

**MINUTES OF THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF CHATHAM COUNTY, GEORGIA, HELD ON FEBRUARY 11, 2000, 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, February 11, 2000.

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**II. INVOCATION**

Commissioner David L. Saussy gave the invocation.

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**III. PLEDGE OF ALLEGIANCE**

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

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**IV. ROLL CALL**

The Clerk called the roll.

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

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 introduce our Youth Commissioners who are with us this morning. We have Justin Heddleson, who is in the 11<sup>th</sup> Grade at Groves High School, we have Miss Beth Layer, who is in the 11<sup>th</sup> Grade at Providence Christian School, and we have Eric Lindsay, who is in the 11<sup>th</sup> Grade at Johnson High School. We appreciate you folks being here this morning. As we deliberate if you'd like to make —, ask any questions or make any comments, raise your hands and I'll recognize you and we'll proceed in that direction.

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**V. PROCLAMATIONS AND SPECIAL PRESENTATIONS**

**1. PROCLAMATION TO DECLARE FEBRUARY AS “AMBUCS MONTH.”**

Chairman Hair said, the first thing on our agenda this morning is a proclamation to declare February as AMBUCS Month. I used to be an AMBUC in my former life, so —. Commissioner Saussy said, I thought once an AMBUC, you’re always one. Commissioner Thomas said, always one. Commissioner Price said, he’s still a young buck at heart.

Chairman Hair said, first I’ll read the proclamation and then you can make whatever statement you’d like to make.

Chairman Hair read the following proclamation into the record:

**WHEREAS**, AMBUC members are dedicated to creating independence for people with disabilities;  
and

**WHEREAS**, the recognition of AMBUCS as an organization making an important difference in communities across the United States is a noteworthy event; and

**WHEREAS**, the Savannah chapter of AMBUCS is celebrating 59 years of dedicated service to all citizens of Chatham County; and

**WHEREAS**, AMBUCS displays a proud record of providing scholarships for training young people as therapists for people with disabilities; and

**WHEREAS**, the Savannah chapter has greatly enhanced the quality of life for our citizens through community service projects such as the AMBUC stadium at Daffin Park where thousands of children have participated in various sports since 1959, the Trustees Gardens school for children with cerebral palsy, the Fresh Air Room on Tybee Island which serves underprivileged children, the Exceptional Bowlers League which has provided recreation and socialization for disabled citizens since 1965, the AMBUC Park Complex where thousands of children have participated since 1978, the Tree of Lights which the AMBUCS sponsored for three years and the AmTryke program for children with disabilities.

**NOW, THEREFORE**, I, Dr. Billy B. Hair, Chairman, on behalf of the Chatham County Board of Commissioners, do hereby proclaim the month of February, 2000 as:

**“AMBUCS MONTH”**

in Chatham County and urge all citizens to become more aware of the altruistic service and the wholesome up-building of communities they render.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of Chatham County, Georgia to be affixed this, the 11<sup>th</sup> day of February, 2000.

Mr. Ross Bowers, President of Savannah AMBUCS, said, on behalf of the Savannah AMBUCS I appreciate this proclamation and we will continue to do everything that we can to improve the quality of life for disabled citizens in this area. Thank you very much.

Chairman Hair said, we appreciate your being here. Thank you.

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**VI. CHAIRMAN'S ITEMS**

None.

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## **VII. COMMISSIONERS' ITEMS**

None.

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## **CHATHAM AREA TRANSIT AUTHORITY**

Chairman Hair declared the meeting of the Board of Commissioners in recess at 9:05 a.m., and the Board was reconvened as the Chatham Area Transit Authority.

Following adjournment of the meeting of the Chatham Area Transit Authority, the meeting of the Board of Commissioners was reconvened at 10:15 a.m.

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## **VIII. TABLED/POSTPONED ITEMS**

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

1. **DISCUSSION OF OPTIONS AND STATUS OF IN-LINE SKATING AND HOCKEY RINK.**  
***Note: Tabled at meeting of January 14, 2000. Sent back to staff for options. Request keep on table until February 11, 2000.***

County Attorney Hart said, we need a motion to take it off the table. Commissioner Jackel said, so moved. Vice Chairman Thomas said, all in favor please vote. The Clerk asked, did we have a second? Commissioner Price said, second. The motion carried unanimously. [NOTE: Chairman Hair and Commissioners Saussy, Rivers and DeLoach were not present.] Vice Chairman Thomas said, the motion is carried.

County Manager Abolt said, Dr. Thomas and gentlemen, when you last discussed this it was the 14<sup>th</sup> of January, there were some unanswered questions which staff has done all we can in cooperation with others to answer that. They sent it around. Whether or not there were inconsistencies with other sports in the way in which the fee schedule was established, we —, at the time of giving you testimony during the last part of discussion, we misspoke as to the accurate fees in place and also there was concerns for possible different ways of operating it versus just having Mr. Golden's department do it. We have a staff report for you today that we hope has answered those questions. We have options for you regarding fee schedules. We also have dealt with the Recreation Authority, and I certainly appreciate the work of Mr. Scott and his people, as well as the members of this Commission, on that Authority. I was told yesterday by Commissioner Price that Option 4, which is on page two, which a representative proposal from the Recreation Authority, should be removed at this time. Therefore, you must deal with the fee schedules because certainly we'll accede to whatever direction you might give us. There has been an inconsistency regarding practice and whether or not we might be able to either eliminate those fees or prorate them. Staff feels a case should be made to prorate them, but that is your choice.

Vice Chairman Thomas said, okay. Does anyone wish to speak? Vice Chairman Thomas recognized Mr. Golden.

Mr. Jim Golden said, thank you, Dr. Thomas and Board. As you're well aware, this facility was originated through volunteer contributions and contractual arrangement, and at that time, Commissioners, we had a rental fee on there for \$100 a month. We had lights installed there. They were \$224 a month, and the contractor split the bill, which was \$112 a month, so we had a charge there because the Board and the staff felt that there should be generation of revenue rather than total cost on the County. The total cost of \$224 for the light bill is still on the County, and what we did, our report was tied in for user fees which [inaudible] structure in December and those fees were \$200 a month and did not limit it to structure of teams, regardless of how much teams, would pay \$200 a month plus if you had invited a lot of teams in and host tournaments and special events, it was a \$50 a day rate. And we moved from that, that is the structure now and we have organized and scheduled the first quarter of teams and sponsors using the facility. So right now, right now we are tied to that fee and the other thing and the situation came back for a prorated type, which is \$200 a month and 20 or more teams, less than that to 10, we have \$100 a month and with the lowest in that we have \$50 a month rental and cost of user fees for special events still remain the same. This is the staff recommendation and, of course, we have options for your consideration.

Vice Chairman Thomas said, thank you. Vice Chairman Thomas recognized Commissioner Murray.

Commissioner Murray said, if I understood what you said correctly, you were saying the \$112 a month that we have to pay is what? Mr. Golden said, that was under the original contract agreement. I just kind of wanted to highlight, we had \$224 was the light bill and the agreement was the contractor paid half of that and also \$100 a month rental. That's what the first agreement was. Commissioner Murray said, so in other words it's costing us two hundred and something dollars a month for lights, is that —? Mr. Golden said, yes sir, \$224. Commissioner Murray said, all right. So that's some of the justification for charging these fees, is that correct? Mr. Golden said, well, we used that justification because this was done separate. Yes sir. Commissioner Murray said, all right. Do we charge —. How much does it cost to keep the lights on at the tennis courts or the Charlie Brooks Park at night, and do we have a fee structure there in place for these other facilities? Mr. Golden said, No sir. Commissioner Murray said, to pay for those light bills. Mr. Golden said, no sir, this is a little different, this is different. Commissioner Murray asked, how's it different? Mr. Golden said, yes sir. Commissioner Murray said, it's still recreation. Mr. Golden said, it's different with the skating thing, sir. Commissioner Murray said, it's still part of our recreation and why should it be different to make these people pay the light bill and the people in the other areas using the other facilities —, soccer fees. I'm sure it costs more than \$200 a month to operate those lights. Mr. Golden said, yes sir. So we brought back to you options —. Commissioner Murray asked, so do we charge them a usage fee per month to do it? Mr. Golden said, no sir. Commissioner Murray said, we charge each team a registration fee. Is that right? Mr. Golden said, yes sir. Commissioner Murray said, so it is different. Mr. Golden said, yes sir, it —. Commissioner Murray said, we treat these people different than we treat the other people. Mr. Golden said, yes sir, it is different. We participate with them —, participate in [inaudible]. It's different from here, so we brought back options for your consideration. Commissioner Murray said, I am not opposed to charging these fees if we're going to charge these fees at all the facilities to all the different sports and participants. I will not support in singling out one particular group to charge these fees to when we don't do it to other facilities. We can either go one way or we can go the other way, but we can't have it both ways. Commissioner Jackel said, we do it for golf.

Vice Chairman Thomas asked, anyone else wish —? Vice Chairman Thomas recognized Commissioner Price.

Commissioner Price said, I think that we need to do some more work on this. I hate to see this thing get delayed more and more, but —, and I don't want to make a motion to table when there are people here that I know are here to speak to this. I'd really like to hear, if the other Commissioners agree, to open it up to any of the individuals who want to speak to the fee structure and the —, and how the —. I don't know if you have anything you want to say.

Vice Chairman Thomas asked, do we have anyone in the audience who would like to speak? If so, please come up to the —, and give your name.

Mr. Gary Butch said, I spoke to you previously about six months ago. You probably don't remember. I want to clear up a problem, about two minutes. My point is still the same and it's like you guys deal with so many big things, this is such a little tiny issue and you guys aren't out there, but everybody that's there thinks it's just a spectacular program these guys do, and they —, the other thing is that the people that have the time, I was there Monday night and it would have made Bobby Knight blush. I mean, it was way beyond the pale, and that little seven-year-old guy, so I've got guys here that do a program or a talk thing that's all above board. There's no swearing, there's no fighting. It's a rough sport. If there's anything, they sit the kids right down. They have their respect. The place is clean and they've got another thing too. I assume that the other alternative that you're given my kid can't play. Do you follow me? So it's like —, I'm hearing him because I know that this isn't —, this may not even be the seminal issue. I think the seminal issue is funding, but all I'm trying to say and all I came both times to say is that these guys are doing a great job and the kids just love them, and they've got —, I mean, the amount of attendance has been spectacular. I think that —, I don't know if you guys got those sheets back, but we all signed sheets so I'm sure that the approval rating was tremendous and it's like we keep going through all of this, and it kind of comes to us like through the grapevine that maybe it might be moved to somebody else and then we all get kind of worried because then we don't even have a program. Do you follow? I mean, that's all I wanted to say.

Commissioner Murray said, I understand what you're saying, and that part does need to be resolved, and I've talked to several different people that say they don't mind paying the fee. My point is right now is the fee structure and not this other side because it sounds like we're going to table the other part of this until some other things can be worked out, but the problem I have is treating y'all differently and making y'all pay a usage fee per month when the other different sports throughout Chatham County —. Mr. Butch said, it's essentially what I'm —, you're actually trying to work them out a better deal. Our concern at this —. Commissioner Murray said, no, not necessarily. What I'm trying to do is —. Mr. Butch asked, you know what I'm saying? Commissioner Murray said, the same deal for everybody regardless of what it is. Mr. Butch said, I'm saying, it's better than what they have at the moment or what the —. Commissioner Murray said, and that's what I'm discussing right now. Mr. Butch said, the only thing that we're here for is we're afraid they're going to lose their whole deal and their [inaudible]. Do you follow me? Because it's like these guys are running a spectacular program and the other alternatives —, not even alternatives. You have to be out there, but the parents are the only people that are out there. Commissioner Murray said, my point is you're being treated different from the other sports and that's not right. Mr. Butch said, sure, but even within the fees I think you would find —, I mean, gee, my son went to Tae Kwan Do and paid more than that a month and it's getting far more out of this, far more supervision, far more work put into the —, the time that he's there. Do you follow me? I mean it's like we're all happy whatever the fees are. We just think these guys are doing a great job and we want to make sure that gets across. I mean, we —, none of us, I mean, we are like you, we have places to be right now. This isn't where we want to be, but, I mean, we want to make sure that everybody knows that there's support out there that's really, really strong.

Commissioner Price asked, when you say they, who are you talking about? Mr. Butch said, Super Goose. I'm talking about Super Goose. Those guys do a great job. Commissioner Price said, and they currently still are running —. Mr. Butch said, I think they have the majority of time, and the concern that we have is that how they broke down the time is the people that has the other parts of time unfortunately I had to be present for and it was —, to say it was unenjoyable is an understatement, and it's —. Commissioner Price said, there's no doubt —. Mr. Butch said, I'm sorry? Commissioner Price said, there's no doubt that they have done a fantastic job and even getting this thing built to begin with, and that, you know, we interacted with them to do that, but for other reasons we could not continue to use their management skills, if you will. Now currently, Jim [Golden], we —, what's the situation out there now? Don't you have your own staff managing it and scheduling it now or what's the —, what is the current —? Mr. Golden said, yes sir. We took it over, advice [sic] to run until such time. We have scheduled all the quarter events, we manage it, we upkeep it, and now we're trying to get some repair work. All activities associated with that is coordinated with my staff like other facilities. Commissioner Price asked, but currently you're handling the scheduling? Your staff? Mr. Golden said, yes sir. Commissioner Price said, okay, so the County is actually doing it right now. Mr. Golden said, yes sir. Commissioner Price said, okay. The point I think that all of us are aware of, and Frank [Murray] sees it in his district, is there are more of these rinks coming. We're going to be building more of these things around the County. In Eddie's [DeLoach] district, hopefully in my district, in Frank's [Murray], and all —, you know, downtown, everywhere, and if that happens we want to make sure we have in place going forward the proper structure to make it happen and happen in the best way. If that means also combining our efforts with the City of Savannah, that's something we're going to look at, but as far as —. I agree with Commissioner Murray, as far as making you guys pay for electricity for lighting that others in other sports and other areas of the County don't pay for, that's not fair to you. But we're not going to keep you away from using the rink and doing the league play and doing all of what you're talking about.

Mr. Golden said, let me —. Can I clear myself? Vice Chairman Thomas said, yes. Mr. Golden said, I didn't say that we were charging them for electricity. I just brought up the date the way the original contract was set up, the group was sponsoring was paying part of the electricity. Commissioner Murray said, I asked if that was part of the criteria used to charge this fee per month and you said yes. Mr. Golden said, part of the criteria inasmuch as we were charging a fee on our contract —. Commissioner Murray said, that's when I said you didn't have the same criteria when you used the lights and it cost more in electricity to other facilities than this one rink's using. That's what I was saying and you answered my question. Mr. Golden said, well, I apologize if it looks like I said we're charging people for lights. I'm sorry.

Vice Chairman Thomas said, Commissioner DeLoach and then Commissioner —, I mean, then Mr. Abolt.

Commissioner DeLoach said, okay. We charge different rates to different people for different events. You've got about I don't know how many teams you've got participating in softball, I don't know how many teams you've got participating in soccer, and as you increase the number of teams you reduce the overall cost of operating a facility. Therefore, the cost of the memberships and all this other stuff reduces because it covers the cost. Now we've got very few teams out there, we've got very few groups that are actually using this facility because it's —, there's not that much room and we need more of those facilities, and so they're bearing most of the cost because they're using most of the time. That's unfortunate right now, but as we develop it and we add more teams and we can spread the cost out further, then these costs will go down incrementally as the teams are added. So I think we need to go ahead and give them this program, get the thing going, let it run, and as we add the other facilities, if we can reduce the prices, we reduce the prices and everybody goes on, but right now in the new ball game, the folks that are participating are happy, I don't think we ought to get up here and be, you know, and worry about too much about the fact that we're overcharging this group as compared to this group because it's a brand new sport, very few people using it. Let's build it and then we can work the structures out a little later, if that's okay, Frank [Murray].

Commissioner Murray asked, do they pay a league fee? Each team? Do y'all pay a league fee on top of this? How many teams do we have? Mr. Golden said, let me clear this up again. We don't sponsor —. Commissioner Murray said, please answer my question first. Mr. Golden asked, sir? Commissioner Murray said, please answer my question first. How many teams do we have? Mr. Golden asked, are you talking about in sports? Commissioner Murray said, I'm talking about how many teams we have that use this facility. Mr. Golden said, we have now about 25 teams. Most of them are Super Goose, over 20. Commissioner Murray said, each team pays a fee to —. I'm not talking about these fees you're asking us to set today, do these teams pay fee? Mr. Golden said, for —. Commissioner Murray said, a registration fee or a team fee. Mr. Golden said, they're paid to their sponsors. Not us. Commissioner Saussy said, so we're getting nothing. Mr. Golden said, I mean, each team pays to their sponsors, but the group that overall, their whole group, they may have 15 or 20 teams in their group, they pay the fee just to use for that particular group, 20 or more we got a fee set for them.

Commissioner DeLoach said, I make a motion we approve it based on what the recommendation from the City —, I mean, the County Manager is. Commissioner Jackel said, I'll second that. Commissioner DeLoach said, call the question. Vice Chairman Thomas asked, any discussion? Vice Chairman Thomas recognized County Manager Abolt.

County Manager Abolt said, I just want to clarify the issue of lights and then —. In Facts and Findings #5 and Facts and Findings #6, we're just showing you the history. This has been a bootstrap effort from the very beginning. Folks came to us and said how can we help out. Mr. Golden went out there and found land for them. They then put the money up to put the surface in. They said they wanted lights, which we understood, how can we help pay for lights. They said we'll participate. Their initial fee structure included half for lights. From then on we put another structure. It was not our intent

to treat people differently. It was our intent to work with these folks that had a genuine interest. It would not be there without the private sector.

Commissioner Murray said, Russ [Abolt], I'm not trying to beat a dead horse, and I understand what you're saying, but that's not their facility anymore. The County owns that facility now and it should be treated the same way as anybody else. County Manager Abolt said, we don't disagree, sir. Commissioner Murray said, so let's don't go back to the old history part of it.

Commissioner Price said, I move on the motion that we table it until the next meeting or other —. Vice Chairman Thomas said, we already —, we have a motion on the floor. Commissioner Price said, I can move to table the motion. Vice Chairman Thomas said, yes, you can. Commissioner Price said, it's certainly appropriate for me to do so. Commissioner Saussy asked, do you have a second on that? Commissioner Price said, and a second on the motion to table. Commissioner Saussy said, I second it. Vice Chairman Thomas asked, you second? All in favor of the tabling. Commissioner Price said, until the next meeting. Commissioners Saussy, Murray, Odell and Price vote in favor of the motion to table. Vice Chairman Thomas and Commissioners Rivers, Jackel and DeLoach voted in opposition. The motion to table failed due to a tie vote of four to four. [NOTE: Chairman Hair was not present.] Commissioner Saussy said, let me say one thing. Commissioner DeLoach asked, why are we tabling it? Somebody just give me a reason why we're tabling it the daggummed [phonetic] thing and I'll understand it. Right now it's not fair. Commissioner Price said, since the motion to table has passed and according to —. Commissioner Rivers said, it's not passed. You've got four/four up there. Commissioner Price said, we had five a second ago. Vice Chairman Thomas said, it's four/four now.

Commissioner Price said, let me tell you why I wanted to table it then since I can talk about it now. Commissioner Rivers said, the table has failed. Commissioner Price said, the table has failed, but the reason why was because we were getting these people to pay something and even though this group right here says we don't mind paying it, they're not representative of the entire group or the entire County or everybody in the County that wants to use that rink. They're one association. You've got to recognize that, and the fact is Frank [Murray] is right. It's not fair to let —, make them or anybody else in this County pay for something extra through their fee that they pay us or whatever they pay —. Commissioner Saussy said, when nobody else does. Commissioner Price said, like everybody else.

Commissioner DeLoach said, each individual one does it's own because at the pool \$3.00 to go in the door or whatever, why should everybody have to pay at the pool, why don't we just make that all free? Commissioner Jackel said, and the golf course. Commissioner DeLoach said, and the golf course and whatever else you want to name, it's each individual sports' design based on the participation. It's not just each one of us is going to pay \$100 and that's going to be it for the rest of our lives. We've got to base it on what the daggummed [phonetic] stuff cost to us. Commissioner Saussy said, and that's why we wanted to table it.

County Manager Abolt said, please. Please, let —. Vice Chairman Thomas said, Mr. Abolt and then Commissioner Odell. County Manager Abolt said, we still haven't explained it correctly. I don't want to be —, I have to read this. Facts and Findings #5 is purely history. It says before there was a monthly fee of \$100 and \$112 for lights. That's before. Our current rate that you all adopted when you adopted the budget is \$200. There's no breakdown for lights. I just want you to understand that. We're not —, we are not —, Mr. Golden was trying to give history and I wanted to make sure you understood. We are not charging these people separately for lights. [Unintelligible comment when several Commissioners began speaking at the same time.]

Vice Chairman Thomas said, excuse me. Let's try to go in order. Chairman Hair and then Commissioner Murray. Commissioner Price said, and David [Saussy]. Vice Chairman Thomas said, then David [Saussy]. I'm sorry, Commissioner Saussy.

Commissioner Odell said, I'll move that we approve Alternative #3. I'll read it into the record. Commissioner DeLoach said, please. Commissioner Odell said, the Board approves Option 3, amends the current fee schedule that was approved by the Board at its meeting in December 1999, to delete all user fees for sponsors of events. Commissioner DeLoach said, second. County Attorney Hart said, Madam Chairman —.

Commissioner Jackel said, let me just comment on this. Vice Chairman Thomas said, discussion. Commissioner Jackel said, I'll second that. The Clerk said, there's already a motion on the floor. Commissioner Rivers said, there's already a motion on the floor. Vice Chairman Thomas asked, is there already one?

County Attorney Hart said, there was a motion on the floor and then there was a motion to table. The motion to table failed. The original motion is still back on the floor. Vice Chairman Thomas said, okay, thank you.

Commissioner DeLoach said, I'll withdraw my motion if the second will agree to —. Vice Chairman Thomas said, okay, the original motion is still on the floor, thank you.

Commissioner Jackel said, Madam Chairman, in looking over these figures let's clarify this that —. Commissioner DeLoach asked, is that okay? Commissioner Jackel said, if there are 20 teams and there are 200 people —. The Clerk asked, Commissioner Jackel, did you withdraw your second on that original motion? Commissioner Jackel said, I'll

withdraw it. I'll second Eddie's [sic] motion. Until 20 teams and 200 people participate, we're talking about the cost is \$1.00 a month because of that—. I mean, that is an extremely reasonable fee. The other, if you go down to the next level, then you're talking about \$2.00 per month per person. That's still an extremely reasonable fee. I think there's value in doing it this way and I'm going to vote for it. Commissioner DeLoach said, okay.

Vice Chairman Thomas asked, was that a motion or —. Commissioner Price said, Commissioner Odell made the motion. Commissioner DeLoach said, I've got a second. I call for the question. Commissioner Murray said, well, wait a minute. There's still some discussion. Vice Chairman Thomas said, we still have some people that would like to talk. Commissioner Saussy said, and I want to do a little bit. Vice Chairman Thomas said, Commissioner Saussy and then Commissioner Murray.

Commissioner Saussy said, I can agree with Commissioner Murray that we need to have everything equal, but I can go for this, this particular thing. I think one of the problems these people are concerned with is their schedule going to change, and I would say to them, no, it's not, it's going to stay the same, and I think that's one of their biggest concerns. It's not the fees. I mean, that's little or nothing. That's all I want to say.

Vice Chairman Thomas recognized Commissioner Murray.

Commissioner Murray asked, when these fees are collected, where does this money go? County Manager Abolt said, it goes into the general operation. Commissioner Murray said, general operation of all recreational facilities. County Manager Abolt said, yes, sir. Commissioner Murray said, and we're going to charge these particular groups a fee to charge this, I'd like to amend that motion that these fees be kept for this rink and not be used in any other facility. Commissioner Rivers said, or the development —. I'd go along with that, Frank [Murray]. Commissioner Murray said, or for the development of future facilities of this type. County Attorney Hart asked is that an amendment to the motion that's on the floor? Commissioner Murray said, if they're going to be treated where they have to pay the fees, they should have —, they should have the money going back towards that facility.

County Attorney Hart said, the motion currently though is —. Vice Chairman Thomas said, just a minute, just a moment please. County Attorney Hart said, Madam Chairman, the current motion is to delete the fees under Item #3. The proposed amendment is to keep the fees in place for in-line skating. Those motions conflict. It needs to be one or the other.

Vice Chairman Thomas said, okay, so we have to —.

Commissioner Odell said, I'll withdraw my motion if Ben [sic] will withdraw the second so that Frank [Murray] can —. Vice Chairman Thomas said, okay. What was Frank's [Murray] motion now?

Commissioner Murray said, I move that we go with the fees that have been recommended to us provided those fees stay and are used in the skating rink and for future skating rinks to be built and no other area. Commissioner Odell said, I'll second. Commissioner DeLoach said, discussion. Vice Chairman Thomas asked, any discussion? Commissioner DeLoach said, yes. Vice Chairman Thomas recognized Commissioner DeLoach.

Commissioner DeLoach said, I just think we're messing up when you start trying to do this and start individualizing each sport, dividing the money up. I'm sure all the folks that are doing the softball would love to take all the money that goes into softball and keep it from going to the general operation of the recreation —, the parks. You can't go out here and take and just pull out a sport and start isolating it and isolating the money because if you get down to it, the cost of operating that would be more than the —, the cost of operating that is probably going to —, when you divide it over the Recreation Department and divide it over the lights, you divide it over every —, and their part of the land and all this other crap that we throw in this thing, you're talking about a cost that's greater than the \$200 a month. It's just —, you can't isolate these things like this. I appreciate you —, you know, the idea, but I don't think you can isolate this thing and bring it down to one sport because if that were the case, then football would want all the stadiums and all their monies set aside, and then we'd have a —, we'd have a mess here. So my thought is do not go with amend —, or this recommendation. Vote against this. This is not something that's suit —, this is not something that's good for recreation. It might be good for an individual sport right now, but it's not good for recreation overall.

Vice Chairman Thomas recognized Commissioner Murray.

Commissioner Murray said, this is the only facility that we have of that type. That is all this facility's used for. All of our other facilities are used for a multi-use or a lot of things. Commissioner DeLoach said, they are not. Commissioner Murray said, you're wrong with that. Commissioner DeLoach said, no, I'm not. Commissioner Murray said, the others are used for —, you do more than just play football games at Memorial Stadium, you do more than just play softball at the other facilities we have that a softball diamond's in. Commissioner DeLoach said, no, you don't. Commissioner Price said, you play soccer. Commissioner DeLoach said, call the question.

Vice Chairman Thomas said, all in favor of the motion. Commissioner Jackel asked, what is the motion now? Vice Chairman Thomas said, that we will —. Commissioner Price said, the fees will be committed to the rink and only the rink. Commissioner DeLoach said, only the rink. Commissioner Price said, and any developments in the future. Vice Chairman

Thomas said, okay. All in favor of the motion please vote yes, opposition vote no. Commissioners Saussy, Murray, Odell and Price voted in favor of the motion. Vice Chairman Thomas and Commissioners Rivers, Jackel and DeLoach voted in opposition. The motion failed due to a tie vote of four to four. [NOTE: Chairman Hair was not present.] Commissioner DeLoach said, all right, that fails. Commissioner Price said, same thing again.

Commissioner Murray said, okay, so let's go back and make a motion to approve Alternate #3 where there are no fees at all. Vice Chairman Thomas asked, on the what? Commissioner Jackel said, #3 has the fees. Commissioner Murray said, Harris' [Odell] original motion. Commissioner Jackel said, Harris' [Odell] has the fees, yes. Commissioner Murray said, no it doesn't have the fees. Commissioner Jackel said, Option #3 has the fees. Commissioner Murray said, no it does not. Commissioner DeLoach said, it does not. Commissioner Price said, Alternative #3. Vice Chairman Thomas said, the Board approves Option 3, amends the current fee schedule —, is that what your talking about? Commissioner Price said, no, Alternative #3 down at the bottom of the page. Vice Chairman Thomas said, okay. Commissioner Murray said, the Board approves Option 3, amends the current fee schedule —. Vice Chairman Thomas said, oh, okay. Commissioner Murray said, that was approved by the Board at its meeting in December 1999, to delete all user fees for sponsors of events. Commissioner Jackel said, no, I don't want to do that. I'll withdraw my second. Commissioner DeLoach said, everybody's got to pay. Commissioner Price said, I'll second it. Commissioner Rivers said, call the question then.

Vice Chairman Thomas said, all in favor. Commissioners Murray and Price voted in favor of the motion. Vice Chairman Thomas and Commissioners Saussy, Rivers, Jackel, Odell and DeLoach voted in opposition. The motion failed by a vote of six to two. [NOTE: Chairman Hair was not present.]

Commissioner Rivers said, all right. I'll move to do #1. Commissioner Jackel said, no, Option #3. Let's —. Commissioner DeLoach said, okay, #1. Commissioner Price asked, Option #3, you mean? Commissioner Murray said, that's where everybody pays the same fee that we were arguing about to begin with. Commissioner Rivers said, right. Commissioner Jackel said, Alternative #2, Option #2, is the one —. Commissioner Murray asked, why don't we just go [inaudible]. Commissioner DeLoach said, I make a motion to do Option #2. Commissioner Rivers said, Option #2. I'll second it. Commissioner DeLoach said, okay. Commissioner Price said, state what it is.

Vice Chairman Thomas asked, all in favor of Option #2. Mr. Ken Earls said, please read. Commissioner Price said, please read what Option #2 is. Commissioner Saussy said, Option #2. Commissioner Rivers said, that Board approves Option #2, proposed prorated fee charge format, and that's the formula that's up at "B". Commissioner DeLoach said, you got a second. Vice Chairman Thomas asked, got a second? Commissioner DeLoach said, yes. Vice Chairman Thomas said, all in favor. Any discussion? All in favor. Vice Chairman Thomas and Commissioners Saussy, Rivers, Jackel and DeLoach voted in favor of the motion. Commissioners Murray, Odell and Price voted in opposition. The motion carried by a vote of five to three. [NOTE: Chairman Hair was not present.] Commissioner Rivers said, you've got five. County Attorney Hart said, we've got five.

Mr. Joe Turcotte said, I can probably make a comment that could help this out. Vice Chairman Thomas said, it's passed. [Unintelligible comments when several Commissioners were speaking at the same time.] Vice Chairman Thomas said, no more comments. State your name please.

Mr. Turcotte said, my name is Joe Turcotte with the Super Goose Hockey Club. The only thing I wanted to make a point today about is I know what happened this week and I think it's kind of similar for the last four years for me personally and that is I was told about Wednesday something about a Recreation Authority maybe taking the rink over. I didn't know much about it. The only thing that I ask for from now on is when we start hockey, would you please, please, please ask us, invite us. We've got so many resources out here that are behind us that know a lot about this stuff. We've got a travel team going around right now throughout the Southeast. We're hitting circuits all over the place. When you talk hockey in Savannah just please, please include us. That's all I'll say. I'll agree with any fee or anything like that. I just —, please ask us to come. I'd love to have a workshop with you guys, I'd love to show expansion, I'd love to show you all this, but it always seems like we're not there, so anything that comes up please ask us.

Commissioner Jackel said, I would love for y'all to prepare a video and bring it to us. Mr. Turcotte said, okay. That would be great. Commissioner Jackel said, of the kids skating and some of the activities. Mr. Turcotte said, we have games all day tomorrow. Commissioner Murray said, but you don't [inaudible] the skating rink. [Unintelligible comment when several Commissioners were speaking at the same time.] Commissioner Jackel said, I will, but I want the rest of y'all to all make it out there to see it.

Mr. Turcotte said, it's an awesome experience out there on Saturday to watch the kids play. So come out Saturday and check it out. Thanks.

Vice Chairman Thomas said, thank you. Do you want to speak?

Mr. Rob Lanoue said, I've been involved in this hockey thing for —, ever since I've been living in Savannah. You have a great facility there. It's coming along great, and the only thing I'd like to mention if you're going to build some other facilities, the lighting is inadequate. Commissioner Murray said, the fees will go up.

Mr. Carl Eastwood said, I'm with the Wilmington Island Youth Hockey Association. We're the supposed other side. I just wanted to mention that that's what we're about. We never mentioned ourself [sic] as an alternative. In fact, the proposal that I presented as far as the [inaudible], I'd like to withdraw that and the thing is it would —, I think that it —, I didn't get into —, we didn't into politics, we didn't get into this part of it to do all that. All we wanted to do was see some changes in the game and I'm perfectly satisfied with the ways things have gone and, in fact, I'm going to encourage my kids to go back into the league and [inaudible] because it's caused such a rift in the whole thing. I think in as far as Wilmington Island is concerned and the Islands area, our new focus would be just to try to get us —, get a rink built out there and whatever we do we need to concern ourselves with that, and the fact that we have that facility available to us I feel very fortunate. Being from Colorado we didn't —, coming out here we didn't —, I didn't expect to see any hockey out here, so that was one of the big disappointments with having to leave Colorado. I didn't mean to get this far into it, and for anybody who feels like they're, you know, been hurt by the whole thing, I apologize. We just —, we got into it for the right reasons, but I think the approach and a lot of perception and, like I said, a lot of whispering ended up being that there was a lot of perception, and that's not why I came into this thing and I actually did a presentation for the association and I understood that Goose was pulling out. That was what the word was out and, as you're aware, there was a lot of other parents associations that had that same concern because of the buyout. So, like I said, after March, you know, I still support the fact that we're allowed to go in on the scheduling meetings and get time allotted to us and I think we should continue to come back. I'd like to have, you know, be able to practice or have an adult team that's outside the Goose or have a kids' team if I want to outside the [inaudible], but in as far as [inaudible] let's all work together and this is the best way to put it back together. So, thank you.

Vice Chairman Thomas said, thank you very much. Thank you.

**ACTION OF THE BOARD:**

1. Commissioner Jackel moved to untable this item and place it before the Commissioners for discussion.
2. Commissioner DeLoach moved to approve Option #2 of the staff report, which reads as follows:  
**Option #2** - A prorated fee type charge format that is based on group or individual league sponsorship and the number of teams and participants. A daily established rate for the sponsors of special events (no limit on the number of participants):

<u>Teams</u>	<u>Participation</u>	<u>Fee</u>
20 and over	200 youth or adult and over	\$200 per month
10 to 19	50 youth or adult and over	\$100 per month
9 and under	20 youth or adult and over	\$ 50 per month
No Limit	Special Events	\$ 50 per day

Commissioner DeLoach seconded the motion. Vice Chairman Thomas and Commissioners Saussy, Rivers, Jackel and DeLoach voted in favor of the motion. Commissioners Murray, Odell and Price voted in opposition. The motion carried by a vote of five to three. [NOTE: Chairman Hair was not present.]

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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 CHATHAM COUNTY EMERGENCY MANAGEMENT FUND BUDGET AMENDMENT TO RECOGNIZE \$32,000 FUND BALANCE AND TO APPROPRIATE \$32,000 FOR PURCHASE OF VEHICLES; AND A GENERAL FUND M&O TRANSFERS OF \$200 WITHIN THE ELECTIONS BOARD BUDGET FOR TEMPORARY LABOR AND \$12,000 WITHIN THE ADMINISTRATIVE SERVICES BUDGET FOR TEMPORARY LABOR.**

Vice Chairman Thomas asked, do I hear a motion? Commissioner DeLoach said, I've got a question. Vice Chairman Thomas said, question. I'll make a motion to approve and then question. We're buying vehicles?

County Manager Abolt said, we'll eventually —. Commissioner Rivers said, I'll second the motion. Commissioner DeLoach said, what did you say? County Manager Abolt said, yes, we are. What —, you're transferring money and then Central Services will be about soliciting. Remember the Emergency Management operation is a separate budget away from the County as such, but the money must be transferred with your action. Mr. Webber had indicated that there is money to transfer within his accounts. The \$32,000 which would be transferred then would be given to Mr. Lynch to buy two

vehicles. Commissioner DeLoach said, I'm just, you know, —. Commissioner Rivers said, so moved on that. Commissioner DeLoach said, we're not buying any more vehicles anywhere else. I was just curious why we're buying some there. County Manager Abolt said, no sir, because of course a different fund source and depending on fund balance in a few months, if all goes well, we'll need to buy a few more vehicles.

Vice Chairman Thomas asked, any more questions? Commissioner DeLoach said, call the question. Vice Chairman Thomas asked, any further discussion? Hearing none, then please vote. The motion carried unanimously. [NOTE: Chairman Hair was not present.] Vice Chairman Thomas said, the motion passes.

**ACTION OF THE BOARD:**

Commissioner DeLoach moved to approve the following: A Chatham County Emergency Management Fund Budget amendment to recognize \$32,000 fund balance and to appropriate \$32,000 for purchase of vehicles; and a General Fund M&O transfers of \$200 within the Elections Board budget for temporary labor and \$12,000 within the Administrative Services budget for temporary labor. Commissioner Rivers seconded the motion and it carried unanimously. [NOTE: Chairman Hair was not present.]

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**2. REQUEST BOARD APPROVE THE FIRST NOTE RESOLUTION FOR THE TAX ANTICIPATION NOTES FOR THE YEAR 2000 FOR THE GENERAL FUND AND SPECIAL SERVICE DISTRICT FUND TOTALING \$11.3 MILLION (GENERAL FUND \$10.3 AND SSD \$1.0 MILLION).**

County Manager Abolt said, Dr. Thomas and gentlemen, you'll notice that this is our Tax Anticipation Notes waiting for the collection of taxes later this budget year. The recommendation is to go to the low proposer, which is Wachovia for a 4.37142%, which is higher than last year.

Commissioner DeLoach said, I move for approval. Commissioner Price said, second. Vice Chairman Thomas asked, any discussion? Hearing none, please vote. The motion carried unanimously. [NOTE: Chairman Hair was not present.] Vice Chairman Thomas said, the motion is carried.

**ACTION OF THE BOARD:**

Commissioner DeLoach moved to approve the first Note Resolution for the Tax Anticipation Notes for the year 2000 for the General Fund and Special Service District Fund totaling \$11.3 million (General Fund \$10.3 and SSD \$1.0 million). Commissioner Price seconded the motion and it carried unanimously. [NOTE: Chairman Hair was not present.]

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**3. BOARD CONSIDERATION OF CHANGE ORDER WITH MTCB FOR CONSTRUCTION OF THE TRADE CENTER TO PROVIDE ADDITIONAL DAYS FOR COMPLETING EASTERN ZONES OF THE BUILDING AND SITE (DOES NOT AFFECT BENEFICIAL OCCUPANCY SCHEDULE FOR BOOKED EVENTS). Representatives of Maritime Trade Center Builders and TVS will be present.**

County Manager Abolt said, Dr. Thomas and gentlemen, it's your pleasure whether you want to hear from the contractor and architect first. Staff has gone over this. The staff report in front of you represents a collaboration between my immediate staff, the County Attorney and also conversation with Mr. Leahy. We've presented an array of options. The important thing that you read into the title of it, it will not effect beneficial occupancy, but it will slip the date of completion by 49 days. If you agree with the recommendation in front of you, I think it's very important for you to fully understand the reasons for the delay.

Vice Chairman Thomas asked, any discussion? Commissioner Jackel said, yes, we need to hear from [inaudible]. Commissioner Saussy said, we need to have some discussion first. Vice Chairman Thomas recognized Commissioner Murray.

Commissioner Murray said, you know, several months ago we went through this process and we said we would not accept any delays and no additional funding for this project. We've got a request for 45 —, 49 more days here and if you turn back to the next section of our agenda you're going to have two items for change orders to increase the price of the thing. I just think we're getting —, we say one thing at one meeting and we change it the next meeting. You can do what you want to, but I'm not in favor of it.

Commissioner Price asked, are we going to discuss it? Vice Chairman Thomas asked, do we have anyone —? Commissioner Murray said, they're here. I don't know whether they want to speak or not. Vice Chairman Thomas asked, in the audience who wish to speak to this? Commissioner Saussy said, let's discuss this. Vice Chairman Thomas said, yes, let's —. [Unintelligible comments when several individuals began speaking at the same time.]

Commissioner DeLoach asked, can we hear from Mark Leahy? Can I ask him some questions? Vice Chairman Thomas said, sure. You're the one that's going to be —, well, everybody's going to be affected by it, but you're the one that's directly affected by it. Give us an idea.

Mr. Mark Leahy said, the issue of the beneficial occupancy in the guarantee that we have that the booked events will not be adversely affected is primary to us, and that guarantee where they've added some extra time —, are seeking to add some extra time, but that the schedule will not be affected we certainly can live with.

County Manager Abolt said, I would ask that you really hear from the contractor, but staff has been trying to facilitate this. The contractor has some serious responsibilities. I think it's imperative upon them to satisfy you as to the justification, and I think that they should be less than reluctant to come forward. I think they should be here asserting the reasons why they're opposed to not coming to the microphone. Commissioner Murray said, isn't that [inaudible] sitting right out there.

Mr. David Simpson said, good morning. Vice Chairman Thomas said, good morning. Mr. Simpson said, I'm David Simpson with Maritime Trade Center Builders. Commissioner DeLoach said, I'll ask a question. Based on the projected time to finish on the Trade Center, have you worked any Saturdays? Mr. Simpson said, yes, a great number. Commissioner DeLoach asked, when did you start working Saturdays? Mr. Simpson said, various times, Commissioner DeLoach. We have worked them probably for the last year or so, but it's been on a selective basis. In recent months we have worked more Saturdays and we've worked extended hours during, you know, the other days of the week. Commissioner DeLoach said, I was just curious about that to make sure you were working, trying to get a whole weekend in one week. So you feel like that due to the weather problems we had originally that you feel like we had problems with, you weren't able to make up the time on Saturdays. I assume we're talking about the hurricane, we're talking probably 5 to 10 days of actual lost time based on 5 to 10 days, 5 to 10 Saturdays over a two-month period would facilitate an equal payoff or an equal swap on time, and I'm just trying to find out where else did we lose time other than the hurricane. Mr. Simpson said, yes, if it was only the hurricane, I think that would probably be appropriate. There are a number of things that have affected the schedule since the schedule for completion was established in the Guaranteed Maximum Price Change Order No. 10, but we've submitted to staff and they've had reviewed by the architect is five predominant occurrences that have delayed the work. The hurricane was one, a hundred-year flood back in June of, I think, 29<sup>th</sup> of '99 was another one, we've had some changes to the scope of the work, and all of these issues were put into the overall project management schedule. A independent consultant, a scheduling consultant was brought in to assist the construction manager's staff in having that schedule and those issues analyzed with their affect on the schedule, and the result of that indicated that the combined effect of all those occurrences was a 94-day impact. What we've asked for is 49. The primary reason is because that fits in with what the County's operator, SMG, has booked for the facility and allows us to meet their needs on book facilities. Booked events I should say.

Vice Chairman Thomas recognized Commissioner Odell.

Commissioner Odell said, just for clarification. Did I understand you to say that but for the hurricane, the flood, project changes, that's the reason you need the 45 additional days. Commissioner Price said, 49. Commissioner Odell said, 49. Mr. Simpson said, that's correct. That's the basis for us requesting the 49 days. Commissioner Odell said, when you build a project in South Georgia, a hurricane, while it is unexpected, we've had more than one or two since I've lived in this community. That wasn't part of the anticipated planner? You all didn't anticipate that, it was a surprise and there was not leeway left —, built into the schedule to anticipate this kind of delay? Which is only five days. Mr. Simpson said, I understand. The best answer I can give you to that is this one is different than some hurricanes. This had a mandatory evacuation associated with it. As it turns out, some people might have said it was a false alarm, but we couldn't help that. They said get out of town and we did. Commissioner Odell said, we're still talking about five days and you're asking for 49 days. The other 40-some-odd days, is it your opinion that that was due to the hundred-year flood? Mr. Simpson said, and other events that were —, have been included in the hours as presented to staff. Commissioner Odell asked, the hundred-year flood set you back how many days? Mr. Simpson said, it set the site work back something in the neighborhood of 40 or 50 days, as I recall. Commissioner Price said, ask him why.

Vice Chairman Thomas asked, any other —?

Commissioner Odell said, Ben Price said to ask you why. Commissioner Price asked, why did it? What was it about the flood that did that? Mr. Simpson said, during that portion of the —, of that time in construction —. Commissioner Odell asked, wet? Mr. Simpson asked, beg pardon? No, not just wet. We were at a critical part of construction of what's going to be the parking area and the approach to the East Square, which is the main drop-off for this facility. It involved bringing in hundreds of thousands of yards of earth materials to put on top of what used to be Slip 2. When the storm hit not only did we have the normal, you know, effect on the site, but the borrow pit that the clay contractor was using to bring that material in got flooded out, the road washed out, and they had to build new access roads into that facility and re-establish the resource for being able to bring that dirt back into the site, not to mention the amount of silt and dirt that was washed into the utility systems. All of this impacted the —, considerable work involved on the site of 25 acres. Commissioner Odell said, one last question. All of the delays, increase in cost, is it just the Commissioners being picky and being upset with that or is it your opinion that this is typical based on your experience with this kind of project? The delays, increase in cost, went to \$30 million, and now —, is that a typical problem that we've encountered? Mr. Simpson said, I'd say the difficulties are probably typical, the magnitude of some of them are probably not typical. If you ask a contractor to give you a bid on a particular project and he put enough money in there to cover any conceivable event that might occur, nobody could afford to pay for that contract. So what we try to do is give you the best price for the circumstances that we know of and the time, and we're taking risks, but the contract provides for extensions of time to construction manager when events happen beyond that construction manager's control, and that's all we've asked for consideration of, and the items that we have identified I can clearly show you, you know, in the contract are allowed for time extension consideration. Commissioner Odell asked, is that the same part of the contract that defines guaranteed maximum price? Mr. Simpson said, no, it's a different part of the contract.

Commissioner Murray asked, well, if the contract says all that, why are you up here? Why are we even addressing this? If that's in his contract that he can legitimately do that, why have we got to approve or disapprove it? County Attorney Hart said, a couple of things. Number one, they're asking for 49 days. Insofar as conditions such as the hundred-year flood or conditions in regard to the mandatory evacuation, you probably under the terms of your contract have to consider that matters beyond the control of the contractor to the extent that the time is appropriate. The real issue here is once you say

that, what is an appropriate amount of time? You've got a demobilization, remobilization and some time you've got involved in curing the effects of whatever the catastrophe was. In this particular case they've asked for initially 89 days. Under our contract our architect would certify as to the appropriateness of the number of days of delay that they have had. The architect has certified that he doesn't have enough information to certify as to 89 days, but based on what he has seen insofar as the documentation that has been submitted, 49 days may in fact be reasonable, although he says he does not have sufficient information to do it. Okay? And that's —, that's pretty much —. If in fact this Board grants them additional time under the terms of the contract for a justified delay, then this Board is essentially saying that they will allow the contractor to charge additional general conditions costs to the project. Okay? The resolution that is in your package is —, has been placed in there as one of the options to be passed or not passed at y'all's discretion, and y'all have broad discretion to do what you choose there, and it —, basically it recites the County Commission at this time does not have sufficient information to the reasonable satisfaction of the County to document the appropriateness of the delays in the process of the construction and performance of construction being caused by factors beyond the control of the construction manager, which is basically what our architect has said, and then it goes on to say that while the delay is not authorized by the County, which is used as a term of art within your contract, it shall not take any action concerning the delay before the additional 49-day period so long as beneficial occupancy occurs in a timely manner so as to avoid scheduling delays and that no additional charge for general services or general conditions will be made during this 49 days. In point of fact, the Trade Center will not be finished in the next 49 days. I will say what everybody has danced around. Commissioner Price said, that's on page 17 too in your packet. County Attorney Hart said, yes. That resolution basically is saying that if —, we don't know that if 49 days are appropriate, but if 49 days are appropriate, we'll allow you to take those 49 days, but we're not agreeing that we're going to be responsible for the additional general conditions and costs involved in that.

Commissioner Rivers asked, how can we correct all of that to make some of the cost —, make them borne some of the cost of the —? County Attorney Hart said, well, this resolution would not allow them to pass general conditions costs back to you. Commissioner Rivers said, but that still doesn't give us a time certain on completion. County Attorney Hart said, no sir, it does not. Vice Chairman Thomas said, okay, Commissioner Price and then Commissioner Jackel and Commissioner DeLoach and then Commissioner Saussy.

Commissioner Price asked, Jon [Hart], 49 days, does that then take the penalty period and move it forward 49 days? County Attorney Hart said, there is no penalty period in our contract. Commissioner Price said, not forward but back. County Attorney Hart said, there is no penalty period on the contract. That was one of the items which the Commission at the time the contract was entered recognized that if a penalty provision was placed in the contract, it would only increase the cost of the project and made a discretionary choice not to add a penalty provision to the contract. Obviously, hindsight's 20/20. So that would not be an item. What's really happened here is you've got a contractor requesting a number of days. Okay? Based on the request of those number of days, the architect is not willing to say that those number of days are appropriate and has not certified those days. At the same time, your architect has turned around and said, well, obviously some of that time would be appropriate; certainly, the five days when we have monsoon season or when they can't be in the County to work on the project, I think any reasonable person would say certainly shortly before, shortly thereafter clearly be reflected. The real issue is 49 days or 89 days or 37 days. Until somebody comes in and looks at that and makes that decision, I feel sure the contractor feels that their time estimates are appropriate to the needs, but, you know, you don't have the information to make that decision.

Commissioner DeLoach asked, what are those time estimates? His time estimates are what? Eighty-nine, is that right? [Unintelligible comments when several Commissioners were speaking at the same time.] Commissioner Murray said, but it really doesn't matter since it's not in our clause anyway.

Commissioner Price said, let me finish. Commissioner Murray said, [inaudible] vote on it and make any difference. Commissioner Price said, but what you're saying then is the architect going to come in and actually figure those numbers or is the architect saying I don't know, don't look to me? County Attorney Hart said, our architect's saying based on the information they have at this time they can't commit to the days. Commissioner Price asked, will they accomplish that task? County Attorney Hart said, I'm sorry. Commissioner Price asked, will they accomplish that? Will they be able to at a later date know that? County Attorney Hart said, I would certainly hope so. That's what they're paid to do. Commissioner Price asked, is that something that we're waiting for? Are we waiting for the architect to tell us that? I mean, Pat, can you —?

County Manager Abolt said, Dr. Thomas and gentlemen, there may be a time when you want —, might want to adjourn —, recess into Executive Session.

Commissioner Price said, okay. Well, I mean —. County Manager Abolt said, to talk to your attorney. Commissioner Price said, you know, I've got a problem with the fact that the architect's not able to put a —, get a handle on this. That's the real problem, I think. Commissioner Saussy asked, why can't he get a handle on it? Commissioner Price said, that's a good question. That's what I'm trying to find out. County Manager Abolt said, and the architect should respond. Commissioner Price said, all right. Is the architect here? Anybody from the architect TVSA here? Commissioner Odell said, it's not a trick question. Commissioner Price said, it's a simple question. Commissioner Jackel said, nothing's simple any more. Commissioner Price said, the project's worth [inaudible].

Mr. Harry McDonald said, I'm Harry McDonald. I'm the on-site representative, work for Haynes-Robinson as part of the design team representing TVSA, the architect. We were asked to assess the contractor's request for time and I would off as attachment too that you've got in your packet, our comments. My comment's also included there as the on-site rep. Some of the time frame is in fact substantiated, but I would offer again that the primary evaluation for us rests with the lack of the backup documentation, which we've asked for, and with that all I can tell you is we'll assess that and review it. I mean, that's our obligations. But, again, this is being orchestrated.

Commissioner Price asked, what specifically —, what documentation are you missing, that you haven't received from MTCB? Mr. McDonald said, as I understand right now, again, Bill Garcia, who is the lead architect and has taken the primary lead in the review, just the backup documentation from the contractors. Again, from a construction management scenario, each contractor in turn reviews his activity and the impact of each event, then in turn with that initial input is then consolidated, assimilated and evaluated by the construction management group and then in turn passed on. So we're looking at that backup documentation from the contractors initially, so that's what I understand.

Commissioner Price asked, are you guys working on that? Mr. Simpson said, first of all, the responsibility for keeping the master overall project schedule rests with the construction manager. I mean, it's not the individual trade contractors that would determine the overall outcome of the project. All that has to be coordinated and the effect on them individually and collectively is what results in the, you know, overall schedule. Commissioner Price said, are you're the construction manager? Mr. Simpson said, right, and so we, back on track, establish, maintain the overall project CPM schedule. We take project documented information on when activities start, when they finish, when new events or circumstances enter, and input that information into the computerized CPM schedule, and that's when I mentioned this outside scheduling consultant we brought in to help do that, and it produces the results. Now, on last Thursday at the owner/architect/CM meeting this issue came up about appropriate backup or substantiation to the days that we asked for, and as a result of that question I contacted Bill Garcia, project architects at TVS Associates, and said would you please be more specific on what you are looking for, and we talked about the various information that had been developed and produced and shared, and when I explained to him where we got our information from and how we produced it and that we had a CPM schedule that showed the effect of this, the indication I got —, oh, and this was followed up by a letter from our senior project manager to Bill [Garcia] to clarify this information, I thought we had satisfied the needs of the request of how we came up with our dates. I think prior to that there was some feeling that there wasn't an analytical process involved in coming up with the dates, so we acknowledged that there may be a difference in the —, the relative impact on the overall schedule of individual items, but in accordance with the architect's letter to the County back, if I may —, in fact, I think it's part of the package, dated January 27<sup>th</sup>, it says that the significant causes, and that's what they're referring to is the five major items that we included in the analysis, we believe that MTCB has a justified request for time extension and we believe the 49-day request to be reasonable. In that same letter I acknowledge that they said we would like to see more information from the trade contractors, and we're not unwilling to share that, but the problem is, is taking individual input from trade contractors doesn't give you the answer of how six or eight or ten different people are affected and what that does to the whole project. We think we have answered that and provided the information in our CPM schedule analysis. Commissioner Price asked, so you're saying that you don't feel it necessary to give them the additional documentation they're asking for? Mr. Simpson said, well, we don't feel that it's necessary, but that doesn't mean we won't do it. We'll be glad to do it. We will share whatever we have with them. Commissioner Price asked, when do you think you'll have that information available to them? Mr. Simpson said, I can get with Mr. McDonald and go back over to the site. We could go through the files and be glad to —. Commissioner Price said, okay. You know, I realize we've got separate contracts with MTCB and TVS, and that's part of the problem on this to begin with, but I also realize that you guys have worked together before —. Mr. Simpson said, right. Commissioner Price said, on various projects and, I mean, you know, you're coming to us asking for additional time and yet, you know, I think, I mean, this doesn't look good for you guys. It doesn't look good for TVS and it doesn't look good for MTCB either way, and I've got severe problems with the way, you know, this is all being handled. I think the resolution that was adopted by the County Attorney and by Pat [Monahan] and the way we structured it is correct and I think we ought to pass it. I think we ought to go forward, but you guys need to get your act together and you need to get the initial documents to TVS and whatever verification and, you know, a confirmation of those are. You need to get it done and you need to get it done right away without missing a beat, without slowing any progress being made across the river there. I'm going to read what the alternative is that's recommended by staff into the record and then I'll make a motion for it.

Commissioner Jackel said, I want to make a quick comment. Commissioner Murray said, [inaudible]. Commissioner Jackel said, okay. I've looked over this and Item A talks about June 28<sup>th</sup>, the storm and the delay of 50 days, Item B is the hurricane, and that's six days. Modification No. 40, that's the period of installing GFRCP's [sic] soffit panel, and that's 114 days; Modification No. 39, wasn't sufficient support steel and that's 57 days; Modification No. 39 is 59 days. When you add those up you get 286 days, and that's just an egregious amount to me. It puts everything —, it puts the credibility of what you're saying at stake. There are 286 days delay on the project. Now the total time of the project I'm not clear what that was. Two years, something like that, and so it's —.

Commissioner Price said, Martin [Jackel], may I have the —, I was trying to make a motion. I was told not to make that motion, but may I continue anyway and make a motion, and respecting my comrades and what they're saying, I move that we consider discussion in its current stage in Executive Session for —, under the auspices of potential litigation. Commissioner Saussy said, second. Chairman Pro Tem Murray asked, any discussion? All in favor of the motion. The motion carried unanimously. [NOTE: Chairman Hair and Vice Chairman Thomas were not present.] Chairman Pro Tem

Murray said, let's go into Executive Session. County Manager Abolt said, you're recessing into Executive Session. Commissioner Price said, we'll be back as soon as we can.

The Board recessed into Executive Session at 11:20 a.m., for the purpose of discussing potential litigation.

The meeting of the Board of Commissioners was reconvened at 11:33 a.m.

Commissioner Price said, I move we approve staff's recommendation, which is Alternative #3, and I'll read it. Commissioner Rivers said, second. Commissioner Price said, okay. That the Board acknowledge that MTCB will take another 49 days of time to complete the project but not as an amendment to the terms of the contract. By resolution, and all these are the basis of the resolution:

WHEREAS, an agreement has been reached as follows:

The County Commission at this time has not been provided information to the reasonable satisfaction of the County to document appropriate delays in the process of provided services or that the delays in performance are caused by factors beyond the control of the construction manager.

While delay is not authorized by the County, it shall not take any action concerning a delay of an additional 49 days so long as beneficial occupancy occurs in a timely manner so as to avoid event scheduling delays and no additional charge for general conditions occurs during this 49 days.

Commissioner Price said, so by this resolution the Board would adopt a position to recognize that some additional time may be warranted, but it does not believe MTCB has provided sufficient justification on the specific amount of time. Nonetheless, Chatham County would not take legal action for an additional 49 days to completion of the project as long as beneficial occupancy can be met for committed events. Chatham County would also make clear its intent to seek legal remedies should MTCB fail to meet the revised schedule as provided in its request.

Chairman Pro Tem Murray asked, any discussion?

Commissioner Jackel said, yes. Did you put in the part about hereby acknowledges completion will not be until May 1, 2000? If not, I'll read that last part. Commissioner Price said, that's part of the resolution, but yes. Commissioner Jackel said, that's an important part.

Commissioner Price said, okay, now this was the end of the resolution:

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Chatham County, Georgia, hereby acknowledges that completion will not be until May 1, 2000.

Commissioner Rivers said, call the question.

Chairman Pro Tem Murray said, let's vote. The motion carried unanimously. [NOTE: Chairman Hair was not present.]

Commissioner DeLoach said, they've got a question. Vice Chairman Thomas said, question. I'm sorry. Commissioner Price said, go ahead. Vice Chairman Thomas said, yes sir.

Mr. Mark Leahy said, if I may, I'm Mark Leahy with SMG. I'm the general manager of the Savannah International Trade and Convention Center. On February 27<sup>th</sup> we welcome the Asphalt Conference and Expo to the Trade Center. It's our very first event, and I would like to invite all the Commissioners as we recognize the inaugural event that is coming into the exhibit hall portion of the facility. Thank you.

Vice Chairman Thomas said, thank you very much.

#### **ACTION OF THE BOARD:**

Commissioner Price moved to approve Alternative #3 of the staff report and adopt a resolution acknowledging that completion of the Trade Center will not be until May 1, 2000, and that while such a delay is not authorized by the County, the County will not take any action concerning a delay of an additional 49 days so long as beneficial occupancy occurs in a timely manner so as to avoid event scheduling delays and no additional charge for general conditions occurs during the additional 49 days. Commissioner Rivers seconded the motion and it carried unanimously. [NOTE: Chairman Hair was not present.]

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4. **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.**
- **ENGINEERING - CONSTRUCTION INSPECTOR (ONE POSITION)**
  - **PUBLIC WORKS - EQUIPMENT OPERATOR II (TWO POSITIONS); EQUIPMENT OPERATOR III (ONE POSITION); SAFETY COORDINATOR (ONE POSITION); AND ALL SUBSEQUENT POSITIONS THAT BECOME VACANT AS A RESULT OF INTERNAL PROMOTIONS UNTIL MAY 1, 2000.**
  - **MAGISTRATE COURT - DEPUTY COURT CLERK II (ONE POSITION)**

Commissioner Price said, move for approval. Commissioner Odell said, I'll second.

Commissioner DeLoach said, question. Vice Chairman Thomas asked, question? Commissioner DeLoach said, yes. I got a question. What is that whole long litany thing about if it all happens between now and the end of May —, or first of May? County Manager Abolt said, sir, that's in the Public Works Department. You've done it before when you have internal promotion and you have the busier times of the year, you have been —, you have extended to the department the opportunity to fill vacancies with the emphasis on filling them. Commissioner DeLoach said, okay.

Commissioner Rivers asked, why do we have so many resignations in Solid Waste? County Manager Abolt said, I an introduce, ladies and gentlemen, as you know, our new Director of Public Works, Mr. Drewry. Commissioner Price said, congratulations. Vice Chairman Thomas said, congratulations. [Applause.] Commissioner DeLoach said, we can dog you out now, bud.

Mr. Robert Drewry said, well, to answer that question, I really don't know. Resignations, one of them left for Florida. They just found a better job, better opportunity. Commissioner DeLoach said, no, no. You're the Director of that department. They just found other opportunities, not better opportunities. Mr. Drewry said, I stand corrected.

Commissioner Price said, I amend my motion to include that all of Item #4 be approved. Commissioner DeLoach said, second. Vice Chairman Thomas said, any further discussion? Hearing none, please vote. The motion carried unanimously. [NOTE: Chairman Hair was not present.] Vice Chairman Thomas said, the motion is carried and all of the items of #4 have been approved.

#### **ACTION OF THE BOARD:**

Commissioner Price moved to approve waiver of the 90-day hiring freeze and authorize the Human Resources to advertise: Engineering - Construction Inspector (one position); Public Works - Equipment Operator II (two positions); Equipment Operator III (one position); Safety Coordinator (one position); and all subsequent positions that become vacant as a result of internal promotions until May 1, 2000; and Magistrate Court - Deputy Court Clerk II (one position) Commissioners Odell and DeLoach seconded the motion and it carried unanimously. [NOTE: Chairman Hair was not present.]

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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.)

Vice Chairman Thomas asked, do you wish to pull anything? Commissioner Odell said, G as in good. Commissioner Murray said, H and I. Commissioner Price said, 14-G. Vice Chairman Thomas said, G, H, I. Any other? Commissioner Price said, I move for approval of the balance of the Action Calendar. Vice Chairman Thomas asked, do I hear a second? Commissioner Odell said, second. Vice Chairman Thomas said, all in favor of said motion, please vote. The motion carried unanimously. [NOTE: Chairman Hair was not present.] Vice Chairman Thomas said, the motion is carried.

#### **ACTION OF THE BOARD:**

Commissioner Price moved that the Action Calendar be approved in its entirety with the exception of Items 14-G, 14-H and 14-I. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Chairman Hair 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 JANUARY 28, 2000, AS MAILED.**

**ACTION OF THE BOARD:**

Commissioner Price moved to approve the minutes of the regular meeting on January 28, 2000, as mailed. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Chairman Hair was not present.]

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**2. CLAIMS VS. CHATHAM COUNTY FOR THE PERIOD JANUARY 20 THROUGH FEBRUARY 2, 2000.**

**ACTION OF THE BOARD:**

Commissioner Price moved that the Finance Director is authorized to pay claims for the period January 20, 2000, through February 2, 2000, in the amount of \$2,947,572. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Chairman Hair was not present.]

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**3. REQUEST FROM JAMES CORDE COMPANY THROUGH THEIR AGENT, STEVENSON & PALMER ENGINEERING, TO APPROVE CONSTRUCTION OF THE IMPROVEMENTS AND BEGIN THE 12-MONTH WARRANTY PERIOD FOR THE KING GEORGE BOULEVARD EXTENSION. [DISTRICT 7.]**

**ACTION OF THE BOARD:**

Commissioner Price moved to approve the request from James Corde Company through their agent, Stevenson & Palmer Engineering, to approve construction of the improvements and begin the 12-month warranty period for the King George Boulevard Extension. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Chairman Hair was not present.]

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**4. REQUEST BOARD APPROVE DONATION OF LAND NEAR THE JIMMY DELOACH PARKWAY/S.R. 21 INTERCHANGE TO THE CITY OF PORT WENTWORTH TO PROVIDE A METERING STATION FOR POTABLE WATER SUPPLIED BY THE CITY OF SAVANNAH. [DISTRICT 7.]**

**ACTION OF THE BOARD:**

Commissioner Price moved to approve the request for donation of land near the Jimmy DeLoach Parkway/S.R. 21 Interchange to the City of Port Wentworth to provide a metering station for potable water supplied by the City of Savannah. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Chairman Hair was not present.]

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- 5. **REQUEST FROM WIDC, INC., DEVELOPER, TO APPROVE CONSTRUCTION OF THE REQUIRED IMPROVEMENTS, RELEASE THE PREVIOUS SUBDIVISION LETTERS OF CREDIT, ACCEPT A MAINTENANCE LETTER OF CREDIT, AND INITIATE THE 12-MONTH WARRANTY PERIOD FOR THE SETTLEMENT EAST, PHASE 4.  
[DISTRICT 4.]**

**ACTION OF THE BOARD:**

Commissioner Price moved to approve the request from WIDC, Inc., developer, to approve construction of the required improvements, release the previous subdivision letters of credit, accept a maintenance letter of credit, and initiate the 12-month warranty period for The Settlement East, Phase 4. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Chairman Hair was not present.]

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- 6. **REQUEST FROM ENGINEER FOR RDB ENTERPRISES, INC., DEVELOPER, THAT THE COUNTY APPROVE RECORDING THE FINAL PLAT FOR OLDE TOWNE, PHASE 11, ACCEPT THE FINANCIAL GUARANTEE AND RECOMBINE THE SUBDIVISION INTO THE EXISTING OLDE TOWNE STREETLIGHTING ASSESSMENT DISTRICT.  
[DISTRICT 4.]**

**ACTION OF THE BOARD:**

Commissioner Price moved to approve the request from engineer for RDB Enterprises, Inc., developer, to approve recording the final plat for Olde Towne, Phase 11, accept the financial guarantee and recombine the subdivision into the existing Olde Towne streetlighting assessment district. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Chairman Hair was not present.]

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- 7. **REQUEST BOARD APPROVAL TO ALLOW U.S. PUBLIC HEALTH SERVICE TO PARK FOUR LARGE MEDICAL TRAILERS, TO BE USED IN CONDUCTING A MAJOR HEALTH SURVEY WITHIN CHATHAM COUNTY, IN THE MEMORIAL STADIUM PARKING LOT FROM APPROXIMATELY APRIL 1 TO JULY 15, 2000.**

**ACTION OF THE BOARD:**

Commissioner Price moved to approve the request to allow U.S. Public Health Service to park four large medical trailers, to be used in conducting a major health survey within Chatham County, in the Memorial Stadium Parking Lot from approximately April 1 to July 15, 2000. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Chairman Hair was not present.]

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- 8. **REQUEST FOR NEW BEER AND WINE RETAIL LICENSE FOR 2000. PETITIONER: GREGORY M. PARKER, D/B/A PARKERS #23, LOCATED AT 5316 AUGUSTA ROAD.  
[DISTRICT 7.]**

**ACTION OF THE BOARD:**

Commissioner Price moved to approve the petition of Gregory M. Parker, d/b/a Parkers #23, located at 5316 Augusta Road, for a new beer and wine retail license for 2000. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Chairman Hair was not present.]

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- 9. **REQUEST FOR RENEWAL OF SUNDAY SALES OF BEER, WINE AND LIQUOR POURING FOR 2000. PETITIONER: STEPHEN A. GROVE, AGENT FOR RESTAURANT CONCEPTS**

**II, LLC, D/B/A APPLEBEE'S NEIGHBORHOOD GRILL & BAR, LOCATED AT 5460 AUGUSTA ROAD.  
[DISTRICT 7.]**

**ACTION OF THE BOARD:**

Commissioner Price moved to approve the petition of Stephen A. Grove, agent for Restaurant Concepts II, LLC, d/b/a Applebee's Neighborhood Grill & Bar, located at 5460 Augusta Road, for renewal of Sunday sales of beer, wine and liquor pouring for 2000. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Chairman Hair was not present.]

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**10. REQUEST FOR NEW BEER, WINE AND LIQUOR POURING AND SUNDAY SALES LICENSES FOR 2000. PETITIONER: CHARLES T. MELTON, D/B/A SANDFLY BAR AND GRILL, LOCATED AT 7360 SKIDAWAY ROAD.  
[DISTRICT 3.]**

**ACTION OF THE BOARD:**

Commissioner Price moved to approve the petition of Charles T. Melton, d/b/a Sandfly Bar and Grill, located at 7360 Skidaway Road, for new beer, wine and liquor pouring and Sunday sales licenses for 2000. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Chairman Hair was not present.]

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**11. REQUEST FOR RENEWAL OF SUNDAY SALES OF BEER AND WINE POURING LICENSE FOR 2000. PETITIONER: ALVIN S. HIRSCH, D/B/A BIG AL'S BAR-B-Q, INC., LOCATED AT 300 JOHNNY MERCER BOULEVARD.  
[DISTRICT 4.]**

**ACTION OF THE BOARD:**

Commissioner Price moved to approve the petition of Alvin S. Hirsch, d/b/a Big Al's Bar-B-Q, Inc., located at 300 Johnny Mercer Boulevard, for renewal of Sunday sales of beer and wine pouring license for 2000. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Chairman Hair was not present.]

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**12. REQUEST FOR RENEWAL OF SUNDAY SALES OF BEER AND WINE POURING FOR 2000. PETITIONER: ALAN C. CALE, D/B/A HENDERSON GOLF CLUB, LOCATED AT 1 AL HENDERSON DRIVE.  
[DISTRICT 7.]**

**ACTION OF THE BOARD:**

Commissioner Price moved to approve the petition of Alan C. Cale, d/b/a Henderson Golf Club, located at 1 Al Henderson Drive, for renewal of Sunday sales of beer and wine pouring for 2000. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Chairman Hair was not present.]

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**13. REQUEST FOR RENEWAL OF SUNDAY SALES OF BEER AND LIQUOR POURING FOR 2000. PETITIONER: KAREN L. BLALOCK, D/B/A KAREN'S PLACE, LOCATED AT 5115 OGEECHEE ROAD.  
[DISTRICT 7.]**

**ACTION OF THE BOARD:**

Commissioner Price moved to approve the petition of Karen L. Blalock, d/b/a Karen's Place, located at 5115 Ogeechee Road, for renewal of Sunday sales of beer and liquor pouring for 2000. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Chairman Hair was not present.]

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**14. 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.)

ITEM	DEPT.	SOURCE	AMOUNT	FUNDING
A. Second renewal option to the annual contract to provide cost allocation services	Finance	Karp, Ronning, Arkin & Tindol (formally Tindol & Company)	\$9,300	General Fund/M&O - Audit Contract Account
B. Change Order No. 13 to the contract to perform a hydraulic analysis of the Pipemakers Canal to provide design, permit and construction plans for the Pipemakers Canal Drainage Project	SPLOST	EMC Engineering	\$872,913	SPLOST (1998-2003) - Pipemakers Canal
C. Change Order No. 2 to the contract to provide right-of-way acquisition services for road and drainage projects to recognize the change of conditions regarding the complexity of right-of-way acquisitions	SPLOST	Moreland Altobelli Associates, Inc.	Varies by services required	•SPLOST (1985-1993) •SPLOST (1993-1998) •SPLOST (1998-2003) - Various Roads and Drainage •CIP - Drainage and other
D. 200 voting booths	Elections Board	Owen G. Dunn Company (sole source)	\$37,800	General Fund/M&O - Elections Board
E. Contract for the removal and replace of old, slippery pavers with new pavers	Building Maintenance and Operations	The House Doctor	\$13,570	CIP - Courthouse Improvements
F. 16 Hewlett Packard printers	Library	Entré Computer Center (MBE)	\$12,358.10	CIP - Vehicle and Equipment Lease
G. Confirmation Change Order No. 3 to the contract for the Judicial Courthouse HVAC replacement for the cleaning of all duct work and air handling equipment	Judicial Courthouse HVAC Replacement Project	Erickson, Inc.	\$60,760	Bond Proceeds - Judicial HVAC Replacement
H. Change Order No. 38 to the Trade Center design contract to extend the service of the architect's on-site representative	SPLOST - Trade Center	TVSA	Not to exceed \$51,100	SPLOST (1993-1998) - Contingency (pending transfer approval 2/25/2000)
I. Change Order No. 39 to the contract for reimbursable expenses incurred by TVSA	SPLOST - Trade Center	TVSA	\$115,000	SPLOST (1993-1998) - Contingency (pending transfer approval 2/25/2000)

**As to Items 14-A through 14-F:**

Commissioner Price moved to approve Items 14-A through 14-F. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Chairman Hair was not present.]

**As to Item 14-G:**

CONFIRMATION CHANGE ORDER NO. 3 TO THE CONTRACT FOR THE JUDICIAL COURTHOUSE HVAC REPLACEMENT FOR THE CLEANING OF ALL DUCT WORK AND AIR HANDLING EQUIPMENT; DEPARTMENT: JUDICIAL COURTHOUSE HVAC REPLACEMENT PROJECT; SOURCE: ERICKSON, INC.; AMOUNT: \$60,760; FUNDING: BOND PROCEEDS - JUDICIAL HVAC REPLACEMENT.

Vice Chairman Thomas asked, who pulled G? Commissioner Odell said, Odell. Vice Chairman Thomas said, okay.

Commissioner Odell said, Judicial Courthouse HVAC Replacement Project, I don't have a question as to the proposals. I do have a question as to outside of the Courthouse we built this enormous ugly storage bin — Mr. George Lynch said, yes sir. Commissioner Odell said, which can be viewed by everyone in that [inaudible]. Will the eyesore be removed in our lifetime? Mr. Lynch said, yes sir. Commissioner Odell asked, it's not a permanent thing? Mr. Lynch said, no sir. What it is, the —, and I'm afraid it'll get a bit uglier in the short term only. Erickson is going to be bringing in literally tons of equipment. It can stand being warehoused in that area, but it's got to be protected from theft or anything of that nature. Also the reason that the surface looks uglier and not grass, which will be replaced at the end of the job, is because they have gotten all weather conditions to back trucks up as deliveries occurred. But, yes sir, that will end when the heavy equipment gets placed in the building. Commissioner Odell asked, when will that be? Mr. Lynch said, I would say that you're looking at probably at least a 12-month period before it is all done and installed and everything else. Commissioner Odell asked, can we look at any options, and here's my concern. I know we need to store the equipment there, but that's the Judicial Building — Mr. Lynch said, yes sir. Commissioner Odell said, and it really looks like a pig pen on that side. Mr. Lynch said, very good, sir. Commissioner Odell said, and it's seen by everyone who has to utilize the Courthouse, and most citizens have little contact with government except if they get a traffic ticket, when they pay the price to build, and they have to come to that building, and this is a historic city, and to have that eyesore there for 12 months, I'm sorry, Russ [Abolt], that's just not acceptable. Mr. Lynch said, let me suggest an alternative, sir, that I think may help it. Commissioner Odell asked, you going to find a cover to fit it? Mr. Lynch said, well, in a sense yes. I'm not probably going to be using the technical term for it, but I'm sure you have seen where weaving through the, if you would, security wires that looks better than looking at equipment. Let us try that. We need to keep the equipment as close to the job site as we can. As a consequence, the thought of moving it somewhere else in town would, one, be a lot more expensive and, two, would slow down and probably raise the cost of doing the installation. Let us try some creative screening. Commissioner Odell said, I really wish we would because I think that's better than have the —, and my other concern, I think the AC unit is absolutely, totally necessary. Mr. Lynch said, yes sir. Commissioner Odell said, I tried a case in Judge Ginsberg's courtroom, it was 83 degrees. I had to pop out to go to a motion hearing in Judge Karpf's courtroom and it was 68. I mean, it was just dramatic. Mr. Lynch said, absolutely, sir. Commissioner Saussy said, you were just on a hot seat in Judge Ginsberg's —. Commissioner DeLoach said, he was talking in one and he wasn't talking in the other one. That's what it is. Commissioner Odell said, thank you, Eddie [DeLoach].

Commissioner Murray asked, can we vote on this one? Commissioner Odell said, yes, I'll move to approve it. Commissioner Murray said, second. Vice Chairman Thomas asked, any discussion? Hearing none, please vote. The motion carried unanimously. [NOTE: Chairman Hair was not present.] Vice Chairman Thomas said, the motion is carried.

**As to 14-H and 14-I:**

- H. CHANGE ORDER NO. 38 TO THE TRADE CENTER DESIGN CONTRACT TO EXTEND THE SERVICE OF THE ARCHITECT'S ON-SITE REPRESENTATIVE; DEPARTMENT: SPLOST - TRADE CENTER; SOURCE: TVSA; AMOUNT: NOT TO EXCEED \$51,100; FUNDING: SPLOST (1993-1998) - CONTINGENCY (PENDING TRANSFER APPROVAL 2/25/2000).
- I. CHANGE ORDER NO. 39 TO THE CONTRACT FOR REIMBURSABLE EXPENSES INCURRED BY TVSA; DEPARTMENT: SPLOST - TRADE CENTER; SOURCE: TVSA; AMOUNT: \$115,000; FUNDING: SPLOST (1993-1998) - CONTINGENCY (PENDING TRANSFER APPROVAL 2/25/2000).

Commissioner Murray said, we can take H and I both together. I'd just like to have some justification on why we have to approve this when we've already said we aren't putting any more money into it. Mr. Lynch said, okay, sir, may I respond to your question? Commissioner Murray said, certainly. I hope somebody will. Mr. Lynch said, all right. Very good.

Vice Chairman Thomas read Items 14-H and 14-I into the record.

Mr. Lynch said, let me make it clear at the outset that this is —, both of these change orders involve the TVSA architectural engineering contract. They do not affect the Maritime Trade Center Builders. The first one deals quite simply with the fact that we put into TVSA's contract 18 months coverage of a on-site representative. Now the on-site representative is quite frankly our eyes and ears. He's the one who makes sure that the work is placed, conforms to the drawings and to the specifications, and he does it on what I call a mere real time basis. In other words, he is on that job and if he sees something right at the outset that is not in accordance, it is not conforming work, he stops it right then and there. This gentleman is the guy really who gives you the —, and us, the protection to ensure that the job is being built in accordance with the then current specifications and plans. Now, for reasons that we don't need to belabor and we are familiar with, this contract is running longer than we had anticipated when we put this contractual provision in 20-some months ago. Our view is take anything else you want to, but this we've got to have for the protection of the County. Sir, can I —?

Commissioner Murray asked, and that's on both of them, right? Mr. Lynch said, I'm addressing right now the first one. Commissioner Murray said, okay. What about the second one? Mr. Lynch said, okay, the second one relates to reimbursable work authorized by the contract to the architect. Now, this includes such things as travel when we require the architect or his consultants, and these are structural people or whoever to make trips and travel on our behalf. It covers printing, reproduction, telephones, things of that nature. Approximately 18 months ago the \$500,000 budgeted area in the architect's contract for reimbursables was exceeded and we said we are not going to pay you any more at this point. We ceased payment. This represents an audited, carefully audited evaluation of all of their billings during that period of time. We owe them the money. This is not marked up. We have the invoices to prove it and fundamentally we have no choice but to go ahead and pay it.

Commissioner DeLoach said, I make a motion to approve. Commissioner Price said, second. Vice Chairman Thomas asked, any discussion? Commissioner DeLoach asked, is that H and I? Commissioner Price said, H and I. Vice Chairman Thomas said, all in favor please vote. The motion carried unanimously. [NOTE: Chairman Hair was not present.] Vice Chairman Thomas said, the motion is carried. Thank you.

#### **ACTION OF THE BOARD:**

1. Commissioner Price moved to approve Items 14-A through 14-F. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Chairman Hair was not present.]
2. Commissioner Odell moved to approve Item 14-G. Commissioner Murray seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioner Rivers were not present.]
3. Commissioner DeLoach moved to approve Items 14-H and 14-I. Commissioner Price seconded the motion and it carried unanimously. [NOTE: Chairman Hair was not present.]

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#### **RECOGNITION OF GUESTS**

Commissioner Odell said, Dr. Thomas. Vice Chairman Thomas said, yes. Commissioner Odell said, I have a student from my district who's in college and as part of her college requirement had to attend one of our Commission meetings, and I'm going to ask her to stand, Iesha Sabree, so that her professor —, she's in college, will know that she in fact was here.

Vice Chairman Thomas said, we're really delighted to have you here with us today. Would you like to have anything to say? Ms. Sabree said, well, I was supposed to comment —, see if you all were going to talk about any health issues related to the nursing school, and I wanted to see if you had any health issues that you were going to discuss. I was told by someone that was here before I was that you all had discussed the Westside Urban Health Center. Vice Chairman Thomas said, well, that's not on our agenda today. Ms. Sabree said, okay. They told me that you were discussing it before, but —.

Commissioner Murray said, you will get more of that information on health care stuff if you'd move into the Fourth District. We do a great job down there with it.

Vice Chairman Thomas said, hopefully at our next meeting we do plan to recognize the family in response to Mr. Cooper's legacy at our next meeting. Ms. Sabree said, I will come to that meeting as well. Vice Chairman Thomas said, thank you. Ms. Sabree said, thank you. Vice Chairman Thomas said, thank you very much.

Commissioner DeLoach asked, do you know Morris Brown out there? Vice Chairman Thomas said, no. Commissioner DeLoach said, everybody needs to meet Morris Brown. He's a good friend of mine. He's also representing Ashtree. Vice Chairman Thomas said, okay. Welcome, Mr. Brown. Commissioner DeLoach said, he's a good fellow. Making an impact.

Mr. Brown said, thank you. I was dropping a contract and I thought I'd just drop in to see what was going on down here. I know quite a few people in here. I know some of the Commissioners. I know Mr. Rivers. Mr. Odell and I went to school together, and I know you, Ms. Thomas. I know Mr. DeLoach and we're involved in a prayer meeting on Friday mornings faithfully. We've been doing it for the last almost two years and we have a real good time during that time. And I don't have any business, I just dropped in to see what was going on. It seems like y'all are doing an extremely good job. Commissioner Murray said, if you had gotten here earlier you wouldn't have said that. Mr. Morris said, Chatham County is in good hands.

Commissioner DeLoach said, you should look at Ashtree, what we've got going on with that. It's something he's heavily involved in and does not —. He just does it as volunteer, but it's a program that's really changing lives in the community

and it's something that we need to —, everyone that gets an opportunity to look at it needs to look at it. It's a great program.

Vice Chairman Thomas said, very good. We're delighted to have you.

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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, HAROLD B. YELLIN AND JONATHAN YATES, AGENTS/AMERICAN TOWER CORPORATION (FOR GLADYS HILL AND JOYCE DURRENCE, OWNERS), IS REQUESTING THE REZONING OF A 0.23 ACRE SITE FROM R-A (RESIDENTIAL-AGRICULTURE) TO RA-WT (RESIDENTIAL-AGRICULTURE-WIRELESS COMMUNICATION/DIGITAL TELEVISION TOWER OVERLAY DISTRICT) IN ORDER TO CONSTRUCT A 180 FOOT HIGH TELECOMMUNICATIONS TOWER. THE SITE IS LOCATED ON A 323 ACRE TRACT IN THE NORTHWEST QUADRANT OF THE INTERSECTION OF I-95 AND GEORGIA HIGHWAY 204, APPROXIMATELY 1.1 MILES FROM HIGHWAY 204. THE MPC RECOMMENDED APPROVAL.  
MPC FILE #00-105-C  
[DISTRICT 7.]**

Commissioner DeLoach said, based on the location and the information I've received about it, I think this is something we need to pass at this time, so I make a motion for that. Commissioner Price said, second. Commissioner Saussy said, second. Commissioner Thomas asked, any discussion? The motion carried unanimously. [NOTE: Chairman Hair was not present.] Commissioner Thomas said, hearing none, the motion is carried.

### **ACTION OF THE BOARD:**

Commissioner DeLoach moved to approve the petition of Harold B. Yellin and Jonathan Yates, Agents/American Tower Corporation (for Gladys Hill and Joyce Durrence, Owners), requesting the rezoning of a 0.23-acre site, located on a 323-acre tract in the northwest quadrant of the intersection of I-95 and Georgia Highway 204, approximately 1.1 miles from Highway 204, from R-A (Residential-Agriculture) to RA-WT (Residential-Agriculture-Wireless Communication/Digital Television Tower Overlay District) in order to construct a 180-foot high telecommunications tower. Commissioners Saussy and Price seconded the motion and it carried unanimously. [NOTE: Chairman Hair was 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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**3. STATUS ON REQUESTED MORATORIUM AND ALTERNATIVES DEALING WITH TELECOMMUNICATION TOWER SITING.**

**ACTION OF THE BOARD:**

Report received as information.

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**EXECUTIVE SESSION**

Upon motion made by Commissioner DeLoach, seconded by Commissioner Price and unanimously approved, the meeting of the Board of Commissioners was recessed at 11:55 a.m. to go into Executive Session for the purpose of discussing litigation and personnel. [NOTE: Chairman Hair was not present.]

Following adjournment of the Executive Session, the meeting of the Board of Commissioners was reconvened at 12:05 p.m.

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**ITEMS FROM EXECUTIVE SESSION**

**1. REQUEST BOARD SETTLE DESTRUCTION OF POLICE VEHICLE/PRODUCTS LIABILITY CLAIM (JON HART).**

**ACTION OF THE BOARD:**

Commissioner Price moved to approve the settlement of the destruction of police vehicle/products liability claim (Unit #872) in the amount of \$4,125. Commissioner DeLoach seconded the motion and it carried unanimously. [NOTE: Chairman Hair was not present.]

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**2. REQUEST BOARD APPROVE INCREASE IN HOURLY RATE OF KRISTINE SHEHANE OF BRENNAN, HARRIS AND ROMINGER TO \$75 FOR HANDLING TAX APPEALS (JON HART).**

**ACTION OF THE BOARD:**

Commissioner DeLoach moved to approve the request to increase the hourly rate of Kristine Shehane of Brennan, Harris and Rominger to \$75 for handling tax appeals. Commissioner Rivers seconded the motion and it carried unanimously. [NOTE: Chairman Hair was not present.]

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- 3. **REQUEST BOARD APPROVE A MOTION TO AUTHORIZE THE VICE CHAIRMAN TO EXECUTE AFFIDAVITS THAT THE TWO EXECUTIVE SESSIONS HELD DURING THIS MEETING WERE HELD IN COMPLIANCE WITH THE OPEN MEETINGS ACT.**

**ACTION OF THE BOARD:**

Commissioner Rivers moved to authorize the Vice Chairman to execute affidavits that the two Executive Sessions held during this meeting were held in compliance with the Open Meetings Law. Commissioner DeLoach seconded the motion and it carried unanimously. [NOTE: Chairman Hair was not present.]

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**APPOINTMENTS**

- 1. **GRANTS-IN-AID, CULTURAL SERVICES**

**ACTION OF THE BOARD:**

Commissioner DeLoach moved to confirm Commissioner Jackel's appointment of Gloria J. Horstman to replace Maria Center on Grants-in-Aid, Cultural Services, which term will expire May 30, 2000. Commissioner Saussy seconded the motion and it carried unanimously. [NOTE: Chairman Hair was not present.]

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- 2. **ECONOMIC OPPORTUNITY AUTHORITY**

**ACTION OF THE BOARD:**

Commissioner Saussy moved to approve the appointment of Eden Amyx to replace Nicole Williams to represent the Youth Commission on the Economic Opportunity Authority. Commissioner Rivers seconded the motion and it carried unanimously. [NOTE: Chairman Hair was not present.]

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**ADJOURNMENT**

There being no further business to be brought before the Board, Commissioner Murray moved that the meeting be adjourned. Commissioner Price seconded the motion and it carried unanimously. [NOTE: Chairman Hair was not present.]

Vice Chairman Thomas declared the meeting adjourned at 12:10 p.m.

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APPROVED: THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2000

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

SYBIL E. TILLMAN, COUNTY CLERK