to go through any type of training? Mr. Udinsky said, well, it depends on the level —, it depends on the amount of experience they have when we hire them, but if you can hire them fully trained, you can put them out in an appraisal pretty much immediately, but we've been very unsuccessful in hiring fully trained appraisers. Commissioner Murray asked, and these positions have been vacant how long? Mr. Udinsky said, the Appraiser I position has been vacant for several weeks. The Appraiser IV just became vacant a week or so ago. Commissioner Murray asked, how long does it normally take you to hire somebody for these positions? Mr. Udinsky said, well, as I said, we've still got vacancies from the last waiver —, the last series of waivers. We've got some vacancies that go back for over 90 days right now that we haven't been able to fill.

Commissioner Price said, call the question. Chairman Hair said, we have a motion and a second to approve. All those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioners Saussy, Rivers and DeLoach were not present.] Chairman Hair said, the motion passes. Mr. Udinsky said, thank you. [NOTE: Commissioners Saussy, Rivers and DeLoach were not present.]

ACTION OF THE BOARD:

1. Commissioner Price moved to approve waiver of the 90-day hiring freeze and authorize the Human Resources to advertise the following position: Sheriff - Clerical Assistant III (one position). Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioners Saussy, Rivers and DeLoach were not present.]
2. Commissioner Odell moved to approve waiver of the 90-day hiring freeze and authorize the Human Resources to advertise the following position: Board of Registrars - Clerical Assistant III (one position). Commissioner Price seconded the motion and it carried unanimously. [NOTE: Commissioners Saussy, Rivers and DeLoach were not present.]
3. Commissioner Odell moved to approve waiver of the 90-day hiring freeze and authorize the Human Resources to advertise the following position: Board of Assessors - Appraiser I (one position) and Appraiser IV (one position). Commissioner Price seconded the motion and it carried unanimously. [NOTE: Commissioners Saussy, Rivers and DeLoach were not present.]

=====

X. ACTION CALENDAR

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

Chairman Hair said, that takes us to the Action Calendar, and the County Manager Abolt needs to add a couple of things to the Action Calendar.

County Manager Abolt said, yes, Mr. Chairman. We've asked for a motion. It's on page nine of your agenda, but it's —, add Item 16, Roman Numeral 10, Request Board approve the following Governor's Discretionary Grants: \$10,000 for the Georgia Association Garden Clubs, Inc., \$9,368 for Nicholsonboro Baptist Church, and \$15,000 for the Oglethorpe Academy. The reason it's a late starter is because these are emergency grants apparently. If they're not passed through to these agencies by the end of the State fiscal year, which is the end of the month, they lose the money.

Chairman Hair asked, okay, do we —. Commissioner Price said, so moved. Chairman Hair said, we have a motion to add it to the agenda. Do we have a second? Commissioner Murray said, second. Chairman Hair said, all those in favor

vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioners Saussy, Rivers and DeLoach were not present.]

Chairman Hair said, now I'll take a motion on the Action Calendar. Does anybody want to pull anything? Commissioner Jackel said, yes. Commissioner Price said, I move we approve the Action Calendar in its entirety for the first time ever. Commissioner Jackel said, no. Chairman Hair said, no, Martin [Jackel] says no. Commissioner Price said, I'm sorry, Martin [Jackel]. Chairman Hair asked, which ones do you want to pull, Martin [Jackel]? Commissioner Jackel said, I'd like to pull 3. Chairman Hair said, all right. Commissioner Jackel said, and I'd also like to pull 8. Chairman Hair said, 8, all right. Commissioner Jackel said, and I'd like to pull 11 and 15-H and N. Chairman Hair asked, and N? Commissioner Jackel said, N.

Chairman Hair said, I'll entertain a motion to approve the balance of the Action Calendar. Commissioner Price said, I move that we approve the balance of the Action Calendar. Commissioner Thomas said, second. Chairman Hair said, second. All those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioners Saussy, Rivers and DeLoach were not present.] Chairman Hair said, the motion passes.

ACTION OF THE BOARD:

Commissioner Price moved that the Action Calendar be approved in its entirety with the exception of Items 3, 8, 11, 15-H and 15-N. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioners Saussy, Rivers and DeLoach were not present.]

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

=====

1. APPROVAL OF THE MINUTES OF THE REGULAR MEETING ON JUNE 11, 1999, AS MAILED.

ACTION OF THE BOARD:

Commissioner Price moved to approve the minutes of the regular meeting on June 11, 1999, as mailed. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioners Saussy, Rivers and DeLoach were not present.]

=====

2. CLAIMS VS. CHATHAM COUNTY FOR THE PERIOD JUNE 3 THROUGH JUNE 17, 1999.

ACTION OF THE BOARD:

Commissioner Price moved that the Finance Director is authorized to pay claims for the period June 3, 1999, through June 17, 1999, in the amount of \$2,937,473. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioners Saussy, Rivers and DeLoach were not present.]

=====

3. REQUEST FROM FREDERICK WASHINGTON FOR EARLY ACQUISITION OF PROPERTY AT 7343 THOMAS AVENUE, TRUMAN PARKWAY, PHASE IV. [DISTRICT 1.]

Chairman Hair recognized Commissioner Jackel.

Chairman Hair said, all right, this is a request for an early purchase of property, and we're recommending that we acquire this property at this time, but I'm not —, couldn't tell whether this is where we even know if that's in —, going to for sure be the route of the Parkway when we do it.

Commissioner Murray asked, why would it be considered early acquisition anyway? County Manager Abolt said, because willing seller. Commissioner Murray said, I know, but aren't we supposed to be moving forward with Phase III and IV? Commissioner Price said, yes. Commissioner Murray asked, isn't that what we discussed last week when the —? well, I won't say what I thought about it, but while the people were here. County Manager Abolt said, no sir, no sir. We can only —, we can still only deal with willing sellers. Until we have an alignment that's locked in, we cannot acquire property via condemnation. The property owner has to agree to the acquisition. Commissioner Murray said, well, I [inaudible].

Commissioner Jackel asked, well, why do we want to, Russ [Abolt], acquire a property when we're not sure what the route is? Mr. Al Bungard said, in this case it's the juncture and we will need this drainage outfall regardless of the alignment from this point. Commissioner Jackel said, well, that's what I needed to know. Now I can vote for it.

Commissioner Price said, I move for approval. Chairman Hair said, we have a motion to approve —. Commissioner Murray said, second. Chairman Hair said, and a second. All those in favor vote yes, opposed vote no. The motion passes. [NOTE: Commissioners Saussy, Rivers and DeLoach were not present.] Chairman Hair said, the motion passes.

ACTION OF THE BOARD:

Commissioner Price moved to approve the request from Frederick Washington for early acquisition of property at 7343 Thomas Avenue, Truman Parkway, Phase IV. Commissioner Murray seconded the motion and it carried unanimously. [NOTE: Commissioners Saussy, Rivers and DeLoach were not present.]

=====

- 4. **REQUEST BOARD APPROVE A CORRECTIVE RIGHT-OF-WAY DEED FOR 0.0438 ACRES TO JABOT INVESTMENTS, N.V., FOR POOLER PARKWAY, PHASE II AND AUTHORIZE THE CHAIRMAN AND CLERK OF COMMISSION TO SIGN THE QUITCLAIM DEED.
[DISTRICT 7.]**

ACTION OF THE BOARD:

Commissioner Price moved to Request Board approve a corrective right-of-way deed for 0.0438 acres to Jabot Investments, N.V., for Pooler Parkway, Phase II and authorize the Chairman and Clerk of Commission to sign the quitclaim deed. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioners Saussy, Rivers and DeLoach were not present.]

=====

- 5. **REQUEST BOARD AUTHORIZE THE CHAIRMAN, COUNTY ATTORNEY, CLERK OF COMMISSION AND COUNTY ENGINEER TO SIGN ALL REQUIRED DOCUMENTS NECESSARY FOR SECURING AND EXECUTING A COUNTY CONTRACT WITH GDOT FOR CONSTRUCTION OF THE BASE AND PAVING OF 0.709 MILES OF TOM TRIPLETT COMMUNITY PARK DRIVE.
[DISTRICT 7.]**

ACTION OF THE BOARD:

Commissioner Price moved to authorize the Chairman, County Attorney, Clerk of Commission and County Engineer to sign all required documents necessary for securing and executing a County Contract with GDOT for construction of the base and paving of 0.709 miles of Tom Triplett Community Park Drive. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioners Saussy, Rivers and DeLoach were not present.]

=====

6. **REQUEST BOARD DECLARE SURPLUS PROPERTY ACQUIRED FROM NORFOLK AND SOUTHERN CORPORATION (FKA CENTRAL OF GEORGIA RAILROAD) IN CONJUNCTION WITH POOLER PARKWAY, PHASE II AND QUIT CLAIMING SAID PROPERTY TO THE BARNWELL LAND COMPANY AND GUSTAVOUS H. BELL, III. [DISTRICT 7.]**

ACTION OF THE BOARD:

Commissioner Price moved to declare surplus property acquired from Norfolk and Southern Corporation (f/k/a Central of Georgia Railroad) in conjunction with Pooler Parkway, Phase II and quit claiming said property to the Barnwell Land Company and Gustavous H. Bell, III. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioners Saussy, Rivers and DeLoach were not present.]

=====

7. **REQUEST FROM ENGINEER FOR THE DEVELOPER, HERON CREST DEVELOPERS, INC., TO RECORD BETZ CREEK SUBDIVISION, PHASE 5 (A/K/A SAPPHIRE ISLAND), ACCEPT THE LETTER OF CREDIT AND SUBDIVISION AGREEMENT AND APPROVE RECOMBINING THE SUBDIVISION INTO THE EXISTING STREETLIGHTING DISTRICT. [DISTRICT 4.]**

ACTION OF THE BOARD:

Commissioner Price moved to approve the request from engineer for the developer, Heron Crest Developers, Inc., to record Betz Creek Subdivision, Phase 5 (a/k/a Sapphire Island), accept the letter of credit and subdivision agreement and approve recombining the subdivision into the existing streetlighting district. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioners Saussy, Rivers and DeLoach were not present.]

=====

8. **REQUEST BOARD APPROVAL TO INSTALL A TRAFFIC SIGNAL (STOP AND GO) AT THE INTERSECTION OF SR 204 AT PINE GROVE ROAD/GROVE HILL ROAD AND TO APPROVE A TRANSFER OF FUNDS \$30,000 FROM 1985-93 SPLOST, RESERVE FOR VARIOUS COUNTY ROADS, TO INTERSECTION IMPROVEMENTS. [DISTRICTS 6 AND 7.]**

Chairman Hair recognized Commissioner Jackel.

Commissioner Jackel said, all right. My question, I guess, is to Ben [Price]. This is your district, I take it. Commissioner Price said, and Eddie's [DeLoach]. Commissioner Jackel said, okay. Commissioner Price said, it affects both of them. Commissioner Jackel said, and y'all are in favor of —. Commissioner Price said, definitely. Chairman Hair said, yes. Commissioner Price said, Anne Mueller was here earlier. She's the one that really took it through the —, took the level of DOT, State's funding side of it. We really need this. Chairman Hair said, it is definitely needed. Commissioner Jackel said, well —. Chairman Hair said, I travel that road every day and I can tell you —. Commissioner Jackel said, less amounts that we we're doing it.

Chairman Hair said, okay, the Chair will entertain a motion to approve. Commissioner Price said, I move for approval. Commissioner Thomas said, second. Chairman Hair asked, and second. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioners Saussy, Rivers and DeLoach were not present.] Chairman Hair said, the motion passes.

ACTION OF THE BOARD:

Commissioner Price moved to approval the request to install a traffic signal (stop and go) at the intersection of SR 204 at Pine Grove Road/Grove Hill Road and to approve a transfer of funds \$30,000 from 1985-93 SPLOST, Reserve for

Various County Roads, to Intersection Improvements. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioners Saussy, Rivers and DeLoach were not present.]

=====

- 9. REQUEST BOARD AMEND ITS APPROVAL OF TAX REFUND TO DAVIS COHEN FOR TAX YEARS 1996 AND 1997 TO AUTHORIZE A REFUND IN THE AMOUNT OF \$1020.38 FOR TAX YEARS 1996 AND 1997 AND OUT OF THAT AMOUNT PAY TO THE TAX COMMISSIONER \$218.91 TO SATISFY THE AMOUNT OWED BY MR. COHEN FOR TAX YEAR 1995.**

ACTION OF THE BOARD:

Commissioner Price moved to amend its approval of tax refund to Davis Cohen for tax years 1996 and 1997 to authorize a refund in the amount of \$1020.38 for tax years 1996 and 1997 and out of that amount pay to the Tax Commissioner \$218.91 to satisfy the amount owed by Mr. Cohen for tax year 1995. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioners Saussy, Rivers and DeLoach were not present.]

=====

- 10. REQUEST BOARD APPROVE AN INTERGOVERNMENTAL AGREEMENT FOR THE DEVELOPMENT AND MAINTENANCE AND OPERATION OF TATEMVILLE COMMUNITY CENTER AND PAVILION BY THE CITY OF SAVANNAH.
[DISTRICT 5.]**

ACTION OF THE BOARD:

Commissioner Price moved to approve an intergovernmental agreement for the development and maintenance and operation of Tatemville Community Center and Pavilion by the City of Savannah. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioners Saussy, Rivers and DeLoach were not present.]

=====

- 11. REQUEST BOARD APPROVAL OF A CLOTHING ALLOWANCE FOR NON-UNIFORM LAW ENFORCEMENT OFFICERS IN THE DISTRICT ATTORNEY'S OFFICE.**

Chairman Hair recognized Commissioner Jackel.

Commissioner Jackel said, all right. This is —, previously we had the clothing allowance for CNT and certain of our detectives and we were increasing it from \$25 to \$50 a month. Now we're going to people who have not had a clothing allowance and giving them a raise of \$50 a month. Commissioner Odell said, no, we're not. Chairman Hair said, if you approve this you will be.

Commissioner Murray asked, why would they justify a clothing allowance? County Manager Abolt said, we had —, when this initially came forward, we made a request of the department to see if they had interest in it. At the time that this was presented prior to presentation, we had an indication the District Attorney's office was not interested in it. Now obviously the word's out.

Commissioner Jackel asked, so they're not getting any clothing allowance, they have not traditionally gotten one, so in effect this is a \$50 a month raise to these people? Mr. Michael Kaigler said, yes sir, that's correct. Commissioner Murray said, nontaxable. Commissioner Jackel said, all right, I —. Commissioner Jackel said, and they're plain clothes. Commissioner Jackel said, they never have worn uniforms. Chairman Hair said, they're not going to wear uniforms now. Commissioner Jackel said, I just have a hard time with the raises —. Chairman Hair said, oh, I do too. Commissioner Jackel said, that we gave, a 5% increase in raise to our employees. You give these people an extra \$50 a month —.

Commissioner Price asked, can we do this, Martin [Jackel], can we table this and get Spencer [Lawton] here to argue it? Chairman Hair said, I think that would be appropriate. At least then he could have a —. Commissioner Price said, give the department head the opportunity —. Chairman Hair said, just table it until —. Commissioner Jackel said, well, when

you look at this item too, Spencer [Lawton] didn't —, I mean, it came through one of my good friends, who asked that this be done, and that makes it tough, but —. Chairman Hair said, one of your former good friends. Commissioner Jackel said, but if y'all think we —. The Chief Investigator, J. D. Smith, does an excellent job. He is —, he's a friend of mine. He's one of my favorite people in the County, and I understand where they're coming from, but they're nine investigators there and —. Chairman Hair said, let's table it. Commissioner Jackel said, all right.

Commissioner Price said, I move to table. Chairman Hair said, all right, a motion to table and a second. Commissioner Thomas said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioners Saussy, Rivers and DeLoach were not present.] Chairman Hair said, the motion passes.

ACTION OF THE BOARD:

Commissioner Price moved to table to the next meeting the request for approval of a clothing allowance for non-uniform law enforcement officers in the District Attorney's Office. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioners Saussy, Rivers and DeLoach were not present.]

=====

12. REQUEST BOARD APPROVAL TO CONVEY CHATHAM COUNTY'S INTEREST IN 533 W. CHARLTON STREET, HELD BY TAX DEED, TO THE CITY OF SAVANNAH.

ACTION OF THE BOARD:

Commissioner Price moved to convey Chatham County's interest in 533 W. Charlton Street, held by tax deed, to the City of Savannah. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioners Saussy, Rivers and DeLoach were not present.]

=====

13. REQUEST BOARD APPROVAL TO DECLARE AS SURPLUS AND AUCTION CHATHAM COUNTY'S INTEREST IN PROPERTY ON JAMES ROAD IN POOLER (PIN 50004-11001) HELD BY TAX DEED.

ACTION OF THE BOARD:

Commissioner Price moved to approve the request to declare as surplus and auction Chatham County's interest in property on James Road in Pooler (PIN 50004-11001) held by tax deed. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioners Saussy, Rivers and DeLoach were not present.]

=====

14. REQUEST CONFIRMATION ON TIME EXTENSION IN AGREEMENT WITH SAVANNAH HARBOR RESORT DEVELOPERS FOR A RIGHT-OF-ENTRY ONTO THE PORTION OF SLIP 2 ON THE PROPERTY OF THE WESTIN RESORT.

ACTION OF THE BOARD:

Commissioner Price moved to approve confirmation on time extension in agreement with Savannah Harbor Resort Developers for a right-of-entry onto the portion of Slip 2 on the property of the Westin Resort. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioners Saussy, Rivers and DeLoach were not present.]

=====

15. 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. Reject all bids to provide contract labor and extend current contract on a month-to-month basis | Public Works | Eastern Personnel Services | \$6.79 per hour per man | SSD - Public Works Solid Waste Fund |
| B. Contract for the construction of Mother Matilda Beasley Park | SPLOST | ARCO, Inc. | \$274,084.20 | SPLOST (1993-1998) - Mother Matilda Beasley Park project (pending transfer) |
| C. Change Order No. 3 to the contract for the paving of Cartwright, Lucas and Queen Aire Drives for additional concrete and asphalt for driveways | SPLOST | Claco Construction | \$6,383.50 | SPLOST (1985-1993) - Cartwright, Lucas and Queen Aire Drives |
| D. Change Order No. 2 for installation of new water service laterals on Isle of Hope for three additional water services | Water and Sewer | Collins Plumbing and Construction | \$5,686 | Water and Sewer Enterprise Fund |
| E. Twenty-seven (27) computers and six (6) network infrastructure controller cards | Health Department | Compaq Computer (sole source) | \$29,301 | CIP - Y2K Remediation |
| F. Portable dance floor panels, trim and caddies | SPLOST | King Arthur | \$16,420 | SPLOST (1993-1998) - Trade Center |
| G. Repairs to Causton Bluff Bridge fender system | Bridges | ADS Marine | \$12,400 | General Fund/M & O - Bridges |
| H. One (1) 1999 Ford Taurus | Police | J. C. Lewis Ford | \$15,810 | CIP - Vehicle Replacement |
| I. Annual contract, with renewal options for two additional one year terms, to provide water and well test sampling analysis for various County landfills | Solid Waste | Advanced Environmental Management | \$33,000 | Solid Waste Enterprise Fund |
| J. Annual contract for the purchase on an as needed basis police vehicles | Various | Southlake Ford | \$20,012.20 | CIP - Vehicle Replacement |
| K. Nine (9) undercover vehicles contingent upon vehicle inspection | CNT | <ul style="list-style-type: none"> • Critz • Fuller Oldsmobile • Action Jackson | <ul style="list-style-type: none"> • \$30,300 • \$85,179 • \$13,442.02 | CIP - Vehicle Replacement |
| L. 35gl Altosid liquid larvicide | Mosquito Control | Adapco, Inc. (sole source) | \$30,450 | General Fund/M & O - Mosquito Control |
| M. 64,000 Kraft compostable bags | Solid Waste | Coastal Sail | \$16,504.96 | Solid Waste Restricted Expenditure |
| N. Annual contract, with renewal options for four additional one year terms, to provide Third Party Administrator (TPA) services | Human Resources | Jones, Hill and Mercer | \$7.77 per employee per month | Internal Services Group Health Insurance Fund |
| O. Shortlist of three firms to continue in competition for design of the new Tag Office | | <ul style="list-style-type: none"> • Kolman-Smith/Lominack • Gunn-Meyerhoff-Shay • L. Scott Barnard and Associates | | SPLOST (1993-1998) - Modification and Upgrade of Tag Office |

Items 15-A through 15-O, except 15-H and 15-N:

Commissioner Price moved to approve Items 15-A through 15-O, Items 15-H and 15-N. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioners Saussy, Rivers and DeLoach were not present.]

Item 15-H:

ONE (1) 1999 FORD TAURUS, POLICE DEPARTMENT, SOURCE: J. C. LEWIS FORD, AMOUNT: \$15,810, FUNDING: CIP - VEHICLE REPLACEMENT.

Chairman Hair recognized Commissioner Jackel.

Commissioner Jackel said, I knew that there were several vehicles on here and I just wondered why this one was separate than some of the others that I saw on here? Chairman Hair said, probably because it's a different vender.

Mr. George Lynch said, it's a different bid. You're looking for a different type of vehicle in this case. I think the other one that I recall is the pricing on the Police cruisers, and they were advertised separately. This was a —. Chairman Hair said, well, it goes to a different company. It would have to be separate. Mr. Lynch said, yes sir. Chairman Hair said, it goes to a different company. Commissioner Jackel said, okay. Chairman Hair said, that's the difference. All right.

Commissioner Price said, move for approval. Commissioner Odell said, second. Chairman Hair said, motion and a second. All those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioners Saussy, Rivers and DeLoach were not present.] [NOTE: Commissioners Saussy, Rivers and DeLoach were not present.] Chairman Hair said, the motion passes.

Item 15-N:

ANNUAL CONTRACT, WITH RENEWAL OPTIONS FOR FOUR ADDITIONAL ONE-YEAR TERMS, TO PROVIDE THIRD PARTY ADMINISTRATOR (TPA) SERVICES, DEPARTMENT: HUMAN RESOURCES, SOURCE: JONES, HILL AND MERCER, AMOUNT: \$7.77 PER EMPLOYEE PER MONTH, FUNDING: INTERNAL SERVICES GROUP HEALTH INSURANCE FUND.

Chairman Hair recognized Commissioner Jackel.

Commissioner Jackel said, okay, I think everybody understands how frustrated I have been with this. I do not want to go forward with the Jones, Hill and Mercer until they can step up before the Commission and say they're going to do some things that I think need to be done. The first statement I got from them did not have their telephone number on it. I went ballistic over that. My interpretation of their not having their telephone number on it is they didn't want to hear from any of our employees. They have since changed that. I mean, that's the message when you don't —. They have since put their phone number on the statements that they send out. The statements —, and I realize having gone to Emory, I got my undergraduate degree there, and having gone to Mercer Law School, I'm sometimes educationally challenged, but I could not understand their bills. My wife could not understand the statements, what we were to pay and not to pay. We made repeated phone calls to them, and they have made some changes, but their statements are still not totally understandable on what they're covering and what they're not covering; if they're not covering it, why they're not covering it. They use certain codes and these codes are not explained. That is not acceptable.

Chairman Hair asked, would you like to table it and have a Jones and Hill person here to answer your questions? Commissioner Odell said, yes. Chairman Hair said, I think that would be the appropriate think. Commissioner Jackel said, I think we need —, before we approve these things, and then let me tell you one further horror story, and I'll repeat that when they come up here. My wife was at the doctor and informed them she had breast cancer, and they —, she was recommended a couple of surgeons. She placed a call to Jones, Hill and Mercer to see if these surgeons were on the list, and all she could get was a recording. She couldn't speak to anybody. Now I hope you can imagine that situation in your mind. You've just been informed that you have cancer, you want to contact a surgeon, you want to see if this surgeon's on the list, and you cannot get through to a human being to talk to. All you get is voice mails that say we will get back to you at some time, we're off for a while. Now I understand mom and pop businesses and small businesses, and mine in particular. I run a private law firm, that when I'm out I'm not there. Well, I can't be at two places at one time. But I don't understand when people are major companies that there's no one there to answer the phone. I don't understand if someone calls the County if there's every anyone not to answer the phone, but there always is someone. It may have to ring through, but they've got a system, and I think we do a great job. I mean, that left a bitter taste in my mouth that is still there, and before we contract with these people, I want to make sure that they correct those things.

Chairman Hair said, okay, Dr. Thomas wants to comment and then I think it would be appropriate to table this.

Commissioner Thomas said, yes. I just wanted to make a comment, and I don't doubt that Commissioner Jackel may have had problems, but I just would like to say that my experiences with Jones, Hill and Mercer has been a very good one. I have had problems and I have been able to call that number and I have been able to get responses. My bills, or whatever, have reflected in a way where I've been able to understand my bill. There were times if I had a question about something, and I called and I got a very good response. So, I mean, I don't know. I don't know what the problem in your case is, but I just wanted to say that I have been very pleased and I've had many, many opportunities to utilize this particular insurance

company, and for the first time I have been just very pleased with it because I've had many, many problems with others, but this is the first time that this company has addressed the concerns that I've had, and I've had many.

Chairman Hair said, I think the appropriate thing would be to table it until we have —. Commissioner Price asked, Billy [Hair], can I —. In lieu of the idea, and I support the table, but Item #4 under Facts and Findings says that Jones, Hill and Mercer was the highest scoring firm in competition by a significant margin; however, staff felt that the proposal from them, the proposed fee of \$7.77 was somewhat higher than necessary. To make a —, the bottom line was, Jones, Hill and Mercer has agreed to reduce that by 27¢ to \$7.50 per employee. If we're going to bring this back on the table, let's bring it back in it's proper fashion, which is to approve it at \$7.50 instead of \$7.77. Chairman Hair asked, is that just a clerical error, Russ [Abolt], or —.

County Manager Abolt said, no sir. You awarded the \$7.50 in a change order that they would come in and agree to that lower price. Commissioner Price said, well, I'd rather approve it —. Chairman Hair asked, why not approve it at the right price to start with? Why do you have to do a change order?

Mr. Lynch said, technical point, sir, if I may. The bid submitted —, the bid submitted by them was at \$7.77. Chairman Hair said, this is a bid, not an RFP, you can't —. Mr. Lynch said, a fee proposal, I'm sorry. You got me. Chairman Hair asked, you can't negotiate? Mr. Lynch said, as far as I'm concerned, we don't want to get into a deal where we're changing what somebody came in for. We wanted to inform you that they would sign —. Chairman Hair said, okay. Mr. Lynch said, the deductive change order. We don't want to start moving around —. Chairman Hair asked, but if you table it, you should be able to bring it in at the other number, right? Mr. Lynch said, I —. County Manager Abolt said, I think, George [Lynch] wants the sequence. He want you to accept —. Mr. Lynch said, I'd like to have a sequence. Chairman Hair said, well, let's do the sequence. Can't we do the sequence on the same meeting though? Mr. Lynch said, yes. We'll have a change order on the same agenda.

Chairman Hair said, okay, all right. Mr. Kaigler said, Mr. Chairman —. Chairman Hair said, I'll entertain a motion to table. Who's going to table that thing? Commissioner Price said, I don't like the way t his whole thing looks, either way. Chairman Hair said, all right, let's —, I'll entertain a motion to table. Commissioner Price said, table it anyway. Commissioner Odell said, second. Chairman Hair said, motion and a second. All those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioners Saussy, Rivers and DeLoach were not present.] Commissioner Price said, if I was holding the company I wouldn't like this.

Mr. Kaigler said, we still have the —. We need authorization to continue with them because technically their contract ends on the end of the month, so we would need authorization to continue on the same terms. Chairman Hair said, that's at the current fee. Mr. Kaigler said, yes sir. Chairman Hair said, okay. The Chair will entertain a motion. Commissioner Odell said, so moved. Commissioner Thomas said, second. Chairman Hair said, second. All those in favor vote yes, opposed vote no. Commissioner Price asked, what are we doing? Chairman Hair said, this is to approve the continuation until we get the tabled item. Commissioner Price said, all right. The motion carried unanimously. [NOTE: Commissioners Saussy, Rivers and DeLoach were not present.]

Chairman Hair said, go ahead, Commissioner Murray.

Commissioner Murray said, Russ [Abolt], is there any way when we've got contracts coming up, such as this and some of the other larger contracts we have that come up, we could probably get them more than close to the last meeting before the contract is going to stop, the present contract? County Manager Abolt said, yes sir. Commissioner Murray said, I know you start negotiations ahead of time, don't wait to the last minute, and I think we should have it before that too. County Manager Abolt said, there's no excuse for it. Just understand, the issue has to do with competing priorities, and we have several key people that do double duty. Commissioner Murray said, well, I understand that. County Manager Abolt said, but we will do our best.

Chairman Hair said, I think that's a good point. County Manager Abolt said, we'll do our best.

ACTION OF THE BOARD:

1. Commissioner Price moved to approve Items 15-A through 15-O, except Items 15-H and 15-N. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioners Saussy, Rivers and DeLoach were not present.]
2. Commissioner Price moved to approve Item 15-H. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioners Saussy, Rivers and DeLoach were not present.]
3. Commissioner Price moved to table to the next meeting Item 15-N. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioners Saussy, Rivers and DeLoach were not present.]
4. Commissioner Price moved to continue in effect the present contract with Jones, Hill and Mercer to provide Third Party Administrator (TPA) services until the adoption of a new contract. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioners Saussy, Rivers and DeLoach were not present.]

=====

16. **REQUEST BOARD APPROVE THE FOLLOWING GOVERNOR’S DISCRETIONARY GRANTS: \$10,000 FOR THE GEORGIA ASSOCIATION GARDEN CLUBS, INC., \$9,368 FOR NICHOLSONBORO BAPTIST CHURCH, AND \$15,000 FOR THE OGLETHORPE ACADEMY.**

ACTION OF THE BOARD:

- 1. Commissioner Murray moved to add to the agenda the request to approve the following Governor’s Discretionary Grants: \$10,000 for the Georgia Association Garden Clubs, Inc., \$9,368 for Nicholsonboro Baptist Church, and \$15,000 for the Oglethorpe Academy. Commissioner Price seconded the motion and it carried unanimously. [NOTE: Commissioners Saussy, Rivers and DeLoach were not present.]
- 2. Commissioner Price moved to approve the following Governor’s Discretionary Grants: \$10,000 for the Georgia Association Garden Clubs, Inc., \$9,368 for Nicholsonboro Baptist Church, and \$15,000 for the Oglethorpe Academy. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioners Saussy, Rivers and DeLoach were not present.]

=====

XI. FIRST READINGS

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

- 1. **PETITIONER: PHILLIP MCCORKLE, AGENT FOR SANDRA WILLIAMS, OWNER. PETITIONER IS REQUESTING THAT APPROXIMATELY ONE ACRE OF LAND LOCATED ON THE EAST SIDE OF FERGUSON AVENUE SOUTH OF SKIDAWAY ROAD BE REZONED FROM R-1 (ONE-FAMILY RESIDENTIAL) TO A P-I-P (PLANNED INSTITUTIONAL-PROFESSIONAL) ZONING CLASSIFICATION IN ORDER TO CONSTRUCT AN OFFICE BUILDING. THE MPC RECOMMENDED THAT THE REQUEST BE DENIED BASED ON ITS INCONSISTENCY WITH THE LAND USE PLAN AND INCOMPATIBILITY WITH THE SURROUNDING ZONING AND LAND USE PATTERNS. MPC FILE NO. 99-12590-C [DISTRICT 1.]**

ACTION OF THE BOARD:

Read into the record as first reading.

=====

XII. SECOND READINGS

1. **AMENDMENT TO THE CHATHAM COUNTY EMPLOYEE'S RETIREMENT PLAN ORDINANCE TO CHANGE NORMAL RETIREMENT AGE FROM 62 YEARS FOR GENERAL EMPLOYEES AND 55 YEARS FOR PEACE OFFICER EMPLOYEES OR 30 YEARS OF CREDITED SERVICE TO 62 YEARS FOR GENERAL EMPLOYEES AND 55 YEARS FOR PEACE OFFICER EMPLOYEES OR 25 YEARS OF CREDITED SERVICE; TO CHANGE NORMAL RETIREMENT BENEFIT FROM 2% OF FINAL AVERAGE EARNINGS FOR EACH OF THE FIRST 25 YEARS AND 1% THEREAFTER TO 2% OF THE FIRST 30 YEARS AND 1% THEREAFTER FOR PARTICIPATING PEACE OFFICER AND GENERAL EMPLOYEES; TO CHANGE A QUORUM FOR TRANSACTION OF BUSINESS FROM FOUR MEMBERS TO FIVE. *RESPONSE TO QUESTIONS ON THE AMENDMENTS FROM COMMISSIONER JACKEL ARE ATTACHED.***

Chairman Hair said, Commissioner Jackel, I believe you had a number of questions last time, and I was told by the staff that those were answered. Commissioner Jackel said, they were answered and I really appreciate the responses of staff of answering my questions. I think if you've had a chance to look over their response, it shows how this thing will not only benefit our employees, but will also benefit the County, and they've done a good job here.

Chairman Hair said, I'll entertain a motion to approve. Commissioner Price said, I move for approval. Commissioner Thomas said, second. Chairman Hair said, second. All those in favor vote yes, opposed vote no. The motion carried unanimously.

ACTION OF THE BOARD:

Commissioner Price moved to approve the amendment to the Chatham County Employee's Retirement Plan Ordinance to change Normal Retirement Age from 62 years for General Employees and 55 years for Peace Officer Employees or 30 years of Credited Service to 62 years for General Employees and 55 years for Peace Officer Employees or 25 years of Credited Service; to change Normal Retirement Benefit from 2% of final average earnings for each of the first 25 years and 1% thereafter to 2% of the first 30 years and 1% thereafter for Participating Peace Officer and General Employees; and to change a quorum for transaction of business from four members to five. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioners Saussy, Rivers and DeLoach were not present.]

=====

2. **TEXT AMENDMENT TO THE CHATHAM COUNTY SUBDIVISION REGULATIONS TO EXTEND THE PERMITTED LENGTH OF PRIVATE VEHICULAR ACCESS EASEMENTS FROM 350' TO 750' AND TO PERMIT AN UNPAVED PRIVATE VEHICULAR ACCESS EASEMENT SERVING THREE OR FEWER SINGLE FAMILY RESIDENTIAL LOTS. THE MPC RECOMMENDED APPROVAL.
MPC FILE NO. 99-12566-C
[NO DISTRICT - TEXT AMENDMENT - UNINCORPORATED AREA.]**

Chairman Hair recognized Mr. Saxman.

Mr. Saxman said, in summary, this is a text amendment to the current subdivision regulations. We've had a number of requests for variances. They've all been justified and the Planning Commission basically approves what the County Engineering Department recommendation on just about all of them. They're recommending increasing that length from 350 to 750 feet. That's basically the change. The requirements for paving would be limited to three residential lots.

Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, I think we probably need to do this, but at the same time I just feel like there's still some loopholes that are probably left in there for a developer and we'll end up with more than three lots on some of these tracts of land. That's my concern with it. Mr. Saxman said, they could not have the variance without limiting it to 350 —, I mean the three lots though. Commissioner Murray said, we've seen things happen in the past, and that's why I'm concerned about that.

Chairman Hair said, Dr. Thomas and I talked about this one in agenda review that it didn't qualify for our places. We're way too small for this. Commissioner Murray said, well, it qualifies for a number of ones. Chairman Hair said, so it doesn't affect us any, does it, Dr. Thomas? Commissioner Thomas said, that's right.

Chairman Hair said, okay. Any further questions? The Chair will entertain a motion. Commissioner Price said, wait, I have a question. Chairman Hair said, okay, Commissioner Price.

Commissioner Price said, we have a policy in place. This may or may not relate to this, but I want to ask the question any way. Where you go to build an addition to your existing dwelling, your home, that if you have a unpaved access to your home currently and you're going over a culvert to get to your property that if you're going to just —, if you're going to go and take a carport and make it into a closed in garage area or closed in area, or make that into a garage, that our Inspections Department can require that you pave the drive area onto your property as you go over that culvert, because hypothetically speaking there might be additional weight going across that culvert. In regards to this, is there anything in here that requires any of these developers because you're saying unpaved private vehicular access easement, to do something likewise? Mr. Saxman said, that would be an engineering issue that wouldn't relate to this particular amendment because it would be a 350-foot culvert and easement —. Chairman Hair said, that would affect any culvert, regardless, right? Mr. Saxman said, right.

Chairman Hair said, since it doesn't affect this particular, Commissioner Price, why don't you just get answers to your questions. I mean —, is Al [Bungard] here? Is he gone? Commissioner Price said, well, I'll talk to him. Chairman Hair said, okay. Commissioner Price said, I'll talk to him about it. Chairman Hair said, okay. But since it doesn't really directly relate --

County Attorney Hart said, Mr. Chairman, it will affect it at the entrance point, but it will not affect it, you know, further on the property. Chairman Hair said, but it won't affect it any more than any other culvert though, is my point. It won't have any affect on it —, on this particular motion I don't think it has any affect. Does that satisfy you? Commissioner Price said, but my point —, my point simply put is if individual citizens are required to do this, then certainly developers should be required to do it as well.

Chairman Hair asked, well, wouldn't they be anyway if it were changed, or if it's in existence now, Bill [Saxman], wouldn't they have to be doing it even if this passes? Mr. Saxman said, right. If the Engineering Department finds the size of that culvert would not handle that weight —. Chairman Hair said, well, they still would have to do it even if this —.

Commissioner Murray said, he brought up a good point though when you said something a minute ago, and you said developers. Is this proposal out there for the developers or —. Mr. Saxman said, no, this is for anybody. Commissioner Price said, an individual —. Mr. Saxman said, if an individual owned —, you own a lot out and you want to subdivide two lots off for your children, then you would not legally now be allowed to have more than a 350-foot access easement. If you had a 1200, 1500-foot depth of your lot, this would allow you at least to go to a 750-foot access easement without getting a variance. We mainly have it for individuals that own property because most of them are real narrow and these lots have been there for years and years.

Chairman Hair asked, any further questions? The Chair will entertain a motion. Commissioner Odell said, move to approve. Commissioner Price said, second. Chairman Hair said, motion and second. All those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioners Saussy, Rivers and DeLoach were not present.]

ACTION OF THE BOARD:

Commissioner Odell moved to approve a text amendment to the Chatham County Subdivision Regulations to extend the permitted length of private vehicular access easements from 350 feet to 750 feet and to permit an unpaved private vehicular access easement serving three or fewer single family residential lots.. Commissioner Price seconded the motion and it carried unanimously. [NOTE: Commissioners Saussy, Rivers and DeLoach were not present.]

=====

XIII. INFORMATION CALENDAR

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

ACTION OF THE BOARD:

Report received as information.

=====

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

ACTION OF THE BOARD:

Report received as information.

=====

3. STATUS REPORT ON SURPLUS PROPERTY.

ACTION OF THE BOARD:

Report received as information.

=====

4. STATUS REPORT ON INSPECTIONS CONSOLIDATION.

ACTION OF THE BOARD:

Report received as information.

=====

5. MONTHLY ROAD AND DRAINAGE BRIEFINGS.

ACTION OF THE BOARD:

Report received as information.

=====

EXECUTIVE SESSION

Commissioner Odell moved the Board go into Executive Session for the purpose of discussing litigation, land acquisition, and personnel. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioners Saussy, Rivers and DeLoach were not present.]

=====

ADJOURNMENT

There being no further business to be brought before the Board, Chairman Hair declared the meeting adjourned at 1:30 p.m.

=====

APPROVED: THIS _____ DAY OF _____, 1999

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

SYBIL E. TILLMAN, COUNTY CLERK