

MINUTES OF THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF CHATHAM COUNTY, GEORGIA, HELD ON DECEMBER 17,1999, 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, December 17,1999.

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II. INVOCATION

Commissioner Joe Murray Rivers gave the invocation.

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III. PLEDGE OF ALLEGIANCE

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

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IV. ROLL CALL

The Clerk called the roll.

PRESENT:	Dr. Billy B. Hair, Chairman Dr. Priscilla D. Thomas, Vice Chairman, District Eight David L. Saussy, District One Joe Murray Rivers, District Two Martin S. Jackel, District Three Harris Odell, Jr., District Five Ben Price, District Six Eddie W. DeLoach, District Seven
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ABSENT:	Frank G. Murray, Chairman Pro Tem, District Four
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IN ATTENDANCE:	Russ Abolt, County Manager R. Jonathan Hart, County Attorney Sybil E. Tillman, County Clerk
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YOUTH COMMISSIONERS

Chairman Hair said, I'd like to recognize our Youth Commissioners who are with us today. We have Sumati Gupta who's from the Indian Association Youth Group, we have Katie Ussery, who is a Sophomore at Jenkins High School, and we gave Bonita Taylor, who is a Senior at Windsor Forest High School. We appreciate you folks being here today and, as I said to you earlier, if you want to make any comment or ask a question, raise your hand and I'll be glad to recognize you. Thank you for coming.

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V. PROCLAMATIONS AND SPECIAL PRESENTATIONS

1. SPECIAL RECOGNITION OF COUNTER NARCOTICS TEAM AND COMMANDER SMITH.

Chairman Hair said, at this time we're going to have special recognition of our Counter Narcotics Team and Commander Smith. I've asked that they —, I've asked Commissioner Saussy to also join me. We have an extremely important presentation to make this morning. We've always recognized what a great job that our Counter Narcotics Team did under the leadership of Commander Smith, but now we have national recognition of the wonderful job that this organization does, and we have a special recognition award and a letter, personal letter from Barry McCaffery, who is the Director of the drug office in Washington, and I'd like to read the letter. It's actually addressed to Mr. Abolt. It says:

Dear Mr. Abolt:

The Office of National Drug Control Policy would like to recognize the efforts of the Chatham-Savannah Counter Narcotics Team and its Commander, Stephen J. Smith. The accomplishments of this team are only exceeded by their commitment to the community.

The impressive arrest and conviction rate that this team has accrued is a direct testament to their cooperation with other federal, state and local law enforcement agencies. Such success should serve as a model for all officials in your area.

Achievements of this type help keep our streets and neighborhoods safe. We look forward to your continued success in the future.

Best Wishes,
/s/ Barry R. McCaffery
Barry R. McCaffery
Director

Commander Steve Smith said, thank you. I'd like to accept this on behalf of all the men and women of the Chatham-Savannah Counter Narcotics Team. It certainly is a team effort. We have representatives —, have had representatives from every local law enforcement agency in Chatham County, and it's really the work that those agents do on a day to day basis, the careful —, the care that they're taking, track they're taking in preparing their reports, writing reports and all the administrative stuff, and not just in the trenches making arrests that have, I think, led to this award. I'd like to introduce some of the people that are with me today: the Deputy Commander Captain Dave Jenkins, the Assistant Commander, Harold Ragan, Hank Wiley, the Intel Commander, Susan Weiner, my secretary, and our two Assistant District Attorneys from the District Attorney's office and Mr. Lawton's office, Tom Cerbone and Ian Heap. And, as I say, this is a team effort. I wish I could have had the entire team up here, but some of them don't like to have their faces on TV, but we greatly appreciate the men and women of CNT. Thank you.

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

Commissioner Saussy said, thank you, Mr. Chairman. I just am real proud of the CNT and what they've done in the past. Having been one of the authors, I guess, of getting CNT started, it has really made a big difference in Chatham County, and one of the things that it has done, which I think is really great, it's brought all the departments together under one roof to help take these drugs away from those that are peddling them and taking them, and I'm sure that we can see —, we'll see a lot more —, greater things happen in the future. I'm real proud of you.

Chairman Hair said, thank you.

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RECOGNITION OF VAN JOHNSON

Chairman Hair said, also before we get to the Commissioners' Items, we'd like to recognize one of our own. Van Johnson, who's picture was in the paper and recognized as —, what is it? The successful under 40, or what is the —? Commissioner Price said, 20 under 40. Chairman Hair said, I was telling Van [Johnson] earlier, I thought he was older than

that, but —. I think we're going to have to check his personnel file to find out if he really is, but it's quite an honor Van [Johnson]. We appreciate your being recognized by other people. Mr. Johnson said, thank you.

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VI. CHAIRMAN'S ITEMS

None

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VII. COMMISSIONERS' ITEMS

1. MARY ELLEN SPRAGUE, LIBRARY BOARD (COMMISSIONER SAUSSY).

Chairman Hair said, under the Commissioners' Items we have Mary Ellen Sprague from the Library Board, I understand. I'm going to recognized Commissioner Saussy to introduce her.

Commissioner Saussy said, thank you, Mr. Chairman. Ms. Sprague has not arrived yet. She said she is on her way. If we could pull that off until she is here.

Chairman Hair said, okay.

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Chairman Hair asked, Ms. Sprague, are you ready. Chairman Hair said, I recognize Ms. Sprague at this time. Commissioner Saussy said, Mary Ellen [Sprague], you're up.

Ms. Mary Ellen Sprague said, good morning. Commissioner Price said, you've got the floor. Ms. Sprague said, oh, okay. I thought that Harris [Odell] said he had something that he wanted to present and that's what I was waiting for. No, what I wanted to come and tell you was basically what I think that you've already heard already, a couple of things that have been in the paper already and that you have heard. We are very concerned about the budget as I think that y'all are. With our budget, we are —, we've received over \$300,000 that we will be short in terms of services by July 1st. We —, I don't think it will be the full amount that we presented to you. I think it was like 360 because we did not hire everybody as of July —, January 1st for Bull Street, which means there will be some salary savings for January, but I do perceive by the time we get to May we're going to be looking at some serious problems if we don't go ahead and cut, and we are talking about cutting services come January, uh, the next meeting in terms of —, to try and meet that budget that y'all presented —, have given us so far. That's my biggest concern. I think as you read in the newspaper, we are considering an Internet policy, and that's something we've spent a lot of time on that. We will continue to spend some time on that. We're also dealing very carefully with a new circulation policy, which probably will be approved once we get a quorum at one of our meetings. It is expenditure neutral in terms of what it does, and you'll hear that we are going to be fine free, fine free to some extent but there's still, it's kind of like if you're late, a couple of days late, you won't have to pay a fine, but you will pay more if you don't bring in the book later on, so it ends up being revenue neutral. Those are basically the big issues for us right now. If you have any other —, oh, the inner city libraries. We have tried to spend all that money and get that going as fast as we can, as soon as we can. We are very concerned about the conditions of those libraries and we're headed in that direction. We have not completely finished Bull Street, we're still working. The workmen are still over there, still working on that. That will probably be another two months before it's completely up and running the way that we would like it.

Chairman Hair said, Ms. Sprague —. Ms. Sprague said, yes. Chairman Hair said, I have a —, I was very concerned when I read about the fact that there were members of the Library Board that are actually missing the statutory number of meetings. I would appreciate personally if you would give us a list of the Chatham County appointees that have missed. I would vote to remove them. If they cannot attend the meetings or do not choose to attend the meetings, if you would give us a list of those that have missed more than three meetings, I would certainly support removing them and replacing them with somebody that may be more interested in serving on the Library Board. Ms. Sprague said, thank you, I appreciate that. We do have some wonderful community activists that would be great board members that I would —, all of our board members are actually wonderful board members when they're there. The problem is getting them all there. Chairman Hair said, if you will give us the names of the Chatham County appointees that have missed more than three meetings, I think you will see support from this Commission to remove them and replace them with people more interested. Ms. Sprague said, thank you, I appreciate that. Chairman Hair said, thank you very much, Ms. Sprague.

Ms. Sprague asked, anything else? Okay. Chairman Hair said, thank you. Do you have a question? Commissioner DeLoach has a comment. Commissioner DeLoach said, it's gone. Chairman Hair said, okay. Commissioner Thomas said, Mr. Chairman, while you're on that same line, we need to consider other boards, appointees as well because I've gotten some requests —. Commissioner Jackel said, yes, I have a question. Commissioner Thomas said, I've gotten some requests from some other, you know, task forces and so forth. They're concerned about representation. Chairman Hair said, I believe if we appoint someone —. Commissioner Thomas said, so we really need to do that. Chairman Hair recognized Commissioner DeLoach.

Commissioner DeLoach said, all right, what crossed my mind earlier, I had talked to y'all about two ladies out in Garden City —. Ms. Sprague said, we're still dealing with that and I'm very concerned about that. Commissioner DeLoach said, all right, I just want to make —, reiterate the fact that those folks have been there for years and they have no desire to go anywhere else, and it would be —, there is no way that those people need to move. Ms. Sprague said, I'll keep working on that. Commissioner DeLoach said, and so whatever happens, you can let the guy that's in charge go, but don't move those people. Ms. Sprague said, they are wonderful and I agree with you they shouldn't move. They do —, they take their personal time to do home visits and bring books to elderly people that can't get them any other way, and they are real assets to Garden City and I don't want to see them move. Commissioner DeLoach said, thank you.

Chairman Hair recognized Commissioner Jackel.

Commissioner Jackel said, all I really know is, as Will Rogers said, is what I read in the newspaper. Tell us what's going on with the opening and the hours at Bull Street. Where are we? Ms. Sprague said, Bull Street we're right where we were in December. We're basically are still at eight hours, the same eight hours that we were. We are gearing up as fast as we can. I think we're up —, last time I checked, up to about seven or eight more employees that we've hired. A lot of them are coming in January. They have jobs that they have to get out of to come, so that takes a little bit of time. We should be fully geared up by February 1st as in 70 hours, fully [inaudible].

Chairman Hair said, Commissioner DeLoach, one final question. Commissioner DeLoach said, there's a lady right there. Chairman Hair said, and then —, Ms. Gupta.

Youth Commissioner Gupta said, I just had a little bit. Is it just that you haven't found the people to hire, you don't have the money to pay them? Ms. Sprague said, we do now. We do now thanks to the Chatham County Commission, but it takes time to advertise the position, it takes time to interview and make sure that you get the right people. You don't want to just hire people because you need people. You want to get the best people, and so to advertise, to interview and then to fill the —, and then they if they have jobs they have to usually give a couple of weeks or try to give a couple of weeks notice and then get them on board. Youth commissioner Gupta said, you have the money though, right? It's just people and then effective January you can open —. Ms. Sprague said, February 1st that we would be able to open. Not January, unfortunately. I would like to see —, our numbers are very good in terms of usage. We've been extremely pleased in what we've seen in terms of the usage.

Commissioner DeLoach said, something I think needs to be looked at. I think y'all do a book fair with the schools. Ms. Sprague said, I'm not aware of that. Commissioner DeLoach said, anyway what it is is a little book deal that rides around and, you know, kids can go in and buy books from the —, from different groups. We've got a problem of the quality of the books that are there if it's, in fact, working with the library. It's my understanding that the library and the School Board might work on some kind of book fair. Ms. Sprague said, I'm not aware of that, but I'll check into it. Commissioner DeLoach said, well, do me a favor and if it's not in y'all's realm, find out whose realm it's in and see if we can't get somebody with some —, a better ability of getting books in there. They're selling some —, who is that, Potter, the guy that nobody [inaudible]. Commissioner Jackel said, Harry Potter. Commissioner DeLoach said, Harry Potter. Well, they've got these books up here, you know, they're \$20 books and you've got kids coming in there that they can't afford that kind of book, and then they've got these smaller items that are —, that they're putting together that are less —, I mean, they're useless, and they're selling them for \$2.95 and the overall program is not worth what they're doing. I don't know if it's y'all's group helping the School Board on that or the School Board tell me that and I'll get with the School Board, but I went over there and bought some of the books so I could see the quality. Ms. Sprague asked, where was this? Commissioner DeLoach said, this was at Port Wentworth Elementary the other day. Ms. Sprague said, okay. Commissioner DeLoach said, but the quality —. Ms. Sprague said, we don't usually do book fairs. I'll check but the only sales that I know of that the library does is that we have a —, when people bring in used books or whatever and we can't use them, then we sell them, but I think you're talking about Tolle [phonetic] or one of those other groups that come in, and I don't think that's us, but I'll double check. Commissioner DeLoach said, all right, because I just —, I mean, we've got to improve the quality where kids want to buy one book and it needs to be something they can afford, and it doesn't need to be a \$20 book because most of them can't afford a \$20 book.

Youth Commissioner Gupta said, with the book fair thing, when I was in school it was never with the library. Like as far as we knew, it was just like a profit organization kind of thing and they did overprice a lot of stuff. Commissioner DeLoach said, yes, it was overpriced. Youth Commissioner Gupta said, but I didn't [inaudible] to school like a lot of people couldn't afford it, but they did do that and it wasn't with the library though. Commissioner DeLoach said, okay.

Chairman Hair asked, would you look into that? Ms. Sprague said, I'll check it out. Come forward and state your name for the record.

Mr. Bob Smith said, I'm Bob Smith. I'm the incoming chair, vice chair of the Chatham-Savannah Authority for the Homeless, and I want to thank you guys [inaudible], makes my job a lot easier. I have a question for Ms. Sprague. Two really. I'm 66 years old and I've gone to every meeting since I've been on the board of Chatham-Savannah Authority for the Homeless. That's about 14 meetings and we've always had a quorum. I ride a CAT bus. I got here this morning by a CAT bus. I made myself available for a CAT bus to get me here to this meeting because it's very important for my authority. She [Sprague] gets here 40 minutes late. My question is, she mentioned in her little spiel here about we're going to have to cut services. In the paper not two weeks ago their Executive Director stated they may have to close the branches and transfer some of those people to the main branch, the main library, the staffing. That sounds like a threat, and they've been coming in here for the last year threatening you guys, we're going to close, we're going to close if we don't get some money. They do it constantly, especially the Executive Director. I don't have a clarifying statement of are they going to keep the branches open irregardless —, a bad word, but it's usable. Are they going to close the branches and take the staff down to Bull Street? I mean, why do I read in the paper and see these statements over and over and over if they're not going to do it, and why threaten? Why even let the man have an interview as far as I'm concerned.

Chairman Hair said, thank you, sir. I think you've see the Commission express similar concerns and we also, I think, we have a week between now and the next meeting in January we're going to be working on some budget issues with the Library Board to see if we can't get the staffing up quicker and those kinds of things.

Mr. Smith said, in fact, we do occasionally have an affirmative statement of our goal is —. What is their goal? Chairman Hair said, yes sir, I think you made a very good point. We appreciate your comment. Mr. Smith said, thank you.

Ms. Sprague said, I would like to address a couple of those if I can. Number one, I hate that word threatening, but I do feel like if we do have to cut services and we are cut to a certain degree, then it's my duty as President of the board to let the County Commission know that this is a consequence of an action. I think if we went and cut people and didn't tell them in advance that we were having financial problems, then that would be a bad thing. And so, to me, I'm just trying to do my job and I'm not trying to threaten anybody. I'm just trying to —, as I said, I think if we went and cut and didn't tell them, that they would be even madder. Chairman Hair said, okay. Ms. Sprague said, so, to me I'm just trying to do my job. Also, in terms of the closing —, we have no plans to close right now any library that I know of. And if, you know, that would be a surprise to me, and I just wanted to say that for the record because we have no plans to close any inner city library. Mr. Smith said, it was in the paper. Ms. Sprague said, okay. That's all.

Chairman Hair said, thank you, Ms. Sprague. Ms. Sprague said, oh, I have an article here that was in *Scouting Magazine* on going to the library and how Internet usage has actually increased, library usage, and I would like to leave that here for y'all. Chairman Hair said, give it to Mr. Abolt and we'll get copies to the Commission. Thank you very much, Ms. Sprague, for coming.

ACTION OF THE BOARD:

Received as information.

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ORDER OF BUSINESS

Chairman Hair said, I'm going to ask that we modify the agenda slightly, that we take the budget items first. We have a number of people in the audience that are interested and also some representatives of the School Board. I think everybody is going to be happy this morning, or as happy as they can be on a budget year, because we are going to be restoring all the grant-in-aids [sic], there won't be any cuts in those. I think many of you out there are supporting that —. [Applause.] Commissioner Rivers said, so moved we change the order. Chairman Hair said, we have a motion to change the order. Do I have a second? Commissioners Price and Thomas said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Murray was not present.] Chairman Hair said, the motion passes.

Chairman Hair said, we do need to adopt two items under the Second Readings first before we get to the budget item because they're related.

[NOTE: Items XII-2, XII-3 and IX-2, respectively, were heard at this point on the agenda.]

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VIII. TABLED/POSTPONED ITEMS

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

Chairman Hair said, we have two items on the table. Both items, I believe, are not ready for discussion at this point. We still have work to do on getting the information for S.T.O.P. and we also have an agreement with Commissioner Rivers to leave the CADDA discussion on the table. Commissioner Murray, who is not with us today, requested that this be delayed until the first meeting in January to discuss it, and as a courtesy to Commissioners we also grant those requests so we will leave that on the table as well and that will be on the agenda for January 14th.

- 1. **RESPONSE ON RESOURCES NECESSARY TO REPLY TO S.T.O.P. GROUP. (Note: No motion was formally made to table this item at the December 3, 1999, meeting, but it was decided that the Tax Assessor's Office would bring back costs at the December 17, 1999, meeting.) Note: Additional staff work is attached as requested.**

ACTION OF THE BOARD:

This item was not placed on the table for consideration by the Commissioners.

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- 2. **RESOLUTION FROM COASTAL AREA DISTRICT DEVELOPMENT AUTHORITY (COMMISSIONER RIVERS). Tabled at meeting of December 3, 1999.**

ACTION OF THE BOARD:

This item was not placed on the table for consideration by the Commissioners.

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IX. ITEMS FOR INDIVIDUAL ACTION

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

- 1. **REQUEST BOARD APPROVE THE FOLLOWING: A CAPITAL IMPROVEMENT PROGRAM CONTINGENCY TRANSFER OF \$12,000 FOR IMPROVEMENTS TO THE STATE COURT OFFICES, A 1998-2003 SPLOST TRANSFER OF \$300,000 FROM DRAINAGE RESERVE TO WILMINGTON PARK PROJECT, AND A TRANSFER OF \$2,100 WITHIN THE SUPERIOR COURT JUDICIARY BUDGET FOR A RENOVATION PROJECT.**

Chairman Hair said, I'll entertain a motion. Commissioner Thomas said, move for approval. Commissioner Odell said, second. Chairman Hair said, second. Any discussion? All those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Murray was not present.] Chairman Hair said, the motion passes.

Commissioner Odell said, Mr. Chairman, personal privilege. Chairman Hair recognized Commissioner Odell. Commissioner Odell said, we've got some really good things in State Court. If Mr. Blair, Vice President of Administrative Services for the State Court —, Carlton [Blair], could you just give a thumbnail overview of the information system.

Mr. Carlton Blair said, thank you very much for asking and for saying that. I really wanted to salute the ICS staff. We're just about to embark on a very, very important project of allowing greater public access to our courts, access to information that we have through the Internet and access to us from the attorneys and folks who want to file things will be able to file them electronically, and that's primarily due to the good insight that Russ [Abolt] had and the ICS staff in hiring a young man named J. J. Cain, who brings to us an added —, abilities that we didn't have that makes all of that possible, and so I'm just very, very excited about that, and before the end of the millennium you'll see great changes in State Court's public access and after you'll see even greater changes in it. Thank you.

Chairman Hair said, thank you, Mr. Blair. Commissioner Jackel said, let me —, let me just —. Chairman Hair recognized Commissioner Jackel.

Commissioner Jackel said, I know y'all are on line and I can look up either through the attorney's name or the defendant's name the cases, and I've started doing that. Have you noticed a decrease in phone calls for information because people can find it on line? Mr. Blair said, I've noticed a great decrease in phone calls, and we —, probably the biggest help we —, the biggest thing I've noticed is the lawyers tell me that they look —, before the go to work in the morning they turn on the Internet and see where they're supposed to be and since that —. Commissioner Jackel said, I've been trying to figure out where I was supposed to be for a long time. Mr. Blair said, I'm not going to add anything else to that. Commissioner Jackel said, some people have told me where to go occasionally. Mr. Blair said, well, you're always welcome in State Court. Commissioner Jackel said, well, I'm glad it's working so well. It apparently really is.

Chairman Hair said, thank you, Mr. Blair, we appreciate that. Mr. Blair said, well, I thank y'all very much. Chairman Hair said, we appreciate the cooperation between your office and the regular County staff as well. Thank you very much for coming in.

ACTION OF THE BOARD:

Commissioner Thomas moved to approve the following: a Capital Improvement Program contingency transfer of \$12,000 for improvements to the State Court offices, a 1998-2003 SPLOST transfer of \$300,000 from Drainage Reserve to Wilmington Park Project, and a transfer of \$2,100 within the Superior Court Judiciary Budget for a renovation project. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioner Murray was not present.]

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2. REQUEST BOARD ADOPT THE FY 2000 BUDGET RESOLUTIONS FOR CHATHAM COUNTY IN THE FOLLOWING SEQUENCE:

A. DISCUSSION ON LAW ENFORCEMENT PAY PLAN OPTIONS.

B. ADOPTION OF BUDGET RESOLUTIONS.

(NOTE: Items XII-2 and XII-3 on Second Readings (see page 13) must be dealt with before adoption of the budget.)

Chairman Hair said, the plan that I submitted I think earlier in the week, what it does is it fully restores the grant-in-aid, covers the special election, covers Teleride, covers all those things we have to approve. It does give a five percent (5%) pay raise to employees effective May 1st, and it also goes to January 1st for a modular pay plan, I believe. Is there any —, well, let's get a motion on the floor first.

Commissioner DeLoach said, I move we approve that. Commissioner Price said, second. Commissioner DeLoach said, with discussion. Chairman Hair said, okay, we have a motion and a second, and I recognize Commissioner DeLoach. Commissioner DeLoach said, the question I had, the basic program that we're talking about is the —, on the police salaries is the program that's been adopted earlier, and we're just going to follow through with that. Is that your understanding on that?

Chairman Hair said, that is my understanding. I'm going to —, I do think it would be better to do anniversary dates, but I'm going to —, I was going to vote against it, but for that reason. Commissioner DeLoach said, okay. So, does anybody else have any discussion? Commissioner DeLoach said, I call the question. Chairman Hair asked, call for the question? Commissioner DeLoach said, yes. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Murray was not present.] Chairman Hair said, the motion passes. Commissioner Price said, hallelujah. Chairman Hair said, thank you.

Chairman Hair said, now we'll go back to our original sequence of agenda. We appreciate everyone coming and you're certainly welcome to stay until twelve o'clock with us if you want to or you may leave now. Chairman Hair called a brief recess while members of the audience left the meeting room.

ACTION OF THE BOARD:

Commissioner DeLoach moved to approve the budget for the first six months of the year 2000 by approving the recommendation of the County Manager with the following changes: Commission to the Tax Commission decreased from 2.5% to 1.51%, M&O fund balance increased by \$140,310 pursuant to the Chairman's proposal, and a 5% COLA to be funded effective May 1, 2000, in the amount of \$14,070, M&O compensation reduced by \$667,400; SSD fund balance increased by \$31,520 pursuant to the Chairman's proposal, and SSD compensation reduced by \$163,730. Commissioner Price seconded the motion and it carried unanimously. [NOTE: Commissioner Murray was not present.]

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3. REQUEST BOARD DENY REQUEST OF ALBERT MAZ FOR REFUND IN THE AMOUNT OF \$560.44.

Chairman Hair said, I'll entertain a motion. Commissioner Jackel asked, is he present? Chairman Hair asked, is anyone present to represent —? Come forward, sir.

Mr. Albert Maz said, good morning. Several Commissioners said, good morning. Mr. Maz said, with regard to this item, I was advised beforehand that it was going to be recommended that my request be denied; however, I did not any explanation as to why it was being denied.

Chairman Hair recognized County Manager Abolt. County Manager Abolt said, I turn to the attorney please.

County Attorney Hart said, basically, this is a homestead exemption case for an individual that meets the qualifications under the Homestead Exemption Act for being of age to qualify and the Act very specifically says that you will apply during certain months of the year, and there's a deadline for that. The application for homestead exemption was put in after that day and did not meet the deadline specified in the statute. There's a legal opinion and memorandum in your paper concerning that. We have consistently construed that. It is a very unfortunate situation that every year in this County we have people apply for homestead, general homesteads and homestead exemptions. There has to be a cut-off date for those dates, and we have consistently construed that date to be the same date that's required by State law, and every year we always have people who don't meet the deadline. It is not an obligation of the County to go out and find people and tell them to apply. It's an obligation of the person seeking the homestead to timely apply, and it's the only rule that the County can administratively function, and we have consistently ruled that way in regard to the statutory limitations. In this particular case, the statute itself specifies that deadline, and out of a matter of expediency and out of a matter of consistency to everyone playing under the same rules, we have made a recommendation to follow the statute.

Chairman Hair recognized Commissioner Odell.

Commissioner Odell said, Jon [Hart], just a point of clarification. This citizen qualifies for the exemption? County Attorney Hart said, yes sir, he does. Commissioner Odell said, but for the fact that he filed out of time, he will receive the exemption.

County Attorney Hart said, yes sir, he would have. Commissioner Odell asked, in what ways, if any, can we as a Commission grant the refund? County Attorney Hart said, I don't believe you can legally. Commissioner Odell asked, is this situation similar to a business owner who, and we had one several weeks ago —. County Attorney Hart said, last meeting. Commissioner Odell said, and we made an exception [inaudible]. County Attorney Hart said, yes sir, we did. The recommendation of County staff was not to make an exception in that case for pretty much the same reason as this case. There was a difference between those two cases in that the home —, that was dealing with a freeport exemption, or a tax exemption under a statute that did not expressly state the deadline for filing the exemption. Okay? Therefore, this Commission exercised discretion since the deadline was not statutorily mandated and made a decision amongst themselves by vote that that's what they chose to do. In this particular case the homestead exemption is designated within the statute as to the filing requirements and —. Commissioner Odell asked, and we don't have that option of discretion?

County Attorney Hart said, I don't believe you do, sir. I am totally sympathetic to this gentleman's situation, and every year we have a lot of people that come up here that truly qualified but didn't apply timely, and all you can do is tell them next year please apply timely.

Chairman Hair said, Commissioner Jackel and then Commissioner Rivers.

Commissioner Jackel asked, what would we do if —, this is a —, the deadline is when? The 3rd of May? County Attorney Hart said, yes, uh —. Commissioner Jackel asked, what if you got a call from someone that was skiing out in Colorado and they had a freak snowstorm and they called you and said we're snowed in, we can't get out, just say I'm sorry, the law says —? Commissioner DeLoach said, I'd say they can afford it. That's what I'd say. Chairman Hair said, I'd be much less sympathetic, I grant you. Commissioner Jackel said, well, what if they were in West Virginia and they had floods, what would you do then? They couldn't get back because of the floods, or some other reason? Virtually every statute I've dealt with has some thing called —, some escape clause. County Attorney Hart said, as a practical standpoint, the office down there is —. Commissioner Jackel said, excusable neglect. County Attorney Hart said, they have not excused non-appearance, but if you have your designee show up with something that says you want to make an application and get your application in, they've been very, very liberal about amending that application subsequent to that date. Commissioner Jackel said, well, the facts in this case, as I read them, he had —, states he received some information which indicated

he would be timely and he relied on that, and if he did rely on that, that to me seems like that's excusable neglect. County Attorney Hart said, there is not a standard within that statute for an excusable neglect. Commissioner Jackel said, but we're sitting here as a quasi-judicial body and the man comes up before us and says I relied on certain information, and he's a lay person, he went and called —, went down there —. Did you go down there or you called —, I don't recall? Mr. Maz said, I went to —, as soon as I was allowed to or able to I went down to the office to make the application and I was told that I had missed the deadline and I had —, I had explained in my letter to Mr. Abolt that I had family commitments out of state, but I fully intended to make the application and it was my understanding that I was supposed to be age 63 and, in fact, it was age 62, so I —, actually when I was told that information I could have made the application right then back in January, but I waited until May 3rd, I was 63 and I happened to be out of state. My son was getting married on Long Island and I had to be there. As soon as I got back in Savannah I came down and tried to make the application and they said, sorry, but you missed the deadline. Well, as it turns out I found out further that, my wife is a little bit older than I am, and that we would have qualified simply because one of us, only one of us had to be age 62. My wife was 62 the previous year, and consequently I'm making this appeal based on erroneous information, and I —, I mean I paid the tax already and I was told that the one thing the Board can do and it has the authority to do is to grant a refund, and that's all I'm asking for.

Chairman Hair recognized Commissioner Rivers. Commissioner Jackel said, let me just finish up if I can. So you actually could have gotten this the year before is what you're saying, but you had —, you had improper information. Mr. Maz said, I believe that I would have qualified to make the application because of my wife's age, but not because of my age. I was 62 on May 3rd and I found out that the deadline was May 1st, so I would not have qualified —, I personally, and then I found out that only one of us, my wife or myself, had to be age 62, and of course I didn't even know that when I came down to apply when I got back after I was 63. Commissioner Jackel asked, you went to the fifth floor of the courthouse and that's where you received the information that either you received the wrong information or you did not fully understand what they gave you, one of the two, but it was an honest mistake on your behalf? Mr. Maz said, I don't believe that I made a mistake. I believe that I was given the wrong information and obviously, in fact, if it was explained that way, I could have made the application back in January.

Chairman Hair said, Commissioner Rivers and then Commissioner Price.

Commissioner Rivers asked, Mr. Udinsky, when someone comes up to your office, aren't they given a sheet of information with that —, did you receive a sheet —? Mr. Maz said, the only information I got was verbal at the time because I was at the office for another purpose, and I was asked if I was there for the senior citizen exemption and I said, no, what is that, and the person, and I don't know —, I don't remember her name, and I think that she, you know, was acting in good faith. Commissioner Rivers said, so what you're saying, you didn't actually at that point in time, you were there on another matter, you weren't even concerned about the —. Mr. Maz said, oh, when I found out what it was I certainly was interested in having, you know, that information, but I had family commitments and it covered May 3rd. I would have been there on May 4th, you know, to make the application or even May 3rd, but I had to be out of state and as soon as I did get back I went to do that and my wife was along with me and everything and they said, oh, I'm sorry, you missed the deadline. Commissioner Rivers said, Mr. Udinsky, usually when someone comes to the office inquiring about homestead exemption, aren't they given a sheet explaining that in detail? Mr. Udinsky said, yes, there's two different documents that they can have, a short brochure that doesn't give a lot of information but it does tell about the application process, and then there's a multiple page book what's known as the Property Owner Fact Sheet, and that's distributed both in my office, the Tax Commissioner's office, and a number of different sources in the courthouse that gives all the specific information about every exemption there is, so the answer is yes. Commissioner Rivers said, okay, let me ask you one other question. Is the property in your name or in your wife's name or in both? Mr. Maz said, in both. Commissioner Rivers said, both, okay.

Chairman Hair recognized Commissioner Price.

Commissioner Price asked, who gave you that information verbally? Mr. Maz said, it was a young woman that was behind the counter when I had come to the counter, and I don't remember her name, but I do have evidence that I was there because I was —. Commissioner Price said, I don't dispute that. Gary [Udinsky], your employees are well versed on the law of what the policy is? Mr. Udinsky said, frankly, the people at the front desk and at the returns window know the requirements for the appli—, for applying for the exemption, frankly, better than I do, so they are very well versed in what's necessary to apply. Commissioner Price said, okay, so —. Mr. Udinsky said, and I'll just say that I've questioned everyone who could have been involved in this and no one has any —, well, I questioned them about if they knew the requirements for the exemption, and everyone knew them. So I didn't get any bad information from them. Commissioner Price said, regardless of that, the filing was done after the deadline. Mr. Udinsky said, yes. Commissioner Jackel said, he was given faulty information. Commissioner Price said, I don't —. Mr. Maz said, my filing —, my purpose was I was there to file, and that was the earliest possible time that I could file after reaching age 63, and the only reason was because of the information that I was told. I certainly could have done it before I had to go out of state, but I was waiting until I was 63, and then I found out, oh, you missed the deadline of May 1st. Commissioner Price said, well, the problem I have with being able to vote on a refund for you is there are literally hundreds and thousands of people that do this, and if we set a precedent here in this regard, even though it's, you know, I was told wrong information, I have confidence in the staff of the Assessor's office and Mr. Udinsky, and it's not that I don't believe you, it's not that I believe them and not you, it's a precedent problem that has been caused, and so I —, I'm going to make a motion that we approve the staff's recommendation to deny. Commissioner Jackel said, I'm like to —, I'd like to just say one —.

Chairman Hair asked, do we have a second? Commissioner DeLoach said, second.

Commissioner Jackel said, I'd like to just say one thing on that. First of all, you know, it's obvious that this gentleman came up here, he's telling us the truth. Thousands? I don't know about thousands. Hundreds? I don't know about hundreds because once you file the exemption, it's filed, whether it's homestead or senior thing, and I've been up here three years now, this is the first one to come up here. I mean, it's not that people are beating down the doors to get up here who have filed late. This is the first person in three years to come up here, you know, and he relied on information that he received and that —, a citizen comes up here concerned about information he received and because of that he missed a deadline, whether he didn't hear it right, whether he didn't interpret it right, or whether someone just gave him the wrong information, he's concerned enough to come back up here, I've got to vote the other way and vote to allow him to get his refund.]

Chairman Hair said, okay, we have a motion and a second. Before we vote I would like to state my position. I'm sympathetic to your request, but I also think that we have a legal obligation to follow the advise of our attorney, who says that we really don't have the legal power to do this, so I'm going to vote in favor of the denial. We have a motion and a second to deny, all those in favor vote yes, opposed vote no. Chairman Hair and Commissioners Saussy, Odell, Price, DeLoach and Thomas voted in favor of the motion. Commissioners Rivers and Jackel voted in opposition. The motion carried by a vote of six to two. [NOTE: Commissioner Murray was not present.] Chairman Hair said, the motion passes. Okay, thank you, sir.

ACTION OF THE BOARD:

Commissioner Price moved to approve staff's recommendation to deny the request of Albert Maz for a refund in the amount of \$560.44 for homestead exemption. Commissioner DeLoach seconded the motion. Chairman Hair and Commissioners Saussy, Odell, Price, DeLoach and Thomas voted in favor of the motion. Commissioners Rivers and Jackel voted in opposition. The motion carried by a vote of six to two. [NOTE: Commissioner Murray was not present.]

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~~4. SHOW CAUSE HEARING FOR SUSPENSION OF LAND DISTURBING ACTIVITIES ORDINANCE PERMIT FOR SUGAR MILL PHASE 6.~~ *Note: This item was removed from agenda on 12/15/99. LDAO permit reinstated.*

ACTION OF THE BOARD:

This item was removed from the agenda and was not considered by the Commissioners.

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X. ACTION CALENDAR

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

Chairman Hair asked, does anybody want to pull anything off the Action Calendar? Okay, if not, I'll entertain a motion to approve the Action Calendar. Commissioner Thomas said, move for approval. Commissioner Price said, second. Chairman Hair said, second. All those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Murray was not present.]

ACTION OF THE BOARD:

Commissioner Thomas moved that the Action Calendar be approved in its entirety. Commissioner Price seconded the motion and it carried unanimously. [NOTE: Commissioner Murray was not present.]

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

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1. APPROVAL OF THE MINUTES OF THE REGULAR MEETING ON DECEMBER 3, 1999, AS MAILED.

ACTION OF THE BOARD:

Commissioner Thomas moved to approve the minutes of the regular meeting on December 3, 1999, as mailed. Commissioner Price seconded the motion and it carried unanimously. [NOTE: Commissioner Murray was not present.]

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2. CLAIMS VS. CHATHAM COUNTY FOR THE PERIOD NOVEMBER 24 THROUGH DECEMBER 8, 1999.**ACTION OF THE BOARD:**

Commissioner Thomas moved that the Finance Director is authorized to pay claims for the period November 24, 1999, through December 8, 1999, in the amount of \$8,697,910. Commissioner Price seconded the motion and it carried unanimously.

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**3. REQUEST BOARD APPROVE EARLY ACQUISITION OF PROPERTY OWNED BY RICHARD AND MAURINE GEORGE, 1406 FORSYTH ROAD, FOR TRUMAN PARKWAY PHASE III.
[DISTRICT 3.]****ACTION OF THE BOARD:**

Commissioner Thomas moved to approve the request for early acquisition of property owned by Richard and Maurine George, 1406 Forsyth Road, for Truman Parkway, Phase III. Commissioner Price seconded the motion and it carried unanimously. [NOTE: Commissioner Murray was not present.]

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**4. REQUEST BOARD APPROVE EARLY ACQUISITION OF PROPERTY OWNED BY THERESA T. BROWN, 11 RIVER BLUFF DRIVE, FOR THE WHITFIELD AVENUE WIDENING PROJECT.
[DISTRICT 1.]****ACTION OF THE BOARD:**

Commissioner Thomas moved to approve the request for early acquisition of property owned by Theresa T. Brown, 11 River Bluff Drive, for the Whitfield Avenue Widening Project. Commissioner Price seconded the motion and it carried unanimously. [NOTE: Commissioner Murray was not present.]

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**5. REQUEST BOARD APPROVE A REVISED AGREEMENT IN THE AMOUNT OF \$95,630.80 BETWEEN CSX TRANSPORTATION, INC., AND CHATHAM COUNTY FOR THE CONSTRUCTION OF A BRIDGE OVER CSX TRACKS FOR THE JIMMY DELOACH PARKWAY/S.R. 21 INTERCHANGE PROJECT.
[DISTRICT 7.]****ACTION OF THE BOARD:**

Commissioner Thomas moved to approve a revised agreement in the amount of \$95,630.80 between CSX Transportation, Inc., and Chatham County for the construction of a bridge over CSX tracks for the Jimmy DeLoach Parkway/S.R. 21 Interchange Project. Commissioner Price seconded the motion and it carried unanimously. [NOTE: Commissioner Murray was not present.]

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- 6. REQUEST BOARD APPROVE AN ACCESS AND MITIGATION ACTIVITY AGREEMENT BETWEEN KEMIRA PIGMENTS, INC., AND CHATHAM COUNTY, FOR A MITIGATION PROJECT TO RESTORE WETLANDS ADJACENT TO ELBA ISLAND ROAD.
[DISTRICTS 3 AND 7.]**

ACTION OF THE BOARD:

Commissioner Thomas moved to approve an Access and Mitigation Activity Agreement between Kemira Pigments, Inc., and Chatham County for a mitigation project to restore wetlands adjacent to Elba Island Road. Commissioner Price seconded the motion and it carried unanimously. [NOTE: Commissioner Murray was not present.]

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- 7. REQUEST FROM KONCUL ENTERPRISES, THROUGH THEIR AGENT, JOHN S. KERN, P.E., P.C., TO APPROVE THE CONSTRUCTION IMPROVEMENTS, BEGIN THE 12 MONTH WARRANTY PERIOD AND REDUCE THE BOND AMOUNT FOR BRANDLEWOOD SUBDIVISION PHASE 5.
[DISTRICT 5.]**

ACTION OF THE BOARD:

Commissioner Thomas moved to approve a request from Koncul Enterprises, through their agent, John S. Kern, P.E., P.C., to approve the construction improvements, begin the 12 month warranty period and reduce the bond amount for Brandlewood Subdivision Phase 5. Commissioner Price seconded the motion and it carried unanimously. [NOTE: Commissioner Murray was not present.]

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- 8. REQUEST FROM KONCUL ENTERPRISES, THROUGH THEIR AGENT, JOHN S. KERN, P.E., P.C., TO RECORD THE FINAL PLAT FOR BRANDLEWOOD SUBDIVISION PHASE 5B AND COMBINE THE STREETLIGHT ASSESSMENT DISTRICT WITH THE EXISTING DISTRICT.
[DISTRICT 5.]**

ACTION OF THE BOARD:

Commissioner Thomas moved to approve the request from Koncul Enterprises, through their agent, John S. Kern, P.E., P.C., to record the final plat for Brandlewood Subdivision Phase 5B and combine the streetlight assessment district with the existing district. Commissioner Price seconded the motion and it carried unanimously. [NOTE: Commissioner Murray was not present.]

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- 9. REQUEST BOARD APPROVE A RESOLUTION TO PROVIDE FOR THE USE OF THREE (3) BOARDS OF EQUALIZATION AS AUTHORIZED BY GEORGIA LAW.**

ACTION OF THE BOARD:

Commissioner Thomas moved to approve a resolution to provide for the use of three (3) Boards of Equalization as authorized by Georgia Law. Commissioner Price seconded the motion and it carried unanimously. [NOTE: Commissioner Murray was not present.]

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10. REQUEST BOARD TENTATIVELY APPROVE CALENDAR FOR REGULAR COMMISSION MEETINGS IN 2000.

ACTION OF THE BOARD:

Commissioner Thomas moved to tentatively approve the days and time for regular Commission meetings for 2000 as follows: Set meeting time for 9:00 a.m., and set dates for the second and fourth Fridays in January through September and the first and third Fridays in October through December, with schedule to be confirmed at the first meeting in January 2000. Commissioner Price seconded the motion and it carried unanimously. [NOTE: Commissioner Murray was not present.]

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11. REQUEST BOARD APPROVAL TO CORRECT ACTION TAKEN ON NOVEMBER 19, 1999, REGARDING FREEPORT EXEMPTION RESOLUTION AT 100% LEVEL.

ACTION OF THE BOARD:

Commissioner Thomas moved to approve a request to correct action taken on November 19, 1999, to reflect that the motion should have been to pass a resolution after January 1, 2000, to increase the freeport to one hundred percent (100%) effective calendar year 2001. Commissioner Price seconded the motion and it carried unanimously. [NOTE: Commissioner Murray was not present.]

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

<u>ITEM</u>	<u>DEPT.</u>	<u>SOURCE</u>	<u>AMOUNT</u>	<u>FUNDING</u>
A. Confirmation Change Order No. 1 to the contract to provide and install complete audio visual system to provide the installation of conduit for the system	SPLOST	Stage Front Presentations	\$14,827.42	SPLOST (1993-1998) - Trade Center (FF&E budget)
B. Confirmation of the rejection of bids received and permission to rebid for industrial equipment for the Trade Center	SPLOST	N/A	N/A	N/A
C. Change Order No. 3 to the contract for drainage improvements along Manchester and Claredon Roads for additional work associated with the project	SPLOST	Thomas and Hutton	\$6,450	SPLOST (1998-2003) - County Drainage Reserve (pending transfer)
D. Contract for the removal of hazardous trees from County rights-of-way	Engineering	Herrington Tree Service	\$7,725	Land Disturbing Activities Ordinance Fund
E. Repair of the fire/smoke alarm system	Detention Center	Simplex Time Recorder (sole source)	\$10,000	General Fund/M & O - Detention Center
F. Intelligence software	CNT	Management Data System	\$12,000	Weed and Seed Grant
G. Software modifications	Assessor	THE Systems, Inc. (sole source)	\$16,000	General Fund/M & O - Assessor
H. Network routers and various network equipment	Library	Codaram Corporation	\$11,856	General Fund/M & O - Library
I. Computer work stations	Library	Russell Ventures	\$12,773.30	General Fund/M & O - Library
J. Contract for the construction of the interchange at Jimmy DeLoach Parkway and Hwy 21	SPLOST	R. B. Baker Construction	\$7,190,934.20	SPLOST (1993-1998) - S.R. 21 Interchange Jimmy DeLoach Parkway
K. 50 task chairs	Library	Bidlo of Savannah	\$12,450	General Fund/M & O - Library
L. Confirmation Change Order No. 4 to the contract for the design of Wheaton Street Widening Project for additional services	SPLOST	Hussey, Gay, Bell and DeYoung	\$195	SPLOST (1985-1993) - Wheaton Street Widening Project
M. Contract for the demolition of three county owned houses	SPLOST	Ace's One Construction (MBE)	\$9,266	•SPLOST (1985-1993) - Stephenson Avenue Widening (two houses) •SPLOST (1985-1993) - Truman Parkway, Phase IV (one house)
N. Professional services contract for the design and engineering of the modification to a portion of the ANG facility for the consolidated Inspections Permitting function	Inspections	Bazemore, Mastrianni, Wilson	\$25,800	CIP - Restricted Inspections Fees (to be transferred)
O. Contract extension for probation services	Recorder's Court	Professional Corrections	N/A	N/A
P. Confirmation Change Order No.	SPLOST	Stage Front	\$60,622.39	SPLOST (1993-1998) - Trade

<u>ITEM</u>	<u>DEPT.</u>	<u>SOURCE</u>	<u>AMOUNT</u>	<u>FUNDING</u>
Q. Contract extension for the operation and maintenance of the Aquatic Center	Aquatic Center	The Champion Corporation	Same terms and conditions	General Fund/M & O - Aquatic Center
R. Professional services contract for human resources management consultant	Human Resources	Barbara Riner	\$11,275	General Fund/M & O - Human Resources
S. Declare helicopter as surplus and authorize the sale	Mosquito Control	N/A	N/A	N/A
T. Confirmation of corrective action taken on an administrative error on a previous agenda item	SPLOST	Hinesley Hickson	N/A	SPLOST (1993-1998) - Runaway Point Park
U. Deductive Change Order No. 1 to the contract for Judicial Courthouse HVAC replacement	Bond Proceeds Project	Erickson Associates	Reduction of \$606,420	Bond Proceeds - Judicial Courthouse HVAC Replacement
V. Change Order No. 2 to the contract for Judicial Courthouse HVAC replacement to provide for higher efficiency chillers than initially specified and to reduce KW consumption per ton from .55 to .52. "Pay back" will be 4.9 years	Bond Proceeds Project	Erickson Associates	\$67,628	Bond Proceeds - Judicial Courthouse HVAC Replacement
W. Confirmation of direct purchase by the County of equipment for Judicial Courthouse HVAC replacement. This action, coupled with early payment for the equipment, reduces project costs by a net amount of \$51,420	Bond Proceeds Project	Trane Company	\$555,000	Bond Proceeds - Judicial Courthouse HVAC Replacement
X. Change Order No. 1 to the contract for engineering and design of the Judicial Courthouse HVAC replacement to provide for daily on-site project supervision and project coordination	Bond Proceeds Project	Rosser International	\$19,500	Bond Proceeds - Judicial Courthouse HVAC Replacement
Y. Professional services contract to provide consulting services to various County departments to facilitate Y2K office automation transition	I.C.S.	Jennifer Taylor	Not to exceed \$40,000	CIP - Y2K Remediation

ACTION OF THE BOARD:

Commissioner Thomas moved to approve Items 12-A through 12-Y. Commissioner Price seconded the motion and it carried unanimously. [NOTE: Commissioner Murray was not present.]

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XI. FIRST READINGS

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

None.

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XII. SECOND READINGS

1. **PETITIONER, WILLIAM M. FOSTER, OWNER, IS REQUESTING A ZONING CHANGE FOR A 19.5 ACRE PARCEL LOCATED AT 612 WILMINGTON ISLAND ROAD (OLD SHERATON SAVANNAH HOTEL SITE) BE REZONED FROM T-B (TOURIST-BUSINESS) TO A PUD-M-18 (PLANNED UNIT DEVELOPMENT-MULTI-FAMILY) CLASSIFICATION TO ALLOW CONDOMINIUMS. A TOTAL OF 265 CONDOMINIUMS ARE PROPOSED ON THE SITE. THE MPC RECOMMENDED APPROVAL OF THE REZONING OF THE PETITIONED SITE FROM T-B TO A PUD-M-18 CLASSIFICATION.
MPC FILE NO. 99-12785-C
[DISTRICT 4.]**

Chairman Hair asked, does anybody need Mr. Saxman—? Commissioner Price said, so moved. Chairman Hair said, we have a motion. Do we have a second? Commissioner DeLoach said, it's first reading. Commissioner Price said, no, it's second. Commissioner DeLoach said, I move for approval. Oh, I second. Chairman Hair said, Commissioner Jackel has a question.

Commissioner Jackel said, I'm a little concerned about the density here. Tell us what actually the density is and what the density is in some of the surrounding areas.

Mr. Bill Saxman said, okay, the Planning Commission in looking at the petition looked at the T-B district, which is the current zoning. There was an amendment made in 1994 which allowed condominiums on this property at 12 units per acre, but there was a clause in that density factor that excluded the hotel site per se, so the actual density would have been greater if someone had built it as a condominium in conjunction with the hotel, so I'm estimating that that density in reality would be close to between 14 to 15 units per acre, if you got down and factored out the hotel site, but in reviewing the MPC application, or the petitioner's application, the MPC found that the actual traffic analysis, and they did do a traffic report, compared the current zoning and the uses allowed under the current zoning, but the previous site plan had been approved, and even though this density is higher, it's restricted to residential, it's eliminating a restaurant and other secondary uses that would also generate additional traffic, so the Planning Commission found that this traffic report would actually under 18 units per acre be less traffic generated on this site than the previous approved site plans or the current zoning would allow.

Commissioner Jackel asked, well, what if they add a restaurant in and a little bit down the road, are they going to be able to do that? Mr. Saxman said, no sir, they indicated this is going to be a private development. It's under a PUD classification. The site plan itself basically governs the use of the property. They'd have to come back through amendment to the site plan. Before they could do that, we would run that back to the County Commissioners. Commissioner Jackel asked, so we're talking about 18 per acre, and most of the places in the area are 12 per acre. Mr. Saxman said, well, 12 —, there's a 16-unit per acre with a living —, assisted living is are on the other side the golf course. Of course, the golf course itself is a PUD-M-1, which is one unit per acre, but they a plan that there's so many acres involved there that they can keep the golf course and still put 56 more housing units in the golf course area across the road. But this is a little higher than normally we look at, but based on the facts before us, it's not going to generate as much traffic as the previous uses of the current zoning would allow. Commissioner Jackel said, well, you know, we just heard a great deal of discussion up here about setting a precedent for one person. Mr. Saxman said, well —. Commissioner Jackel said, over 520 bucks. Mr. Saxman said, well, I don't think there's —. Commissioner Jackel said, and we're talking about 18 per unit. When big money comes knocking and they want to put 18 per acre, where we going to be then? Mr. Saxman said, well, the petitioner may want to make —, address this too, but he's convinced the MPC that basically by saving the hotel he's going to run costs up on this site and it's going to cost more under this development than the previous 10 or 15 people we talked to on this particular site in that they are trying to preserve the hotel and there's a lot of expense involved going into that hotel, and the traffic analysis we feel that that would be a sufficient write-off in public interest. Commissioner Jackel said, well, that doesn't answer my question. When the next group comes up and wants 18 per acre —? Mr. Saxman said, well, again we're looking at commercial here. We're going from commercial property down to a residential classification. All the rest

of the properties in this area are basically residential except for the boat marina and the Savannah Police Department facility on the north side.

Commissioner Jackel said, I'm also concerned about some significant live oaks there. Are they going to be preserved? Mr. Saxman said, they're proposing to keep 53 of the trees that are greater than 30 inches in diameter. Commissioner Jackel said, okay, I read that they were going to keep 53, but that doesn't tell me how many they're putting the axe to. Mr. Saxman said, well, they will be taking down some. Of course, they're going to have more than I think it's 60 something —, 50% open space on the site, and technically they're going to have development of probably 20% open space, so they're keeping 30% more open space and they are trying to adjust the buildings where they would save the most predominant trees. The City —, County Arborist has been looking at the site and they would be involved in the site plan review as we get further into the site. Commissioner Jackel asked, do we know how many —, how many are going to be cut if they're preserving 53? Mr. Saxman said, I don't know off the top of my head. Dan Gay or one of the engineers that worked up the plan may have that information.

Chairman Hair said, okay. Ms. Heimes would like to speak and then I'll recognize Commissioner Saussy.

Ms. Marianne Heimes said, I'd just like —, Dr. Hair, Dr. Thomas, Commissioners, I'm Marianne Heimes with the Islands Citizens —. Commissioner Odell said, no, you're not. Ms. Heimes said, sorry about that. I think that there is something here that we need to explain. You know, 18 units per acre is not my thing, but in order to preserve the old hotel, that seems to be the only way that this can be done. I have some concerns, however, that this could go on down Wilmington Island Road, and I think if you look at 265 condominiums in that spot coming down the road to meet the assisted living area and then on down to Palmers, that traffic is going to get horrendous and there is going to be a restaurant across the street at the clubhouse. So I think the traffic is a little —, maybe skewed there. Because of the hotel we have agreed to it, but we, like Commissioner Jackel, want to make sure that the trees and, you know, the landscaping is done properly. The Fosters have been good neighbors out there to us thus far, and we want to make sure it stays that way.

Chairman Hair said, I appreciate that. I think that the —, the site plan still has to come back if I'm correct, Mr. Saxman. Mr. Saxman said, not to the Commission. It'd be just to the MPC. Chairman Hair said, but it's got to come back to the MPC though, the site plan has to be reviewed again. Thank you, Ms. Heimes.

Chairman Hair recognized Commissioner Saussy.

Commissioner Saussy said, I just wanted to say I think this is a real good situation that they're doing here. At least it's saving the hotel, which could have been destroyed. Commissioner Thomas said, right. Commissioner Saussy said, I think Mr. Foster's been really, really bending over backwards in trying to get anything that he's done in this community done the right way. Chairman Hair said, there's no question —. Commissioner Saussy said, he will save as many trees as he possibly can. Chairman Hair said, he's been extremely responsive —. Commissioner Saussy said, he's a tree hugger too.

Chairman Hair said, okay, final —, you have one final question, Commissioner Jackel, before we vote? Commissioner Jackel said, no, I just wanted to —. Chairman Hair recognized Mr. Foster.

Mr. Foster said, Mr. Chairman, I want to clear up one thing. Chairman Hair said, come forward, sir, to the podium. Mr. Foster said, thank you, gentlemen. I do appreciate your time —, and lady, but in regard to a restaurant on the property, that's not an accurate statement. We will be converting the restaurant to a clubhouse and if the members see fit to have a grill or something in there for their own serving —, you know, on property serving for whatever they may want to do, it's not going to be any outside traffic. We propose to have this as a closed gated community and, of course, we will build —, actually, all the units will be not rented. We intend to sell the units to homeowners. Most of the inquiries we've had, and there have been quite a number, are people who want to live on the property, not to be, you know, in New York or California with a condo here. Most of the people we're talking to are local for that matter. So really I think that the traffic will be considerably less than what it was whenever many of you knew about the Sunset Grill and those days. That's not what we're going to do. It will be a family-oriented closed gated community, and any questions anybody might have, I'll certainly be glad to answer them.

Chairman Hair said, well, we appreciate the attitude you've had every since you've been in Savannah and Chatham County, Mr. Foster. We appreciate —. Mr. Foster said, thank you, Mr. Chairman. One other thing too is there are —, the costs in bringing the hotel back is significant, and that's the reason for the number of units that we really need in order to make the hotel viable once again. I think all of you will be pleased. When we have that final ribbon cutting and open house I hope that each of you can find the time to get out there. I'm looking forward to that, and this is a three to five-year project. Chairman Hair said, thank you, Mr. Foster.

Commissioner Price said, Mr. Foster, if in the construction process you unearth someone named Jimmy Hoffa —. Mr. Foster said, that's a good question, but let's leave Jimmy [Hoffa] alone.

Chairman Hair said, we have a motion and a second to approve. All those in favor of approval vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Murray was not present.] Chairman Hair said, the motion passes. Thank you very much.

ACTION OF THE BOARD:

Commissioner Price moved that the petition of William M. Foster, Owner, requesting that a 19.5 acre parcel located at 612 Wilmington Island Road (old Sheraton Savannah Hotel site) be rezoned from T-B (Tourist-Business) to a PUD-M-18 (Planned Unit Development-Multi-Family) classification to allow condominiums be approved. Commissioner DeLoach seconded the motion and it carried unanimously. [NOTE: Commissioner Murray was not present.]

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- 2. AMEND SECTION 7-208 OF THE CHATHAM COUNTY CODE TO PROVIDE FOR AN INCREASE FROM ONE PERCENT (1%) TO TWO-AND-A-HALF PERCENT (2½%), THE COMMISSION ON TAXES FOR THE BOARD OF EDUCATION COLLECTED BY THE COUNTY TAX COMMISSIONER’S OFFICE. Note: Attached is revised staff report and legal opinion. (NOTE: Items 2 and 3 must be dealt with before adoption of the budget. See page 5.)**

[NOTE: The Order of Business was changed and this item was heard prior to the adoption of the budget for the first six months of 2000.]

Commissioner Price said, Mr. Chairman. Chairman Hair said, yes. Commissioner Price said, I note that there’s a revised staff report and legal opinion here and I know one of your recommendations is a figure of 1.51%. Chairman Hair said, correct. That is in the proposal that we’re going to vote on here in just a moment. Commissioner Price said, okay. Chairman Hair said, it’s 2½. It’ll be 1.51. Commissioner Price said, I would like to amend the Second Reading, amend the Section 7-208 to read 1.51 instead of an increase to 2½%.

Chairman Hair said, I have a motion. Do I have a second? Commissioner DeLoach said, second. Chairman Hair said, second. Any discussion? All those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioners Rivers and Murray were not present.] Chairman Hair said, the motion passes. Thank you, Commissioner Price.

ACTION OF THE BOARD:

Commissioner Price moved to approve an amendment to Section 7-208 of the Chatham County Code to provide for an increase from one percent (1%) to one and fifty-one hundredths percent (1.51%) the commission on taxes for the Board of Education collected by the Chatham County Tax Commissioner’s Office. Commissioner DeLoach seconded the motion and it carried unanimously. [NOTE: Commissioners Rivers and Murray were not present.]

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- 3. AMEND ORDINANCE TO CHANGE BUILDING PERMIT FEES. (NOTE: Items 2 and 3 must be dealt with before adoption of the budget. See page 5.)**

[NOTE: The Order of Business was changed and this item was heard prior to the adoption of the budget for the first six months of 2000.]

Commissioner DeLoach said, I make a motion to approve. Commissioner Thomas said, second. Chairman Hair said, second. Any discussion? All those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioners Rivers and Murray were not present.] Chairman Hair said, the motion passes. Thank you.

ACTION OF THE BOARD:

Commissioner DeLoach moved to approve the proposed amendment to the Building Permit Ordinance to increase the construction valuation rate from \$39 to \$45 per square foot and increase the building permit fee from \$2 to \$3.50 per thousand dollars of construction value. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioners Rivers and Murray were not present.]

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XIII. INFORMATION CALENDAR

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

ACTION OF THE BOARD:

Report received as information.

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

ACTION OF THE BOARD:

Report received as information.

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EXECUTIVE SESSION

Commissioner DeLoach 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. The meeting recessed at 10:00 a.m., to go into Executive Session.

Following adjournment of the Executive Session, the meeting of the Board of Commissioners was reconvened at 10:25 a.m.

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ITEMS FROM EXECUTIVE SESSION

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

ACTION OF THE BOARD:

Commissioner Saussy moved to authorize the Chairman to execute an affidavit that the Executive Session was held in compliance with the Open Meetings Law. Commissioner Rivers seconded the motion and it carried unanimously. [NOTE: Commissioners Murray and Price were not present.]

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APPOINTMENTS

1. LOCAL EMERGENCY PLANNING COMMITTEE

ACTION OF THE BOARD:

Commissioner DeLoach moved to approve the appointment of the following as full voting members on the Local Emergency Planning Committee for the year 2000: Mr. John Johnson, 76 Products - TOSCO; Mr. John Wilder, ASSE; Mr. Blane Goss, Board of Education; Mr. Robert Staples, Candler/St. Joseph's Hospital; Ms. Dodie Gay, Chamber of Commerce; Mr. Jonathan Hart, Chatham County Attorney; Mr. Jim Drinnon, Chatham County Health Department; Mr. Russell E. Abolt, Chatham County Manager; Chief Thomas C. Sprague, Chatham County Police; Phillip M. Webber, Chatham Emergency Management; Mr. Allen Cywin, Chatham Environmental Forum; Mr. Thomas Farrior, Jr., Citgo Asphalt Refining; Dr. Mildred McClain, Citizens for Environmental Justice; Mr. John Griffin, Colonial Oil Industries; Mr. Earl Markee, Concerned Citizen; Mr. Paul Thomas, E.M. Industries; Mr. Richard Brown, Georgia Pacific Resins; Mr. William Sherrod, Gulfstream Aerospace Corp.; Mr. Kevin Scott, Hercules, Inc.; Mr. Randall Davis, InChem, Inc.; Ms. Kelly Gasque, International Paper Co.; Mr. Bob Scanlon, Kemira Pigments; Mr. Ken Swanson, Kemwater; Mr. David Hall, Medstar Ambulance/EMS; Mr. Larry Miller, MSRC; Mr. Charles Hendricks, Partank Savannah Terminal; Ms. Meredith Rominger,

Palmer & Cay Insurance; Mr. Thomas Tipton, PCS Phosphate Savannah; Mr. Larry Miles, S&ME, Inc.; Mr. C. David Baker, S.T. Services; Chief Matthew Dunn, Savannah Airport Fire Department; Mr. Robert Reavis, Savannah Electric; Chief Carl Plagher, Savannah Fire Department; Maj. Dan Reynolds, Savannah Police Department; Mr. Kenny Dumas, Savannah Water and Sewer; Ms. Judy Jennings, Sierra Club; Chief Tim Genest, Southside Fire/EMS; Chief Hugh Futrell, Southside Fire/EMS; Chief Ken Vanderark, U.S. Army Fire Department; and LCMDR James Hanzalick, U.S. Coast Guard. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioners Murray and Price were not present.]

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ADJOURNMENT

There being no further business to be brought before the Board, Chairman Hair declared the meeting adjourned at 10:27 a.m.

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APPROVED: THIS _____ DAY OF _____, 2000

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

SYBIL E. TILLMAN, COUNTY CLERK