

MINUTES OF THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF CHATHAM COUNTY, GEORGIA, HELD ON MARCH 24, 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, March 24, 2000.

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II. INVOCATION

Commissioner Joe Murray Rivers gave the invocation.

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III. PLEDGE OF ALLEGIANCE

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

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IV. ROLL CALL

The Clerk called the roll.

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

Chairman Hair said, I'd like to introduce our Youth Commissioners who are with us this morning. We have Dana Roberts, who is a senior, representing the Housing Authority of Savannah; we have Lee Ann Sikes, she's also a senior at Bible Baptist Day; and we have Aminata Traoré, who is in the 10th grade at Savannah Arts Academy. We appreciate your being here this morning and as we go through deliberations, if you want to make a statement just raise your hand and I'll recognize you. Okay? We're glad to have you with us.

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ORDER OF BUSINESS

Chairman Hair said, we also need to modify the agenda. We need to add Ms. Vicki Minor from the Library to make a statement about the operating hours. I'll entertain a motion to add her to the agenda.

Commissioner Rivers said, so moved. Commissioner Thomas said, second. Chairman Hair said, motion and second. All those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioners Odell and Price were not present.]

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V. PROCLAMATIONS AND SPECIAL PRESENTATIONS**1. MYSTERY CUSTOMER AWARDS**

Chairman Hair recognized County Manager Russ Abolt.

County Manager Abolt recognized Mr. Van Johnson.

Mr. Johnson said, Dr. Thomas, gentlemen, it is with great pleasure that we announce the recipients of this month's Mystery Customer Program. You implemented this program a couple of years ago to recognize a sample of the Chatham County employees that consistently insist on excellence by providing quality customer service all of the time to all of our internal and external customers that visit our offices, call on our telephones, utilize our facilities or require our services. Our mystery customer has located three such employees and we present them to you this morning. They receive a certificate and \$50. Patricia Bush joined the Chatham County family in April of 1997 as a Civil Engineer in the Engineering office and was promoted to a Civil Engineer II one year later, and she's joined this morning by County Engineer Al Bungard.

County Manager Abolt said, first of all, Patricia [Bush], we want to present to you a check, but I ask you not to open up the envelope because a check won't be in it. Before Mr. Johnson leaves for home tonight, there will be a check in the envelope. Ms. Bush said, I already have it. County Manager Abolt said, what is the mystery in this? She has it already. Chairman Hair said, that's the mystery. County Manager Abolt asked, how long have you had it? Ms. Bush said, a week. County Manager Abolt said, a week! I would like to introduce Al Bungard, our County Engineer, to say more about Patricia [Bush]. I think you all realize the many, many jobs which our employees perform so well. The job and responsibilities of Patricia [Bush] and also Vince Grevemberg are truly not only high profile but high stress, and I certainly appreciate all the wonderful things she and Vince [Grevemberg] do and also the opportunity to recognize them.

County Engineer Al Bungard said, well, I just wanted to —, Trish [Bush] came shortly before I got here. Robert [Drewry] did the interviewing, hired Trish [Bush] away from the Georgia Department of Transportation —, our gain, their loss, after she graduated from that great institution we know as Georgia Tech. It's my pleasure on behalf of the department, you know, we're glad she's there. She takes her role protecting the public interest very seriously, and we're just very proud of her. And Robert [Drewry] wanted to point out that it was him that hired her.

County Manager Abolt said, the \$50 comes out of Al's [Bungard] budget.

Ms. Bush said, thank you very much. Chairman Hair said, thank you.

Mr. Johnson said, our second recipient this morning is Cynthia Heywood, who joined the Chatham County family in September 1999 as a Clerical Assistant III in the Animal Control Division of the Chatham County Police Department. Ms. Heywood is joined this morning by the Chatham County Chief of Police Thomas Sprague.

County Manager Abolt asked, there's a check in this one? Let me see if there's a check in this one. By golly, there is a check in this one. There you go.

Chief Sprague said, Cynthia [Heywood] has been with us for about seven months now and she follows the foundations in that old phrase everyone's heard: it's nice to be nice. In her position in Animal Control she also mans the public information desk at the Police Department and Tag Office and she has been nice to be nice, and I congratulate her on this.

Ms. Heywood said, thank you very much.

Mr. Johnson said, our final recipient is Kathleen Scott, who joined the Chatham County family in August of 1998 as an Administrative Assistant II in the Parks and Recreation Department. She currently serves in this capacity. She is joined by Parks and Recreation Director Jim Golden.

Mr. Golden said, Dr. Thomas, Mr. Chairman, Commissioners, I guess I will say it is best to be late than never, but I'd like to say something about this young lady. Kathleen Scott is know as Miss Kay to the staff. We're very proud of the dedication she's shown to the department, and her contributions certainly has enhanced the services of the department. We thank her, we're proud of this award, and we look forward to more of this.

Ms. Scott said, good morning. I would like to thank the Commissioners for presenting such award. I also want to thank Mr. Golden for giving me the opportunity to be a part of the Parks and Recreation and I want to accept this award on behalf of the entire Parks and Recreation Department because it is a group effort.

Chairman Hair said, thank you.

Commissioner Murray asked, Russ [Abolt], was there something with the third envelope? You opened the first one, there wasn't a check, you opened the second one and there was, but you didn't even bother to open the third one. County Manager Abolt said, I was a little afraid. Mr. Johnson and I are going to have a little conference after this. Thank you.

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2. PROCLAIM WEEK OF APRIL 2-8, 2000, AS INTERNATIONAL BUILDING SAFETY WEEK IN CHATHAM COUNTY.

Chairman Hair said, our next item is a proclamation to declare the week of April 2nd through the 8th as International Building Safety Week in Chatham County. I'll read the proclamation. Chairman Hair then read the following proclamation into the record:

WHEREAS, the safety of the buildings we occupy daily is essential to the health, safety and welfare of the citizens of the world, and among the world's most fundamental laws are those which provide safety standards for the construction of buildings in which people live, work and play; and

WHEREAS, for construction and building codes to be effective and enforced, understanding and cooperation must exist between code officials and the people they serve; and through the efforts of code officials worldwide, and their cooperative relationship with the construction industry, the administration of these health and life-safety standards is assured; and

WHEREAS, units of government across the world — along with such prestigious organizations as Building Officials & Code Administrators (BOCA) International, Inc., International Conference of Building Officials (IBO), Southern Building Code Congress International (SBCCI), Inc., the Council of American Building Officials (CABO), the National Conference of States of Building Codes and Standards (NCSBCS), and the World Organization of Building Officials (WOBO) — are joining to promote the use of building and construction codes today, for a lifetime of building safety, through the observation of International Building Safety Week.

NOW, THEREFORE, I, Dr. Billy B. Hair, Chairman, on behalf of the Chatham County Board of Commissioners, do hereby proclaim the week of April 2 - 8, 2000 as:

“INTERNATIONAL BUILDING SAFETY WEEK”

in Chatham County and urge all citizens to participate in International Building Safety Week activities to help promote building safety, to create awareness as to the importance of construction and building codes, and to spotlight the role of the dedicated code official in administering those codes.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of Chatham County, Georgia, to be affixed this, the 24th day of March, 2000.

/s/ Billy B. Hair
Dr. Billy B. Hair, Chairman
Chatham County Commission

ATTEST:

/s/ Sybil E. Tillman
Sybil E. Tillman, Clerk

Inspections Director Gregori Anderson said, thank you, Mr. Chairman and members of the Board. As part of the activities for Building Safety Week in the Inspections Department for the week of the 2nd we will have open house. It will allow some of our customers to come up and take a look at what we do and how we do it and also to answers some questions they may have about code enforcement in Chatham County. If you happen to be in the area, stop by and see us. Thank you very much.

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3. PROCLAMATION FOR JESSICA NICKERSON, HONOREE IN THE PRUDENTIAL SPIRIT OF COMMUNITY AWARDS.

Chairman Hair said, our next proclamation is to a young lady, Jessica Nickerson. I'd like to have Miss Nickerson come forward. Is she here? There she is. Chairman Hair read the following proclamation into the record:

WHEREAS, strengthening the bonds of families, friends and neighbors is not as much in the hands of institutions or governments as it is in the hearts of people — individuals who volunteer to help people of all ages, races and religions. Today, we recognize such an individual, Jessica Nickerson; and

WHEREAS, Jessica, a senior at Windsor Forest High School, has been named as one of Georgia's top honorees in The Prudential Spirit of Community Awards program. She exemplifies the value of volunteer community service and is a role model to other youth as well as adults; and

WHEREAS, she produced more than 120 pocket-size first-aid kits and over 30 "Happy Birthday Bags" for homeless and needy children and their family; and

WHEREAS, The Prudential Spirit of Community Awards, a nationwide program honoring young people for outstanding acts of volunteerism, will present Jessica with a bronze Distinguished Finalist medallion.

NOW, THEREFORE, I, Dr. Billy B. Hair, Chairman, on behalf of the Chatham County Board of Commissioners, do hereby salute:

"JESSICA NICKERSON"

and thank her for unselfish contributions she's made to improve the quality of life for her fellow man and extend best wishes in future endeavors.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of Chatham County, Georgia, to be affixed this, the 24th day of March, 2000.

/s/ Billy B. Hair

Dr. Billy B. Hair, Chairman
Chatham County Commission

ATTEST:

/s/ Sybil E. Tillman

Sybil E. Tillman, Clerk

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VI. CHAIRMAN'S ITEMS

1. WORKSHOPS ON COMPENSATION STUDY RESULTS AND BUDGET GOALS.

Chairman Hair said, under my section the first item is to announce the dates for the workshops on compensation study results and the budget goals. Gail [Gordon] has polled everyone and we finalized these dates. Just for the benefit of the public, we will have a meeting on the compensation study on April 5th at 12:00 Noon here in the Commission Chambers and we will have our goals session on April 10th at Noontime as well here in the Commission Chambers, and we invite anyone from the public that would like to attend these meetings. Please feel free to do so.

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2. CHRIS TAYLOR AND LYNDA HARRILL (10 MINUTES).

Chairman Hair said, next on the agenda we have Ms. Taylor and Ms. Harrill have asked for ten minutes on the agenda to discuss some of the taxing issues. Chairman Hair recognized Ms. Taylor.

Ms. Chris Taylor said, good morning, Commissioners. The Commissioners said, good morning. Ms. Taylor asked, can you hear me? In order to clear the air and defuse continuing claims of innuendo without facts, we request the Chatham County do the following: Ask each member of the Chatham County Board of Assessors to provide a list of all real properties owned by them in Chatham County, all direct and indirect ownership, including partnership arrangements, corporations, trusts, other beneficial interests, et cetera. Ask each member of the 1999 Chatham County Board of Equalization, based on a list provided by Chatham County in August of 1999, to provide a list of all real properties owned by them in Chatham County, all direct and indirect ownership, including partnership arrangements, corporations, trusts, and other beneficial interests. Ask each member of the 2000 Chatham County Board of Equalization to provide a list of all real properties owned by them in Chatham County, all direct and indirect ownership, including partnership arrangements, corporations, trusts, and other beneficial interests, et cetera. Ask the Tax Assessor to furnish the PINs for all parcels listed above. Have the County Auditor review the tax records for each parcel and other appropriate Tax Assessor records and make the following determinations: Has each parcel been valued for tax years 1992 to 1999 in accordance with the laws of Georgia and the rules and regulations of the Department of Revenue? Are there any valuation anomalies? Are these parcels valued on a basis comparable to other similar parcels in their respective tax neighborhoods? When was each parcel last inspected? When was the last change of value? What was the percentage change? What has been the eight-change in value on each parcel? Which parcels are still on override? Why? If applicable, when was each parcel converted to CAMA? What parcels are on income with no recent change in value? What is the median sales ratio for each parcel's tax neighborhood? Which parcels are deficient as defined by the findings of the Department of Revenue report? Have the County Auditor present his findings to the County Commission at a special meeting which all members of the Boards of Assessors and Equalization and the Tax Assessor will be requested to attend; have the County Auditor read, parcel by parcel, the results of his work; have the County Commission make a determination on each parcel as to whether the parcel is deficient, anomalous, or in compliance with the laws of Georgia and the Department of Revenue rules and regulations. If the parcel is deemed deficient and anomalous, ask the Board of Assessors to explain why. Reserve time to allow Board members who own properties that are deemed deficient or anomalous to speak. The Tax Assessor and members of his staff should be present to provide technical assistance. Publish parcel-by-parcel data and minutes of the meeting in the Savannah Morning News. Until all the facts are presented in an open and objective manner, the appearance of impropriety and various board members' self-serving denials will continue to erode public confidence in our local officials and Chatham County's tax assessment practices, and we thank you for your consideration.

Chairman Hair said, thank you, Ms. Taylor. Chairman Hair recognized Ms. Harrill.

Ms. Lynda Harrill said, thank you. Before we hear what y'all have to say about that, I'd like to just take you back a little while. We first came to you October of last year and made a rather lengthy presentation to try to tell you that there was a problem in the way the property was taxed in this County, that there was a lack of uniformity. That's all we came here to tell you was there was a lack of uniformity. We asked you to ask the Tax Assessor or the Board of Assessors to provide you with a list of data —, not our data, their data —, that would show the problem. We came back to you again in December and said what's happened? It's been six weeks, where are we? We were told by the Tax Assessor at that time that this information was very difficult to retrieve, it would take him hundreds and hundreds of hours, and y'all asked me to sit down with him and go over our —, go over the request to see if we could refine the reports that were required. I sat down, I spent three hours with him going over every item and answering every question he had trying to clarify things. Then on January 14th at your meeting y'all voted to untable our request and you voted to take it off the agenda indefinitely. Well, I —, you know, I don't know how to react to this. You know, one minute I'm mad as the devil and the next minute I say, well, I'll be nice. It's very difficult for me to understand why a governing body does not want to get the facts out. Why you don't want to get to what's really going on. If you read the letter to the editor yesterday that Paul Felser wrote, he wants to get to the facts. He wants everything out in the light of day so we can examine them and see what the devil happened and where do we go from here. I had a long conversation with him yesterday and he really wants to get the facts out. I asked him when he finally saw the light, and I think he finally saw the light when the Department of Revenue report came out and said there are some things that require looking into. He wants to look into them. We want to look into them. Before the Board of Assessors can look into these things, the air needs to be cleared. We need to look at the people who sit on those two boards who have a say in how property values are determined in this County. They will have no credibility whatever. They can have all the public outreach they want and all the workshops they want, but until the facts are there and we see how these people have been treated, I'm not —, everything they bring to me will be suspect because I will not know what the deal is, to be quite honest with you. Now I was at a meeting the other night and a very nice lady handed me a stack of papers and they were copies of newspaper articles from four years ago almost to the day. As a matter of fact, one of them was March 21, 1996, and what was going on four years ago. Well, seven of you were sitting in the same seats and the Board of Assessors was under a cloud of suspicion and the County Commission was saying, gee, we just don't know what we can do about this. Well, you had a chance to fix a lot of these problems and head off the problems we're facing now if you had addressed the issues four years ago, and I don't want to be here in 2004 having the same conversation with you. So what I'm asking you to do is let's have a joint effort to get the facts out on the table and let's look at what's happened, let's look at the Countywide lack of uniformity, let's look at the properties owned by the officials to see if, in fact, there has been any preferential treatment. I have no knowledge of that, I'm just saying the Department of Revenue said the statistics had an

appearance. Well, let's see if it's just an appearance or let's see if it's in fact, okay. Let's, you know, get the information out there.

Chairman Hair said, thank you. We have a couple of questions. Commissioner Jackel and then Commissioner Saussy.

Commissioner Jackel said, okay. Ms. Harrill, I clearly hear what you're saying about uniformity, but I didn't understand —, I heard you say that, but others of the group have made other complaints other than uniformity, and one of the complaints now is not just uniformity, but who owns what property and are their properties being judged the way they should be. I think, and I will make a motion to do so, that they should make full disclosure of their property and anyone that we select in the future should make full disclosure of their property. Ms. Harrill said, absolutely. Commissioner Jackel said, because we're required to do that when we sign up to campaign, and I think that's essential that they do that. I thought that was a requirement that they did, but I will be glad to make such a motion that before we appoint anyone and the present people make full disclosure, whether it's through a trust, a corporation, or whatever, they need to make disclosure so we know if there's any possible conflict. I don't —, I think that's an excellent idea and I for one thought that was already being done and I'm surprised it isn't. Now I have a couple of questions. Y'all have been up here numerous times and have had numerous complaints and there's been some questions about it and have looked over the Assessor's Board through a magnifying glass or maybe a powerful microscope. I want you to state up here what you think they have been doing right. They can't be doing everything wrong. Ms. Harrill said, no, no. What they —. Commissioner Jackel said, I would like to know what you think they were doing —, what they're doing good. Ms. Harrill said, I know it's very hard to have a —, there has to be some good in there. It has to be some balance. Commissioner Jackel said, it has to be a little good in there. Ms. Harrill said, I know, there has to be a little balance. Commissioner Jackel said, all right, well, let's here what they're doing good. Ms. Harrill said, the problem is —. Commissioner Jackel said, you've looked at it so thoroughly I would like to hear at least three, four, five or six things that you think they're doing good. Ms. Harrill said, it's very tough to come up with them because it seems like every time I bump into something it's an anomaly. I go to ask the question, they stonewall, they don't want to give the answer, they mislead. For instance, one of the requests we made last October was we would like a list of tax neighborhoods, we'd like to know how many parcels are in the tax neighborhoods —. Commissioner Jackel said, well, I understand they're doing things —, I think they're doing things wrong, we've heard that —. Ms. Harrill said, no, no, but what I'm going to tell you is —. Commissioner Jackel said, my question is what they're doing right. Ms. Harrill said, well, I guess they get the digest out on time so we get out tax bills on time, but they did. Commissioner Jackel said, okay, they get the digest out on time. They do that. They're evaluating approximately 80,000 pieces of residential real estate and 10,000 pieces of commercial. Ms. Harrill said, that's right. Commissioner Jackel said, it was an excellent letter by Harold Yellin, I don't know whether you read that or not. Ms. Harrill said, I did and I spoke to him. Commissioner Jackel said, okay, and he said, they're doing a lot of things right, but do you think they're doing anything right other than getting it out on time? Ms. Harrill said, well, it's very hard to tell because every time I look at something I find a problem, okay. I found, for instance —, we haven't even talked about the commercial properties yet. When we get into the commercial properties, you're going to see the same lack of uniformity in the commercial properties that you've seen —, that the Department of Revenue said there's a 37% problem in residential. I'm sure there's probably a 37% problem at least in the commercial. I —, because of the Tax Assessor's new web site, it makes it very easy to surf down streets, so I surfed down Abercorn Street —. Commissioner Jackel said, so they did something right, they put it on the web so you could do that. Ms. Harrill said, yes, but they took away —, yes, that's right, and that has been very helpful to do it. Commissioner Jackel asked, all right, is your house appraised right? Ms. Harrill asked, is my house what? Commissioner Jackel said, house appraised right? Ms. Harrill said, probably. Commissioner Jackel said, okay, that's something else they did right. Ms. Harrill said, and they've been to see me twice in 13 months, okay. They haven't been to see the Kroger down across from Savannah Mall since 1992. They haven't been to Mr. Simowitz's house since 1989. They haven't been to other parcels —. Commissioner Jackel said, let me, let me —. Ms. Harrill said, since 1987, but they've been to see me twice —. Commissioner Jackel said, let me interrupt you again. Ms. Harrill said, in 13 months. Commissioner Jackel said, my question was a very simple one: What are they doing right? Now I've pulled two things out of you by suggesting the answers to you. They put it on the net and they appraised your house right and they get the digest out on time. Do you know anything else they're doing right or can you only say negative things? Ms. Harrill said, you know, I know what you're trying to do here and I don't —. Commissioner Jackel said, no, I'm asking a simple question. Ms. Harrill said, I'm just trying to tell you what I have found, okay. They obviously get 63% of the parcels that are residential properly valued, okay. They have a problem with 37%. Where I come from a 37% error rate is unacceptable. Okay? They get —, all right, they get 63% right. Is that a passing grade? No. Are they going to be Phi Beta Kappas? No. 63% is not an acceptable level. Commissioner Jackel said, okay. I hear that. Ms. Harrill said, you name one occupation where y'all would accept a 63% performance from an employ. Name one. Commissioner Price said, baseball player. Ms. Harrill said, all right, I take that back. Chairman Hair said, the County doesn't have a baseball team though. Ms. Harrill said, and unfortunately they would not make 300, but anyway —. Commissioner Jackel said, all right. Okay, well, we've gone over that question. I've got another question for you now. What do you think they can do to improve? Specific items, please. Ms. Harrill said, I came to y'all in October. They need to run a list. They need to get a list of every parcel in this County that is either still on override, does not have a complete property record card, has not been visited in a long time, and they need to divide those up and to go out and to get every one of those up to speed. Commissioner Jackel asked, okay, what else? Ms. Harrill said, that's the first thing they need to do. Commissioner Jackel asked, all right, what else? The second thing they need to do is to not stall when you ask them for information. We went to them —, we tried to do this very low key last Summer, all right. We knew there was a problem. We went to them to try to get them to do something about it. We didn't want it to get to this level. We just wanted the problem fixed so we can go play tennis and not have to worry about it, okay. They stonewalled

us, they ignored us. That's why we're here today, that's why we're persistent, that's why we keep coming back because the more somebody stonewalls us, the more reason it gives us to believe that where there's smoke, there's a huge fire going on, okay. Commissioner Jackel said, okay, I hear that, but I'm saying what in the process do you think they need to do better, or what do they need to do that they're not doing other than just giving you the information you requested? Ms. Harrill said, well, the first thing they need to —. Commissioner Jackel asked, I mean, do we need to add staff? Ms. Harrill said, I don't know. I have not done —. Commissioner Jackel asked, do you think we need to add staff? Do we need to get another computer to —. Ms. Harrill said, you know, I tried to ask y'all to do an operations audit of them last October. You didn't want to spend the money, okay. Somebody needs to look at the way they do their job over there. There's something wrong. They don't do it right, they're understaffed. They have impossible tasks —. Commissioner Jackel said, we had five people down from the Governor's office —. Chairman Hair said, one at a time please. Commissioner Jackel said, that spent 400 —. Ms. Harrill said, that's not what they were here for. They were not here for an operations audit. They were here at the Governor's request to see if values had been raised artificially in face of the taxpayer bill of rights going into effect. That was their charge. They did not come down here to do an operations audit on the Tax Assessor's office. Commissioner Jackel said, okay. We had —, we spent —, the Commission spent \$400,000 on a management study and part of it included the Assessor's office, and they had some recommendations in there. Are you familiar with those? Ms. Harrill said, I have not seen a copy of that. Commissioner Jackel said, okay. One of the things is they say they need a lot more space up there, they're too cramped, but other than that they say they're doing, they gave them a pretty good mark. Perhaps you need to look at that. Ms. Harrill asked, and they think a 63% passing rate is okay? Commissioner Thomas said, understaffed. Commissioner Jackel said, you can look and see what they have evaluated. I'm asking you what they can do better and I hear what you're saying about the 63% and I hear what you're saying about supplying you information, but I haven't heard anything else that I can tell our County Manager get them this or get them that or have them do this or have them do that. Ms. Harrill said, well, I haven't —. Commissioner Jackel said, I'm waiting to hear. Ms. Harrill said, I haven't performed an operations audit. I can't tell you what they do.

Chairman Hair said, I don't think, Commissioner Jackel, it's the role of the citizen to do that. I think that's the role of the government to do that. Ms. Harrill said, that's where you —, you hire somebody. Chairman Hair said, I don't think it's the role of the citizen. Ms. Harrill said, I've spent probably —.

Commissioner Jackel said, that —, I'm asking someone who tells me that they've spent hours up there looking at all these things, asking all these questions. Ms. Harrill said, I haven't been up there, I've been on on-line. Commissioner Jackel said, well, doing all this stuff that they've been doing —. Ms. Harrill said, until you pulled the plug. Commissioner Jackel said, and what I get is they're not doing anything right and they don't know what they can do to improve other than give her information. Chairman Hair said, I don't think they —. Commissioner Jackel said, I'd like to hear something that I can take action on. I'd love to.

Chairman Hair said, they didn't say they weren't doing anything right. I think they said they were doing things right, it was just that they also have things that they are still concerned about. We have other Commissioners that would like to speak. Commissioner Saussy and then Commissioner Murray.

Commissioner Saussy said, thank you, Mr. Chairman. In view of the things that have happened in the past month or so, actually before that, in view of the apparent low public low confidence of the Board of Tax Assessors, and I understand that the State will be coming down on the 4th of April, and I don't know whether this is supposed to be an open meeting or not, but I would request that that meeting be open to the public to help restore anything that the State has to say and the Board of Tax Assessors. I would also request, if they haven't already done it, all of the Board of Assessors be there at that meeting to hear from the State and to argue with them or not. We need the facts out. The public needs to know and they need to know now, and I believe by doing —, by having an open of this situation, the public at least can find out who's right and who's wrong and maybe restore some of the public confidence that we need in the Board of Assessors, and I would request that and I —, I don't know whether we should send a proclamation to them or something, a resolution to them to state that.

Chairman Hair said, I think it would be —, at some point if you want to make a motion, I do —, I certainly support that. I do think that meeting should be open and if you want to —. Commissioner Saussy said, well, I would make that request that we send them a resolution. Chairman Hair said, okay, we have a motion to send them a request to —. Commissioner Murray said, second. Chairman Hair said, a request that the meeting be opened, and a second. Any discussion? All those in favor vote yes, opposed vote no. The motion carried unanimously. Chairman Hair said, the motion passes. Commissioner Jackel said, Mr. Chairman, while we're making motions, I'd like the one I talked about making —.

Commissioner Saussy said, well, I'm not through. I've got more still. Commissioner Jackel said, sure, sure. Commissioner Saussy said, I would also like to thank Ms. Harrill for the work she's done. I think it's very commendable for citizen who does things like this. This is what we need in this County. The same thing needs to be done with crime issues, so I hope some citizens will get behind things and let us know what they're feeling, and I thank Ms. Harrill for doing this.

Chairman Hair said, we have Commissioner Murray and then Commissioner DeLoach.

Commissioner Murray said, first of all, I'd just like to say the questions that y'all have asked this Commission are legitimate questions and they should be answered. They should have been answered a long time ago. Ms. Harrill said, thank you.

Secondly, y'all have done a good job and I appreciate the work you've done. You've got a lot of criticism from a lot of people. Ms. Harrill said, we're tough. Commissioner Murray said, the majority of the people in this community appreciate what y'all have done on this, certainly to carry it forward, and I for one know that you won't stop, that you won't give up, that you will keep pushing until something is done. The one question I have is, and I don't know from a legal standpoint whether we can do it or not, I guess we could request it, but the Board of Equalization is appointed by the Grand Jury. We could request that they give us this information, but I think that's as far as we can go. As far as those that are appointed to the other board, we can not appoint them if they don't give the information. Ms. Harrill said, or you can ask Judge Freesemann, who's in charge of the Grand Jury, now who appoints the members of the Board of Equalization, to request the information. Commissioner Murray said, I certainly don't have a problem with that either. The other thing I would like to address, and certainly not trying to defend those seven those of us that were sitting here four years ago, but at that time we did replace all except one, if I'm not mistaken, of that board. We also reduced the salaries that they, I think, take credit for, but we reduced that in our budget, and we also staggered those terms and set the terms up differently. Once they were appointed though, there was not a whole lot we could do to take them back off if that needed to be done, and we don't have that authority right now. The citizens do have that authority. Ms. Harrill said, yes, and the other thing I think we have is we've gotten the attention of the people in Atlanta pretty much, so I think this is time if there's some legislative things that can be done, this is the time to request it. Like I would like it written into the legislation that if you serve on these boards, you have to make a disclosure of everything you own, and not only that, it has to be published in the newspaper once a year after the change of value notices come out, every parcel that everybody owns, and the value of that parcel. We need to keep this stuff out in the light of day because it's just a much better idea. Commissioner Murray said, and I was glad that Commissioner Saussy made the motion he did, but also I understand Commissioner Jackel is going to make a motion and I will support that also if he makes it. If not, someone else can.

Chairman Hair said, Commissioner DeLoach and then back to Commissioner Jackel.

Commissioner DeLoach said, requesting the —, I think the biggest issue we've got is the —, and the concern of the group that's before us, and I think it's the concern of all of us, is the fact that there is —, there was, there's not any more, and there was a deadline concerning all this, the fact that once the Stephens/Day —, and we vote on the Stephens/Day bill that all properties freeze at that value so from then on people will be carrying either less burden than they should, more burden or equal burden. So I think that's the critical point and is an issue that is, you know, that's before us today. We tried the last day of the legislature with Ron [Stephens] —, we tried to get a bill, or tried to get an amendment attached to the bill that was there with the City of Savannah to actually ask that amendment be tied to it to where any property that had not been assessed since 1996 would have to be assessed before it become a true value for that property. Although it be 1999 value, it would not happen —, I mean, that property would have to be assessed if it hadn't been assessed before 1996. Unfortunately, we could not get the signatures on there to get the thing passed, so I don't know where the issue is now and I don't know where the issue is concerning us, and I was going to ask Jon Hart if in fact, you know, what —, where are we on this the fact that we want to have, you know, we want to have the —, you know, we feel like the process, there's a problem with the process. So if there's a problem with the process because I don't feel like it's the Board of Equalization. I feel like it's —, I mean, or the Board of Assessors or whatever. I think it's the process that we have there because we changed out everybody thinking that there's a problem so we're getting new people in there and everything's going to run right and we're back up here four years later. So, obviously, there's a concern or there's a problem with the process. So what is the process and is there any —, what happens now that we've got this bill, you know, coming and is there any possibility of attaching this amendment to that that we requested to the Legislature?

County Attorney Hart said, I don't know the answer to that and it's interesting. We were talking about that amongst several of the other Commissioners before the meeting today. Last week I probably reviewed six different versions of the Stephens/Day Bill, and I'll be honest with you, I don't know which one of them they ever ended up passing. Some of them had a rollback using —, originally we were going to use the 1999 values. There was a rollback to 1998. I had one for 1997. I saw the rider that you —, and to be honest with you, I don't know which one passed. The County Manager asked me this morning.

Commissioner DeLoach said, none of them, none of them passed. Commissioner Murray asked, didn't they pass last year? Commissioner DeLoach said, because the didn't have [inaudible]. Commissioner Murray asked, and they were supposed to go back and amend them this year? County Attorney Hart said, yes. Commissioner DeLoach said, [inaudible], nobody else's. County Attorney Hart said, it seemed like everyone of the bills that I reviewed would have a provision in it that somebody would find objectionable, and I just don't know what the final outcome of that was. Chairman Hair said, we need to get the answer to that. Commissioner DeLoach said, we need to get the answer to that. We amend it to where it —, I was going to say we could amend it to where it would, you know, it would set equal values based on from '96 forward and everybody's been appraised at —, I feel like since it doesn't change then, everybody would feel like they'd be carrying their equal load, and I think the pressure would be off because at that point it only changes based on the time is all.

Ms. Harrill asked, can I just make one observation? Chairman Hair said, yes. Ms. Harrill said, I would —, I'd love being a historian, 20/20 hindsight. I would bet you that if the —, if this lack of uniformity in the residential taxation had not occurred, okay, and if commercial properties were properly valued, okay. If —, they're not, but I'll tell you if they were. If the tax burden were equally distributed in this County the way it should be, Stephens/Day would only have come up if somebody decided, made the decision that homestead property should be —, homesteaded property should be treated

differently than investment property, okay. The reason this came up is because people are being taxed out of their homes, and the reason they're being taxed out of their homes is because only 63% of the residential parcels are paying their fair share, okay, and probably the same percentage on the commercial side. That's why this whole thing reared its ugly head was because of the lack of uniformity and the property assessment practices in the County, okay. That's really the cause of this thing.

Chairman Hair said, okay, we have Commissioner Odell and then Commissioner Jackel.

Commissioner Odell said, you ladies are to be commended for your effort. You've gotten more done than some areas that receive grants from the County. Ms. Harrill said, I receive a grant from my husband. Commissioner Saussy said, it must be a good one. Commissioner Odell said, it's a good grant. I agree there appears to be a fair amount of smoke regarding the assessment of properties. What you've asked for to me does not seem to be inappropriate, does not seem to be something that should not be disclosed. I think that should be disclosed. It's important that if there's an appearance of impropriety that we address those so that citizens in this community, the confidence level can be restored, and now it's not. Whether it's a real problem or an imaginary problem, it is a problem of confidence and everyone has a problem as to whether or not their property is being properly assessed as compared to someone else's or compared to another group. So the items that you've listed I think we should support that. I will support that. As far as the disclosure, we have to disclose. Ms. Harrill said, uh huh. Commissioner Odell said, and I don't think that most of the Board of Assessors and the Board of Equalization would have problems or should not have problems with disclosure. It just keeps everything —, it avoids the appearance of impropriety. Ms. Harrill said, if you have the public trust, you need to avoid the appearance of impropriety. Commissioner Odell said, I agree totally.

Chairman Hair said, I'm going to recognize Dr. Thomas and then Commissioner Jackel since I've already recognized you.

Commissioner Thomas said, thank you. Mr. Chairman, members of the Commission, ladies and gentlemen, I believe Commissioner Odell pretty much summed up what I wanted to say as well as others. Again I would like to thank you too for bringing it to the forefront. You've worked on this very, very hard for a long, long time. We do hear you and I agree that something has to be done. I for one, along with my colleagues here, we do want everything put on the table. We want things to be straightened out. We must have the public trust. We have no choice but to do that, and, I mean, you deserve that and I would like to —, I would like to see us move forward with this forum, public forum that you're talking about so that we can get everybody at the table so everybody can hear everything at the same time and, therefore, we would not be second guessing what this person or this group of people are doing and the other group of people are doing. So I would be for that public forum so that we can move forward, get everything out on the table once and for all, and let's try to restore public trust in this particular process, and the sooner we can do that the better off I think that we will be.

Chairman Hair said, thank you, Dr. Thomas. Commissioner Jackel and then Commissioner Murray.

Commissioner Jackel said, okay, I was going to make a motion that based on their suggestion, which I think is an excellent one, and that's what I've asked for, things that we can do, and this is certainly something we could do, and I agree with and I'm surprised we haven't been doing it, that anyone —, that all present members of the Board of Assessors furnish us a list of any property they own of any nature or description, whether it's through trust, powers of appointment, through corporations, any type of ownership in any real estate within the County, that that be disclosed to us. I'll make a separate motion about the Board of Equalization.

Chairman Hair said, all right. Let's have that motion —. Commissioner Murray said, second. Chairman Hair said, motion and second. Any discussion? All those in favor vote yes, opposed vote no. Commissioner Jackel said, and also that this apply to future appointees.

Commissioner Rivers said, let me ask this —. Chairman Hair said, the motion passes. Go ahead. Commissioner Rivers said, but you called for the vote, Mr. Chairman, before I'm ready. Chairman Hair said, well, we can always reconsider if it's something that will affect it. Commissioner Rivers said, let me ask this. Does there need to be anything else attached to that because he's made the same motion I was going to make anyway. Is there anything else that we want to attach to that that is contained within that list of things that they have asked us to do? Is there anything that we left off of that list that should be a part of —? Chairman Hair said, well, I think if you get the full disclosure, I pretty much —, I believe everything in full disclosure would sort of —, it's sort of all-encompassing. Commissioner Rivers said, I just want to encompass all that we need to do in order to satisfy that request. Chairman Hair said, I think it will but —. Commissioner Rivers said, and if we do that, then we're finished with that. I don't want this to come back again. Ms. Harrill said, I don't either. Commissioner Rivers said, I want to do it and I want us to be finished with it. Chairman Hair said, Lynda [Harrill] needs —, wants to go play tennis. Ms. Harrill said, I want to go play tennis. I've got a match at 10:30. Commissioner Rivers said, then I withdraw my reconsideration and we're gone.

Chairman Hair said, okay. All right, very good. Chairman Hair recognized Commissioner Murray.

Commissioner Jackel said, I want to make a second motion. Chairman Hair said, I'm sorry. Commissioner Jackel said, my second motion, that we ask the presiding judge of the grand jury that she request that of the people of the Board of

Equalization and request that prior to appointing any new members to the Board of Equalization. Commissioner Murray said, second. Commissioner Thomas said, second. Chairman Hair said, second. Any further discussion? All those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Price was not present.] Chairman Hair said, the motion passes. Thank you.

Commissioner Murray asked, is that it? Commissioner Jackel said, that's it. Chairman Hair recognized Commissioner Murray. Commissioner Murray said, one closing item. In your presentation you spoke about being stonewalled when you went to the office, even after our last meeting. You know, that bothers me too because that is one of the issues that I addressed with Gary [Udinsky] when he was at the podium about being customer-friendly. Regardless of whether you agree or disagree with the people out there, we're here to serve the community, the citizens of community, anybody that's being paid by tax dollars, and that department is certainly funded with tax dollars. So that bothers me that that has not changed any and that's still going that way if that's what's happening. Ms. Harrill said, and it happened on a personal level. I e-mailed him a couple of weeks ago and I said, you know, April 1st is coming and I want to file my property tax return, can you give me a preliminary sales ratio report for my neighborhood, I understand it may not be perfect, but I'll go up and look at the parcels myself to see what the market value has done in my neighborhood so I could adjust the value that I used last year, okay, because that's basically what he does. Can't have it. Doesn't want to give it to me. Says it's not ready. Now it may not be ready for the tax digest, but it was ready for my purposes and he could at least have given me a list of the properties that had sales so I could go out and look at it for myself. He doesn't want to do it, but going back to what I was trying to —, the point I was trying to make with Mr. Jackel earlier is when we made that request to y'all in October, we wanted a list of tax neighborhoods, we wanted to know how many parcels, we wanted to know the market value, okay. We were told, information not available. Well, lo and behold, the report that the Department of Revenue used to come to their conclusions in their report is a report dated May of 1999, which last time I checked my calendar comes before October, and it was a list of 483 residential tax neighborhoods, the number of parcels in the tax neighborhood, the coefficient of dispersion, the sales ratio, the price related differential, and in order to calculate the price related differential you have to know the total market value. So, now, it may have not been for all the parcels. I guess it's what your definition of is is, but I'm going to tell you he had enough data that would have kept me busy for a long time, okay, and that data was presented to the Board of Assessors at their May 20th meeting. It was listed in their agenda, okay. If you read their incomplete minutes, it was not even mentioned as a discussion item. That report from the Tax Assessor's own hands showed that 139 neighborhoods out of the 483 listed on that report were deficient. As far as the level of assessment goes, the sales ratio, it showed that 99 of those tax neighborhoods were deficient as far as the coefficient of dispersion. That's a measure, statistical measure that shows you that there's a problem within a tax neighborhood, okay. They had the data in their little hot hands in May that showed that there was this problem, okay. It was not acted upon. When Paul Felser stood up here in December and said that, you know, what —, and talked about his tax neighborhood and then the Tax Assessor said yes, you know, his ratio was 33% and should have been adjusted, but I didn't do it, okay, he didn't do it. That report showed Paul Felser's neighborhood at 33%. He didn't do —, meaning the Tax Assessor, didn't do anything to adjust Mr. Felser's neighborhood. Mr. Felser, and I've gone back. This is why I want to get the facts out on the table. Mr. —, I went back to Mr. Felser's neighborhood. I looked back through three years worth of sales, okay, from the time he bought his house all the way up through '99, all right. Mr. Felser has not been treated any differently in his tax neighborhood than anybody else who owns property in that tax neighborhood, okay. There's 367 parcels. He has not been treated any differently. So Mr. Felser popped up on the radar screen because Mr. Udinsky did not follow the procedures he said he did. And what he said he does is when the sales ratio for a neighborhood like Abercorn Heights, that has been trended by him, when that gets below 36, he goes in and adjusts the market value. He didn't do it for the 1990 tax digest, okay, and that's why Mr. Felser popped up because the Tax Assessor didn't follow his procedures. The same thing that the County —, I mean, that the Department of Revenue wrote him up about saying they tell you they do it one way and then you look at the facts and they don't substantiate what he says. That is a finding of the Department of Revenue and that's exactly why Mr. Felser ended up on the list, okay. So that's why we need to get these facts out here.

Chairman Hair said, I think we've made a lot of progress this morning. I hope that we all agree and we appreciate once again y'all coming up and appreciate the work that y'all do. Thank you very much. Ms. Harrill said, okay, thank you.

Commissioner Murray said, Lynda [Harrill], don't answer now, just reconsider my request of you. Commissioner Saussy said, yes, please. Chairman Hair said, thanks.

ACTION OF THE BOARD:

1. Commissioner Saussy moved that the Board of Commissioners request that the meeting to be held between the Board of Assessors and the State on April 4, 2000, be an open meeting to help restore public confidence. Commissioner Murray seconded the motion and it carried unanimously.
2. Commissioner Jackel moved that the present members of the Board of Assessors and all future appointees furnish to the Board of Commissioners a list of all properties in Chatham County they own or in which they have any type of ownership, directly or indirectly. Commissioner Murray seconded the motion and it carried unanimously.
3. Commissioner Jackel moved that the Board of Commissioners ask the presiding judge of the grand jury that the current members of the Board of Equalization and prior to the appointment of any new members to the Board of Equalization, that they be required to furnish a list of all properties in Chatham County they own or in which they have

any type of ownership, directly or indirectly. Commissioners Murray and Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Price was not present.]

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3. INFORMATION REGARDING RECEIPT OF CHECK FROM GEORGIA INDIGENT DEFENSE COUNCIL (DANNY DELOACH).

Chairman Hair asked, is he here? Commissioner Odell said, yes, Danny [DeLoach] is in the back. Chairman Hair said, oh, there he is.

Mr. Danny DeLoach said, I really didn't want to make a big deal of this at this time, but in lieu of some —. Chairman Hair said, any time we get a check we want to make a big deal out of it, okay. Mr. DeLoach said, in lieu of some recent misleading newspaper headlines, i.e., Court Administrator Arrested, I just want to make sure I went on public record in turning this check over. Seriously, on behalf of the State of Georgia and our local delegation, I have turned a check for \$89,657.66 over to Chatham County from the State of Georgia. I would also like to tell you that on behalf of Commissioners Odell and Jackel, and the efforts of the Tripartite Committee, Mr. Tim Sheppard, my director of that program, we returned over \$200,000 to the County back from last year's budget.

Chairman Hair said, thank you very much, Danny [DeLoach]. We like the news like that. Keep up the good work. Commissioner Thomas said, thank you.

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4. PRESENTATION BY VICKI MINOR RE: LIBRARY HOURS.

Chairman Hair said, the next item I'm going to recognize Ms. Vicki Minor to come talk to us briefly about, I believe, the library hours. That was what I was told.

Ms. Vicki Minor said, good morning, Dr. Thomas and gentlemen. I'm here on behalf of the library to let you know that we're at 86% of our full capacity. We'll be moving to that April 2nd. April 1st we will have our first Saturday openings, which will be from twelve to four, but as of April 2nd the Library will be open 60 hours, Mondays through Thursdays from ten to nine, Fridays from nine to one, and Saturdays from ten to six, and on Sundays from two to six, which means we're now open seven days a week, 60 hours, and we will be moving very rapidly toward our full capacity of 70 hours, and I hope by now you have received your invitations to the grand opening or we're going to call it our ribbon cutting, which is scheduled for April 9th starting at 1:30 p.m., and we will have the unveiling of the wall of investors at that same time. So those of you who are on the wall, please come by and join us and I hope that you will, if you have not yet been by the Library, that you'll come and view our facilities prior to the opening, but we will have a tour associated with that opening. And I have some bookmarks that —.

Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, I saw a report I got last night where the Legislature had approved \$40,000 to go to the Main Library for books. Ms. Minor said, right. Commissioner Murray said, so I'm sure that will come in handy. Ms. Minor said, it certainly will.

Chairman Hair recognized Commissioner Odell.

Commissioner Odell said, we obviously found a solution to take the yellow stains off of the front of the building. Ms. Minor said, yes, yes, yes. That is happening now. If you've gone by, there was something in the cleaning that caused that, but it's being done and should be finished by the 9th. Commissioner Odell said, all right, and that was done at no cost to —. Ms. Minor said, as far as I know.

Chairman Hair said, thank you. Thank you very much. We appreciate you coming by. Commissioner Thomas asked, what time did you say the ribbon cutting —? Chairman Hair said, 1:30. Ms. Minor said, on the 9th, which is a Sunday. Chairman Hair said, a Sunday, yes. Thanks.

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VII. COMMISSIONERS' ITEMS

None.

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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 (*).

None.

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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 CONFISCATED FUNDS SPECIAL REVENUE FUND BUDGET AMENDMENT TO RECOGNIZE \$7,820 IN REVENUE FROM SALE OF SURPLUS VEHICLES AND TO APPROPRIATE \$3,400 TO SHERIFF'S CONTINGENCY, \$4,040 TO CNT CONTINGENCY, AND \$380 TO POLICE CONTINGENCY; A CAPITAL IMPROVEMENT PROGRAM FUND BUDGET AMENDMENT TO RECOGNIZE \$215,740 (M&O \$98,610 AND SSD \$117,130) IN REVENUE FROM SALE OF SURPLUS VEHICLES AND TO APPROPRIATE \$215,740 FOR VEHICLE REPLACEMENT; CONFIRMATION OF AN EMERGENCY PURCHASE AND TRANSFER OF \$3,500 FROM CONFISCATED FUNDS POLICE CONTINGENCY FOR SURVEILLANCE EQUIPMENT; AND A TRANSFER OF \$70,000 FROM THE 1993-1998 SPLOST, UNINCORPORATED ROADS TO THE CENTRAL AVENUE ET AL, PROJECT.**

Chairman Hair said, I'll entertain a motion to approve.

Commissioner Murray said, so moved. Commissioner DeLoach said, so moved. Commissioner Thomas said, second. Commissioner Odell said, second. Any discussion? All those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Rivers was not present.] Chairman Hair said, the motion passes.

ACTION OF THE BOARD:

Commissioner Murray moved to approve the following: A Confiscated Funds Special Revenue Fund budget amendment to recognize \$7,820 in revenue from sale of surplus vehicles and to appropriate \$3,400 to Sheriff's Contingency, \$4,040 to CNT Contingency, and \$380 to Police Contingency; a Capital Improvement Program Fund Budget amendment to recognize \$215,740 (M & O \$98,610 and SSD \$117,130) in revenue from sale of surplus vehicles and to appropriate \$215,740 for vehicle replacement; confirmation of an emergency purchase and transfer of \$3,500 from Confiscated Funds Police Contingency for surveillance equipment; and a transfer of \$70,000 from the 1993-1998 SPLOST, Unincorporated Roads to the Central Avenue et al, project. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present.]

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2. **BOARD CONSIDERATION OF REQUEST FOR WAIVER OF LATE PENALTY FOR TARDY BUSINESS TAX RENEWAL AFTER DUE DATE: MS. MARIAH CHILDS, D/B/A HERITAGE QUILTS, ETC., LOCATED AT 129 WESTMINSTER DRIVE.**

Chairman Hair recognized Mr. Gregori Anderson.

Mr. Anderson said, yes, Mr. Chairman, thank you and members of the Board. What you have before you this morning is a waiver for waiver of a late penalty for renewal of a business license. The application renewal was received by the Inspections Department after renewal date, which was March 1st. We send these renewals out at the end of the preceding year. In this case they went out on December 6th. There is a letter from the owner requesting to have this waived, as well as y'all have been notified.

Chairman Hair asked, is Ms. Childs present or someone representing Ms. Childs present? [No response.] Chairman Hair said, okay. The Chair will entertain a motion. Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, I'm not going to make a motion, I don't think this falls in my district, but I would just like to say that I normally vote against these if the person requesting it does not come to the meeting and speak to why she's requested it other than just a note that's written in here. So, I assume it's in your district.

Chairman Hair recognized Commissioner Jackel.

Commissioner Jackel said, well, let's just read this into the record. No, it's not in my district. I'm not sure —, 129 Westminister Drive.

Chairman Hair asked, what's the location, Mr. Anderson, of this? Commissioner DeLoach said, that would be in my district. Chairman Hair asked, it's in Commissioner DeLoach's district? Okay. Do you have any comment, Commissioner DeLoach, or what would you like to do with this? Make a motion?

Commissioner DeLoach said, I'll make a motion that we always do —. Chairman Hair asked, to approve it? Commissioner DeLoach said, to not —. Chairman Hair asked, to deny? Okay, I have a motion to deny. Do I have a second? Commissioner Jackel said, well, let's read the letter into the record. Chairman Hair said, okay.

Commissioner Jackel said, I'd like to —, I'm requesting at this time that the late fee of \$25 to reconsider due to the passing of my father recently, which caused me to be out of state and overlooked the date for renewal. Thank you very much for your consideration in this matter. I mean that's a —, to me a perfectly understandable thing. Has she got any record of paying late before or not paying before? Mr. Anderson said, I have no knowledge of that Commissioner Jackel. That's not something that we look at.

Chairman Hair asked, how late was she, Mr. Anderson? Mr. Anderson said, a few days. Chairman Hair asked, how much? Mr. Anderson said, just a few days. Chairman Hair asked, a few days?

Commissioner Jackel said, and she states her father passed away and she was out of state. I mean, those things are very human things. I note the comments that some of you have made.

Commissioner DeLoach asked, how many have we —, how many have we ever not —, how many have we ever —? Commissioner Price asked, how many have we waived? Commissioner DeLoach asked, we waived? Mr. Anderson said, not many. It's been the policy of this Board to follow staff's recommendation not to waive these based on the time frame that we send them out, and that's been the policy generally. Commissioner DeLoach said, they had had it three months.

Chairman Hair said, okay, we have a motion to deny. Do I have a second to that motion? Commissioner Odell said, second. Chairman Hair said, all those in favor of the motion vote yes, opposed to the motion vote no. Commissioners Saussy, Murray, Odell, Price, DeLoach and Thomas voted in favor of the motion. Chairman Hair and Commissioner Jackel voted in opposition. The motion carried by a vote of six to two. [NOTE: Commissioner Rivers was not present.]

ACTION OF THE BOARD:

Commissioner DeLoach moved to **deny** the request of Ms. Mariah Childs, d/b/a Heritage Quilts, Etc., located at 129 Westminister Drive, for waiver of late penalty for tardy business tax renewal after due date. Commissioner Odell seconded the motion. Commissioners Saussy, Murray, Odell, Price, DeLoach and Thomas voted in favor of the motion. Chairman Hair and Commissioner Jackel voted in opposition. The motion carried by a vote of six to two. [NOTE: Commissioner Rivers was not present.]

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3. BOARD CONSIDERATION OF FLOOD DAMAGE PREVENTION ORDINANCE VARIANCE REQUEST FROM MR. KEN SWICORD OF SWICORD CONSTRUCTION CO., INC., FOR LOT 38, MODENA. [DISTRICT 4.]

Chairman Hair said, I need to ask my fellow Commissioners to recuse me from this. Commissioner Murray said, so moved. Commissioner Saussy said, so moved. Commissioner Price said, second. Chairman Hair said, second. All those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Chairman Hair did not vote; Commissioner Rivers was not present.] Chairman Hair said, I will now turn the meeting over to Dr. Thomas.

County Manager Abolt said, Dr. Thomas and gentlemen, I'll refer to Mr. Bungard in a moment, but this is consistent with past requests for a variance. There was an error admitted to by the builder. Staff could not find sufficient reason other than the fact that he admits the error providing the justification for a recommendation to grant the waiver. I'll refer to Mr. Bungard.

County Engineer Al Bungard said, okay, there have been —, FEMA rules says there are three reasons for which you can grant a variance: good and sufficient cause for which there is —, that's a very subjective call. You look —, and the County Attorney can back me up. It's one of legal sufficiency really and adequacy. Secondly, does the granting of the variance create a hardship? In this case, the cost to raise the structure. We determined it would be substantial, exceptional hardship on the builder. And then, lastly, does the granting of the variance create a public safety hazard? In this case, no. One example of good and sufficient cause that was approved, there have been 10 variances granted since 1992. There was one precedent that was similar to this one, but an example of good and sufficient cause was Intermarine some years ago where it doesn't make sense to raise just because of the FEMA rules that made a marine —, a shipbuilding facility because then you can't get the boats in the water. You know, that was an example. So the law provides for these variances. In this case, it's not an engineering call that I can make of whether or not this constitutes good and sufficient cause.

Vice Chairman Thomas said, Commissioner Murray, Commissioner Jackel and then Price.

Commissioner Murray said, the builder's here. I'd like for him to make a comment if he would before saying anything else and then I'd like to speak after that.

Mr. Ken Swicord said, Ken Swicord. Currently the house under construction, Billy Hair on Modena. I hired Skidaway Island Engineering last week some time to come out and do a finished floor certification form, which they informed me we were eight inches below what is required, which is AE 14.00, and I'm here today to request a variance.

Vice Chairman Thomas recognized Commissioner Murray.

Commissioner Murray said, I've read what we have in the write-ups and we had one similar to this, I believe, last year, the same [inaudible], if I'm not mistaken, and we have had one several years back that was at Modena that we did the same thing on. We are talking about probably about seven inches variance is all they're asking for and that's all that's needed, and I think it's a legitimate request and I think the mistake is a mistake that was made. The contractor's admitting that. So has the person that came up to [inaudible], but it just wasn't done, it was an oversight. This is not a situation that's going to affect us with FEMA I don't believe or anything else, and I would recommend that we go ahead and approve this variance as we have in the past. We take them on a one by one basis based on the circumstances, and based on the circumstances with this one I would recommend or make a motion that we approve the variance so they can go on and complete the job. I just don't believe at this time that you could raise that house. Commissioner Odell said, I'll second. If you make that a motion, I'll second the motion. Commissioner Murray said, I just made it a motion. Commissioner Odell said, I'll just second it. Commissioner Murray said, okay. Did you want to say something?

County Attorney Hart said, you're required under those guidelines, you know, however you want your rule, one way or the other to make a specific finding, I have some verbiage suited for that. Commissioner Murray said, well, all right. Well, if you want to add the hardship part in there about what it would cost to —. County Attorney Hart said, it needs to be a specific finding that there would be an undue hardship. It's a three story building you're trying to —, essentially have to raise, and the determination it will not increase flood heights or threaten public safety or other extraordinary public expense, create a nuisance or cause fraud or victimization of the public, and that this is at an advanced stage of construction in which modifications to the home would in fact be severe and expensive. Commissioner Murray asked, isn't that what I said in my motion? County Attorney Hart said, I think it —, almost that. Commissioner Odell said, it was close, but —. Commissioner DeLoach said, yes, it was close.

Commissioner Murray said, the other thing I'd like to bring up at the same time. You know, it's not something that would not have been done if it would have been caught in time because it was probably a thousand dollars or less to add another row of block on that. I would think something like that neighborhood. It's going to cost a lot more than that for the insurance because of this error. So it is not something that was done to try to save money, I can assure you. Mr. Bungard said, and it gets recorded on the deed. That's a requirement. Commissioner Murray said, yes.

Vice Chairman Thomas said, okay, we have a motion and a second on the floor —. Commissioner Murray asked, did anybody else have discussion? Vice Chairman Thomas asked, is there further discussion? Commissioner Jackel said, yes, yes. Vice Chairman Thomas said, first, I recognize Commissioner Jackel then Commissioner Price and then Commissioner Odell.

Commissioner Jackel asked, why was not the mistake found before, before now? Mr. Swicord said, I had a local engineering firm help me lay the house out and then not knowing exactly where the mistake was made, it was either in our initial calculations as field grades were shot or possibly in the course of construction, laying [inaudible] or string heights, from time to time we will actually lay the foundation block above the string heights, and either the mistake was there which we did not add eight inches substantially above the line or we were initially wrong in the layout, one of the two. Then I waited

a little longer than probably I should have to have the certification done, assuming that it's always been right. I've never made that mistake. Unfortunately, we made an eight-inch mistake. Commissioner Jackel said, all right, now the County comes out and inspects, do they —, do they check this? County Manager Abolt said, no. Mr. Swicord said, well, the County actually requests for a finished floor certification in their process of doing certifications of other things on the site as far as inspections go, which we have issued the certification to the County and Engineering Department so they're well aware of all of this, but inspections have been done. We just made a mistake early on and didn't realize it until it was too late. Commissioner Jackel said, okay. Now I'd like to hear from the County Engineer for a second. This is nothing that we go out and routinely shoot or could have found earlier if we had done something? Mr. Bungard said, no, we do not go out and survey all the structures and neither does Inspections. We rely on the certifications from the builders, surveyors or consulting engineers for that development or whatever it is. Commissioner Jackel said, now staff has recommended that we deny this request. Mr. Bungard said, right. Commissioner Jackel said, all right, and you state —, I mean, the thing says a determination that failure to grant a variance would result in exceptional hardship. Now is this —, does that qualify as economic hardship? Mr. Bungard said, yes sir. Commissioner Jackel said, all right. Now we've heard that it's going to cost a great deal of money, and you said that's a hardship. Why would staff deny the request? Mr. Bungard said, because there are three criteria and, one, there's no precedent for financial —, a good and sufficient cause. That's a subjective call and it requires a finding by a legally constituted body I believe is the answer, and that's not an engineering call.

County Manager Abolt said, that's correct. Only you have that choice. We have very specific ways in which we look at it. The builder came forward and admitted it was the error, but you do not, and we understand the reason why, but for our discretion in this we have to closely —, as the County Attorney has indicated to you, indicate your reasons for a decision because, as we all know, we're critically analyzed by FEMA on a very regular basis.

Commissioner Jackel said, all right, now as I understand it, the County Attorney and I were talking about this earlier, he says there's no requirement in the restrictive covenants at Modena Plantation that you meet the flood plain. Does anybody know whether that's in the restrictive covenants or not? Mr. Bungard said, I wouldn't know because we don't enforce covenants so we don't have copies. Commissioner Jackel said, all right, but the builder would look at, the builder —. Mr. Bungard said, there's no legal requirement that it be a covenant. That's a FEMA requirement. Commissioner Jackel asked, does the builder know whether there's that in the restrictive covenants? Mr. Swicord said, I wouldn't know and if I had to guess I would say it's a FEMA requirement and to not just be —. Commissioner Jackel said, well, the restrictive covenants say how many square feet you have to have and —. Mr. Swicord said, right. Commissioner Jackel said, and other things like that. I think often they have a phrase in there that says they meet the flood plain requirements as part of the restrictive covenants. Mr. Swicord said, but in each development, depending on the actual ground elevation, it could possibly vary in the same development. Commissioner Murray said, well, we can't [inaudible] anyway. County Attorney Hart said, as a result —. Commissioner Jackel said, well, my question is, is that if we grant a variance and it's part of the restrictive covenants and they do not grant one, then we've just spun our wheels. I just wanted to —. Commissioner Murray said, that's their responsibility —. Commissioner Jackel said, well, I understand that. Commissioner Murray said, it's not ours. Commissioner Jackel said, all right. Now I want to make just a comment or two that I don't know whether it involves you or not exactly. We just received a letter from a lady that, my fellow Commissioners, who said her —, she was getting ready to pay her occupational tax, her father passed away, she had to go out of town, therefore she missed the deadline. I don't see where she made a mistake other than maybe she —, before she went out of town for her father's funeral she should have put the check in the mail. Maybe that was her mistake, but she missed the deadline. Now we have an issue where y'all made a mistake, and everybody makes mistakes. I saw no sympathy for that lady. Commissioner Murray said, I didn't see that lady in this room, I see the developer in this room. Commissioner Jackel said, she wrote you. Commissioner Saussy said, she had three months also. Commissioner Jackel said, well, she wrote you. I just wanted to make that human point. You're entitled to your opinion, I'm entitled to mine. Commissioner Murray said, I can't ask a letter a question. Commissioner Jackel said, well, I don't know that there's a requirement that she come down here and maybe spend half a day over \$25. She did take the time to write a letter. We know that —, that things already over with. I just wanted to say that there's a human side to all of these things. I voted to give the lady the variance and I will vote to give y'all a variance, but it is not a simple easy vote because one of the problems we face up here as Commissioners, and I think Commissioner Price has probably been the most vocal, and if I quote you wrong let me know, in saying, hey, if we do it for one, we had to do it for all. This is going to be particularly true because we're granting this variance for the Chairman, so it's not an easy vote because when others come up here we're certainly going to hear about it that we granted it for the Chairman, and we're going to have to remember that and it's going to be tough on us. And as you well know, if we grant too many variances, then they cancel the insurance for everybody as they once did out at Tybee because they say then you have no standards and they're absorbing too much of a risk. So it is not an easy thing to do and I think it's something that we'll hear a great deal about politically and I think that we'll hear that in the future about, well, you did it for him, you've got to do it for me. So maybe there is true in what you say, Ben [Price], if you do it for one you've got to do it for all, but it —, the juxtaposition of the two things have —, were significant to me.

Vice Chairman Thomas said, Commissioner Price and then Odell and Murray and Saussy.

Commissioner Price said, let me say this so there's no questions of impropriety in any way whatsoever regarding the Chairman. He has not approached any of us. Commissioner Jackel said, this is true. Commissioner Price said, none of us and asked us to do anything regarding this. Okay? Let's clear the air and please let's keep —. Commissioner Jackel said, I never meant to indicate that. Commissioner Price said, I know you're not —. Commissioner Price said, he

has not approached any of us, that is true. Commissioner Price said, he is in a no-win situation here, and I know that there's nothing you can do about a mistake like this other than rebuild the floor with it —. Mr. Swicord said, [inaudible] will be [inaudible] I'm sure at flood insurance expense. Probably, I'm not sure, because I don't actually get into those kinds of fees, but I will assume that it's probably put him at a higher risk as far as flood insurance goes, and so we will find that out real soon what that actually will be. Commissioner Jackel said, oh, I think it may also cost him in —. Commissioner Price said, my question then —, my question then, I was driving in that direction is, to grant this variance is that going to mitigate any recourse that the Chairman would have legally to collect compensation for such as that or any other compensation?

County Attorney Hart said, I don't know about the private side of that. Commissioner Jackel asked a very good question this morning about restrictive covenants. We pulled the restrictive covenants for Modena. That is a non-issue. Commissioner Price said, okay. County Attorney Hart said, it is not in the restrictive covenants anything about the flood plain, and I didn't expect it to be. I don't know that I've ever seen one where it had that. That's a FEMA requirement. There's three things that are going to be shown, and I don't think there's anything —, any question that two of those things are clearly, clearly been met. The design of this house it's going to be extremely difficult to make any sort of meaningful modification at this point. The financial burden is going to be significant. Whether it's going to be an endanger or affect the flood plain, I think staff from the engineering standpoint can clearly say that that's not going to happen. The only real issue here is the first requirement of good and sufficient cause, and as a matter staff has never taken a position on that. It has always left it to the officials because we realize we need to be careful when we do these things.

Commissioner Price said, my point is this. There's no direction but to go forward with this and the variance, and the Chairman's going to continue to have, I mean, when —, on the property itself, on the deed itself, this will be forever mentioned on the deed. County Attorney Hart said, he will pay a higher flood insurance premium by at least 15% forever. It will be on his deed and when he sells the house that will be disclosure that will be made to whoever buys the house. Commissioner Price said, so this is a no-win situation. Commissioner Jackel said, absolutely. Commissioner Price said, and I want this to be known that this is not any favoritism being made to anybody regardless of his elected position, but I do agree that we need to go forward with this and I'll also vote in favor of the variance.

Vice Chairman Thomas said, Commissioner Odell and then Commissioner Saussy —, I mean, Murray.

Commissioner Odell said, I've got a question —, I'm sorry. I've got a question for Mr. Anderson. Mr. Gregori Anderson said, yes sir. Commissioner Odell asked, we rely upon the certification from the architect, engineering firm, constructing the house? Mr. Anderson said, yes, that's correct. As part of our inspections process, the houses that are in the flood plain are required to submit a certification that has an elevation documented by a licensed surveyor at a certain phase of the construction. Commissioner Odell said, my only concern is that while we don't see a lot of these, we've seen a lot since I've been here, is there any way that we can push forward, make earlier the time the notification is required, and the reason is that we have a lose/lose situation. We have a lose/lose situation for us in that if we make enough of these variances, then we do not have system. We have a lose/lose situation for the people who are building the house, the homeowners. What can we do to ensure that we get that information early enough so that if they need to make changes, they can make the changes and it's not a overwhelming cost to the homeowner because this was an unintentional, unforeseen error, and I guess my question, what can we do in the future to require the information earlier? Do you have a suggestion? Mr. Anderson said, they're all unintentional. Everyone that comes before you is a mistake obviously. The way our process works, we require these certifications at the floor framing stage of the construction. Any earlier than that, the surveyor does not have a structure to shoot his elevation to. So this is the earliest opportunity that the actual survey has a structure that he could put his instrument on to determine what the finished floor elevation is. Certainly we do have some that come in that are low, some that come in a half-inch low, a quarter-inch low. They are given the opportunity to do something at that stage. Obviously, if you come in eight inches low, then that really limits your opportunities to make some corrections, but quite frequently we do have certificates that are submitted to us that are less than an inch low. At that stage they do have the opportunity to either put a subfloor in or jack the building up or whatever the case may be, but once you get past a certain increment of measure and combine the distancing with circumstance when you have a three-story house, it kind of limits what you can actually do even if it was [inaudible] of the errors. So we do have that, that certificate committal time at the most opportune time. Commissioner Odell asked, and that's the earliest time that we could have it? Mr. Anderson said, that's correct, that is practical for the building in the construction process.

Commissioner Saussy asked, that's when, that's when the floor goes in, right? Mr. Anderson said, that's correct. Commissioner Saussy asked, you've got to have it at that time? Mr. Anderson said, that's correct. Prior to that what we do is we hold up our framing inspection until we have that certificate. Now certainly when we go out there sometimes the walls are standing up and sometimes the roof is on it, but in order for them to go any further than that stage we have to have that certificate in our office. Commissioner Saussy asked, is there any way --.

Commissioner Odell said, David [Saussy], hold a second. The elevation is determined by maps in our office? Mr. Anderson said, yes, in the Engineering Department. Commissioner Odell asked, and that's the required elevation? Mr. Anderson said, that's correct. Commissioner Odell said, and I ask because I don't know, is that on the plans? Mr. Anderson said, yes, it is. Commissioner Odell said, okay.

Commissioner Saussy said, I was just wondering if —. Vice Chairman Thomas said, excuse me. Commissioner Murray and then —. Commissioner Saussy said, okay, I just wanted to direct to this question. Commissioner Murray said, you want to speak real bad don't you. Vice Chairman Thomas said, if he wants to yield to you, then it's —.

Commissioner Murray asked, Greg [Anderson], is there any way that we can change that requirement so that when that elevation or when they can go out and shoot that elevation, then we've got to have that certificate before we go any further from that point, and I know it might cause some complications with the time frame involved, but I think it would solve some of these problems that we get. The contractor would know, everybody involved would know and it would be at a point where something could be done about it rather than wait until we get to the stage we are now. Vice Chairman Thomas said, right. Mr. Anderson said, sure, sure. Commissioner Murray said, so I'd like to see if we can change that some way, and I don't —, I guess, Jon [Hart], you'd have to be involved in that from a legal standpoint.

County Attorney Hart said, your points are well taken, but the problem you get into is do you create another rule and another system and another certification for as many houses that are built in Chatham County, will you have to have an additional certification and an additional surveyor expense —? Commissioner Murray said, it's not additional. Commissioner Saussy said, it's not additional. Commissioner Murray said, this isn't additional. This is just moving up —. County Attorney Hart said, or a delay in the framing until you can get the elevation out there, in other words, when your framer gets there, he starts framing and he wants to be up and out and onto another job versus starting and doing the finished floor and going to another job and coming back for the situation that historically we've had one of these situations about once a year out of all the houses built in Chatham County. And, yes, that's a policy decision. Yes, you could do that, yes you could do that, but, you know, you've got a cost with doing that in the private sector, and that's —, that's a question of whether y'all wish to change your policy or whether you think that regulatory change is of a sufficient nature people are willing to do that, and that's a judgment call.

Commissioner Murray said, well, I personally think that it is, that we do need to change it, and I don't know how [inaudible] —. County Attorney Hart said, well, I can understand your feeling. Commissioner Murray said, the contractor feels about it, but I feel like we should, and I feel like it would stop at a stage where we wouldn't run into these problems and something could be corrected with it. The other thing I'd like to say is a comment was made about this is Billy's [Hair] house. Well, I understand it's Billy's house, and I'm not voting on this or recommending it because it's his house. I'm doing it because the contractor came up here and presented this and asked for that variance. The Chairman did not ask for that variance, the contractor did. It just happens that it's his house that he's building. You know, he's given the reasons for it. The other reason that I've been this vocal on it is that happens to fall in the Fourth District, which I represent and I am concerned about things like this. I think this one is legitimate and it's something that we should approve based on the circumstances, and it's not going to affect us with FEMA at this point with what we have. We have not just gone out and opened up anybody that comes up and approves it. I think we take it on a case by case basis and this one to me is legitimate. It's something that we should do and, you know, I built my house a little over 21 years ago. The County Commission was meeting in this building before they moved over to the other one. I came before this Commission when I saw the block work going in because I didn't want to go up any block, and I asked for a variance. It was granted. It was granted for more of a variance than we're granting today. Hindsight I probably would have gone on up because it would have given me more space. I could probably have stood up under my house rather than crawled under it, but nevertheless that happened. I have never had water in the 21 years I've been there and with all the floods we've had and everything else, and I'm on the marsh on Betz Creek. It comes up over half way to my house and it's never gotten to the concrete block. So I don't think that's an issue in this because the ground that he's on is much higher ground than I'm on. It's higher now than it used to be. The regulation used to be lower than that. So I personally do not have a problem with this one and it's not because it's Billy Hair's house, it's because of the circumstances and the contractor coming to this meeting and presenting an answer to that request, and I think he's got a legitimate request.

Mr. Swicord said, I'd like to answer. Vice Chairman Thomas said, sure. Mr. Swicord said, you made the comment about how this could be avoided in the future. One of the comments I'd like to make is the fact that on this particular situation this house is a slab construction, concrete slab construction, and generally the Inspection's Office requires the certification to be at the framing stage, which would be an off-ground construction stage. If the County Inspections Office would request a certification prior to giving a plumbing rough-in inspection, this would happen again whether it was a slab or off-ground construction.

Commissioner Murray said, and that answers my question to that. Can we go ahead and make arrangements to change that if we have to vote on it and bring it back to us? County Manager Abolt said, we'll do it.

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

Commissioner Saussy said, thank you. I guess this question will probably go to Greg [Anderson], I'm not sure. The level of the land is done by the U. S. Geological Survey, right? Mr. Anderson asked, in terms of what the base flood elevation requirement is? Commissioner Saussy said, how high the land is over sea level, right. Mr. Anderson said, it's done by FEMA, that's correct. Commissioner Saussy said, that's FEMA, not —, okay. Mr. Anderson said, yes. Commissioner Saussy said, it's my understanding, and maybe I'm wrong, but it's my understanding that some of these maps that are out are not correct. Mr. Anderson said, that is correct, that's correct. Commissioner Saussy said, if we can't have some sort of a variance on these things and these maps are not correct, that's a hindrance to the property owner and to the builder.

So, I mean, he might not be out eight inches. Mr. Anderson said, certainly, in some areas of the County that question becomes more of an issue than others. There is a process, however. The Engineering Department does monitor these maps, FEMA does come in and audit these maps, and revise them. Not as periodically as they should, but if there is a question about the legitimacy of the base flood elevation, then that issue can be addressed in the Engineering Department, and it is done quite frequently in certain areas of the County. Commissioner Saussy said, well, I just wondered when the last time it was checked out there. I mean —, so this really does make a hardship on the owner and for the builder for that matter, so in my opinion all three of these things that are required are there. And so I would vote definitely for them.

Mr. Swicord said, the FEMA maps are in some cases ridiculous from a builder's point of view. I've actually had to construct some homes where on a particular residential lot half of the lot was in one particular flood zone and the other half was in a different. So obviously of a house of —, fit on a normal half-acre, so to speak, lot causes substantial problems on placing a house, whether it will even fit on the particular lot.

Commissioner Price said, I don't want to belabor this point. I think we all —. Commissioner Saussy said, well, not an exact science. Mr. Swicord said, exactly. Commissioner Price said, I do want to, because I was asked to talk with Montine Earls out by the side here, Greg [Anderson], I'd like to ask a question in all fairness. Several years ago, I think four or five years ago, we voted —, and I don't remember how I voted or individually how the other Commissioners voted back then that were here, it was a request for a variance and I believe it, if I remember correctly, it had to do with a gentlemen out somewhere towards the West side that was trying to build a screened-in patio area or some kind of —. Commissioner Saussy said, I remember that. Commissioner Murray said, it was a shop. Commissioner Price said, some kind of shop. Some kind of workshop, that's what it was. And he got started. I don't know if he actually had when he started the process of building, if he had initially applied for the building permit or if he hadn't and I don't know how that plays in all of this, but it ended up we did not grant the variance and that it was about a \$10,000 expense for him to have to upgrade his facilities. What in your opinion is a —, that's not his residence, it's one —. Mr. Anderson said, sure, sure. Commissioner Price said, it's one —, I mean, it's probably not measured as much of a hardship this would be in [inaudible] we're building, but can you tell —, I mean, why? I don't remember, I think I voted to give them a variance and I think I was the on the losing side that day maybe, but can you tell us what you remember about that request? There's no appearance of impropriety.

Mr. Anderson said, yes, certainly —, and I can't remember either whether this was after the fact, whether he had gotten the permit beforehand or for what happened, but certainly I do recall that this was not his place of residence. This was a, what we classify as an accessory structure that was free-standing in his rear yard that he converted into a personal shop that he did hobbies and that kind of thing. Certainly, the Board went through the same process that you're going through here. Commissioner Price said, right. Mr. Anderson said, evaluating the legitimacy of the request, and certainly things were taken into consideration how much it would cost to retrofit that structure, the fact that it was not his residence, the fact that it was a structure that was a stand-alone accessory structure in his rear yard, I think played into the Board's decision at that particular time. Commissioner Murray said, it had a lot to do with electrical also. Mr. Anderson said, that's correct. Commissioner Price said, yes, electrical was a large part of it. Mr. Anderson said, in fact, he did have substantial power tools that he was going to put in there, the raising of the electrical outlets —. Commissioner Murray said, it was a question of whether one meter or two meters and what was allowed. Mr. Anderson said, yes, that kind of thing. Commissioner Price said, okay. Thank you.

Commissioner Murray said, Ken [Swicord], this isn't to put you on the spot. I just want to —, how many, roughly how many homes have you built since you've been in the business in Chatham County? Just a guess. Mr. Swicord said, 50-ish. Commissioner Murray asked, 50 homes, and this probably I would think is the first time this has happened? Mr. Swicord said, the very first time, which is, I have to be honest with you, is unexcusable [sic]. It's just hard to even believe that we made this mistake as many as we've done and knowing the importance. So I want to give my personal apology to Mr. Hair on this matter. Commissioner Murray said, I can appreciate that and that's certainly between the two of y'all since you always build the —. The point I was trying to make with that, he builds a quality home. It's all custom homes that he builds. He doesn't go out and build a lot of spec houses and stuff like some people do. He builds custom built homes and he builds quality homes, and with that many homes he's built since he's been in business and this is the first time it's happened I think says an awful lot also because a lot of developers do make a lot of errors that you never see. So —.

Commissioner DeLoach said, I call for the question.

Vice Chairman Thomas said, all in favor of the motion, please vote. Opposes? Commissioner Price said, to grant the variance. Vice Chairman Thomas said, to grant the variance. The motion carried unanimously. [NOTE: Chairman Hair was recused from voting; Commissioner Rivers was not present.] Vice Chairman Thomas said, the motion is carried. Thank you.

Commissioner Jackel said, thank you for your suggestion too. That's a good one.

ACTION OF THE BOARD:

1. Commissioner Murray moved to recuse Chairman Hair from this item. Commissioner Price said, second. The motion carried unanimously. [NOTE: Chairman Hair did not vote; Commissioner Rivers was not present.]

2. Commissioner Murray moved to approve the request from Mr. Ken Swicord of Swicord Construction Co., Inc., for a Flood Damage Prevention Ordinance variance for Lot 38, Modena, based upon a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship, and a determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create a nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Chairman Hair was recused from voting; Commissioner Rivers 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.**
- **CLERK OF SUPERIOR COURT - CLERICAL ASSISTANT III (TWO POSITIONS)**
 - **PROBATE COURT - ADMINISTRATIVE ASSISTANT II AND VACANCY RESULTING FROM FILLING FROM WITHIN THE DEPARTMENT (TWO POSITIONS)**
 - **LIBRARY - LIBRARY ASSISTANT I (ONE POSITION)**
 - **COUNTER NARCOTICS TEAM - CLERICAL ASSISTANT IV (ONE POSITION)**

Vice Chairman Thomas asked, do we have anyone here from Clerk of Superior Court? Commissioner Price said, move for approval. Commissioner Jackel said, second. Commissioner Odell said, I'd like to hear —. Vice Chairman Thomas said, Commissioner Murray and then Commissioner Odell.

Commissioner Murray said, I'd just like to ask for justification for the —. Commissioner Price said, it's in the report, but go ahead. Commissioner Murray said, well, I —. We had it come up, I wanted to say something.

Mr. Mark Hill said, my name is Mark Hill. I'm with the Clerk of Superior Court. Both are necessary to keep a high quality level of customer service within the department. One was vacant because we had to fill something within the —. It was a position that we hired within the department that left a vacancy there and it's pretty close to the 90 days anyway. The second one was a probationary employee that we had to let go.

Commissioner Murray asked, and that other position has been vacant how long? Mr. Hill said, since March 2nd.

Vice Chairman Thomas asked, any further discussion? Commissioner Price said, call the question. Vice Chairman Thomas said, hearing none, please vote. The motion carried unanimously. [NOTE: Commissioner Rivers was not present.] Vice Chairman Thomas said, the motion is carried and the two positions will be filled. Okay, we're down now to the Probate Court.

Chairman Hair said, Probate Court. Thank you very much. Probate Court - Administrative Assistant II and vacancy resulting from filling from within the department (two positions).

Commissioner Odell said, I'll make a motion to approve, although we have the judge. Commissioner DeLoach said, yes, we'd love to hear from the judge. Commissioner Price said, second. Chairman Hair said, Judge, would you like to come forward and —.

Judge Harris Lewis said, I'm [inaudible]. If you're going to approve it, I'm certainly not going to say anything. Commissioner Murray said, well, I'm going to ask a question since you're here. Commissioner Saussy said, you know you can't get away with just that. Commissioner Murray said, one or two of them anyway.

Chairman Hair said, come forward, Judge, if you would please. Commissioner Odell said, let Kim [Birge] come with you. She'll have the answers.

Judge Lewis said, I agree with Dr. Thomas. If we don't fill it, we won't file. We were very sorry that Gail Jones retired, but it was her time. She chose to do that and we've lost an administrative position, actually a third position, a three-level position to her retirement on the 17th of March, and that started the domino theory. We're down one person, we want to fill Mrs. Jones' position from within the department, and then advertise for a replacement, which would be a Deputy Clerk I. Commissioner Murray asked, so if you —. Judge Lewis said, we're down one person right now. We have six people, we need seven at least. Commissioner Murray asked, so if you fill that within the department, then you advertise the other one, you probably will go out almost 90 days anyway for the other position, is that what you're saying? Judge Lewis said, I hope not. Commissioner Murray said, but close. Judge Lewis said, I hope not. Commissioner Murray said, close though, right. Judge Lewis said, yes, but we want to be able to go ahead and fill with a Deputy, actually it would be the Administrative Position II, two level, but there would be a net savings, probably a reduction in our budget.

Commissioner Odell said, move for approval. Chairman Hair asked, do we have a second? Commissioner Thomas said, second. Chairman Hair said, second. Any further discussion? Commissioner Price said, we already had a motion. Commissioner DeLoach asked, we already had one? We doubled that then. All those in favor vote yes, opposed vote no. Chairman Hair said, you just pick, take your choice, Sybil [Tillman]. Commissioner DeLoach said, yes, you can take two of these or two of these. The Clerk said, I'll take the first one. Chairman Hair said, she'll take the first one, okay. The motion carried unanimously. [NOTE: Commissioner Rivers was not present.] Chairman Hair said, thank you, Judge. We appreciate it very much.

Chairman Hair said, the next one is Library - Library Assistant I (one position). Mr. Johnson, is somebody going to —, whoever is going to make the presentation or answer questions. Does anybody have any questions of this one?

Commissioner Murray said, yes, I just want to know the justification. Chairman Hair said, okay, Commissioner Murray. Commissioner Murray said, I just want to know the justification for it.

Ms. Candy Frawley said, this is a position that came from a vacancy that has caused a vacancy at one branch and if we move that person over to Bull Street, then we're only going to have two people left at that branch because of the retirement last week. Commissioner Murray asked, what district is that branch in? Ms. Frawley said, the district in Thunderbolt. Commissioner Murray said, well, if it's Martin's [Jackel] district, I'm not in favor of it. I just wanted to make sure it wasn't off the Island. Ms. Frawley said, we have a history —. Commissioner Jackel said, it used to be your district. Commissioner Murray said, I know it. Commissioner Jackel said, you still have one friend there, remember that. Commissioner Murray said, not much longer.

Chairman Hair said, I'll entertain a motion to approve. Commissioner DeLoach said, so moved. Commissioner Odell said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioners Rivers and Price were not present.] Chairman Hair said, the motion passes. Thank you very much.

Chairman Hair said, the next item is Counter Narcotics Team - Clerical Assistant IV (one position).

Mr. Steve Smith said, good morning. Chairman Hair said, good morning. Mr. Smith said, this position, the Clerical Assistant IV position, is our Georgia Crime Information Center terminal operator position. The position has been vacant since March 3rd. This position is responsible for entering all our respecters and instrument on our case management system. She enters all the warrants, she takes out warrants as people are arrested, she enters recovered stolen property. It's a critical position and essential for our day to day operation. Right now I have four people whose duties have been diverted to cover the responsibility.

Commissioner Murray said, I didn't have the ask the question. He answered that one. Commissioner Odell said, I've got a question.

Commissioner DeLoach said, move for approval. Chairman Hair have a motion —. Vice Chairman Thomas said, second. Chairman Hair said, we have a question. Chairman Hair recognized Commissioner Odell.

Commissioner Odell asked, how many people in the department do you have? Mr. Smith said, we have 42 sworn people, 5 civilian positions. Commissioner Odell said, that's all [inaudible].

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

Commissioner Murray asked, did everything work out on that —. Mr. Smith said, it worked out tremendously well. Commissioner Murray was instrumental in assisting us in utilizing some National Guard resources and we did a joint operation with some National Guard people yesterday on some of the Islands and it worked out very well. I'd like to thank you for helping. Chairman Hair said, it helps to know people in high places. Commissioner Murray said, I just wanted to see if it worked out. Commissioner DeLoach said, you got a double whammy on him.

Chairman Hair said, thank you.

ACTION OF THE BOARD:

1. Commissioner Price moved to approve the request to waive the 90-day hiring freeze and authorize Human Resources to advertise the following positions: Clerk of Superior Court - Clerical Assistant III (two positions). Commissioner Jackel seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present.]
2. Commissioner Odell moved to approve the request to waive the 90-day hiring freeze and authorize Human Resources to advertise the following positions: Probate Court - Administrative Assistant II and vacancy resulting from filling within the department (two positions). Commissioner Price seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present.]

- 3. Commissioner DeLoach moved to approve the request to waive the 90-day hiring freeze and authorize Human Resources to advertise the following position: Library - Library Assistant I (one position). Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioners Rivers and Price were not present.]
- 4. Commissioner DeLoach moved to approve the request to waive the 90-day hiring freeze and authorize Human Resources to advertise the following position: Counter Narcotics Team - Clerical Assistant IV (one position). Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioners Rivers and Price were 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.)

Chairman Hair asked, does anybody want to pull anything off the Action Calendar? Commissioner DeLoach said, I move approval on all items —. Commissioner Jackel said, yes, H and J. Commissioner Price said, second. Commissioner DeLoach said, except H and J. Chairman Hair said, H and J, and I'll entertain a motion to approve the balance of the Action Calendar. Commissioner DeLoach said, so moved. Commissioner Price said, second. Chairman Hair said, motion and second. All those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Rivers was not present.] Chairman Hair said, the motion passes.

ACTION OF THE BOARD:

Commissioner DeLoach moved that the Action Calendar be approved in its entirety with the exception of Items 13-H and 13-J. Commissioner Price seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers 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 MARCH 10, 2000, AS MAILED.**

ACTION OF THE BOARD:

Commissioner DeLoach moved to approve the minutes of the regular meeting on March 10, 2000, as mailed. Commissioner Price seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present.]

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- 2. **CLAIMS VS. CHATHAM COUNTY FOR THE PERIOD MARCH 2 THROUGH MARCH 14, 2000.**

ACTION OF THE BOARD:

Commissioner DeLoach moved that the Finance Director is authorized to pay claims for the period March 2, 2000, through March 14, 2000, in the amount of \$7,589,061. Commissioner Price seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present.]

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- 3. **REQUEST BOARD APPROVE EARLY ACQUISITION REQUEST AT 10403 MIDDLEGROUND ROAD OWNED BY LONNIE A. MCGEE FOR THE MIDDLEGROUND ROAD WIDENING PROJECT.
[DISTRICT 6.]**

ACTION OF THE BOARD:

Commissioner DeLoach moved to approve the request by Lonnie A. McGee for early acquisition at 10403 Middleground Road for the Middleground Road Widening Project. Commissioner Price seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present.]

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- 4. **REQUEST FROM STEVENSON & PALMER, ENGINEER FOR EAGLE DEVELOPMENT, TO RELEASE THE SUBDIVISION BOND FOR LAUREL GREEN, PHASE 2, AND TO ACCEPT THE PAVING AND DRAINAGE IMPROVEMENTS FOR COUNTY MAINTENANCE.
[DISTRICT 7.]**

ACTION OF THE BOARD:

Commissioner DeLoach moved to approve the request from Stevenson & Palmer, Engineer for Eagle Development, to release the subdivision bond for Laurel Green, Phase 2, and to accept the paving and drainage improvements for County maintenance. Commissioner Price seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present.]

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- 5. **REQUEST FROM STEVENSON & PALMER, ENGINEER FOR EAGLE DEVELOPMENT, TO RELEASE THE SUBDIVISION BOND FOR LAUREL GREEN, PHASE 3, AND TO ACCEPT THE PAVING AND DRAINAGE IMPROVEMENTS FOR COUNTY MAINTENANCE.
[DISTRICT 7.]**

ACTION OF THE BOARD:

Commissioner DeLoach moved to approve the request from Stevenson & Palmer, Engineer for Eagle Development, to release the subdivision bond for Laurel Green, Phase 3, and to accept the paving and drainage improvements for County maintenance. Commissioner Price seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present.]

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- 6. **REQUEST FROM THOMAS & HUTTON, AGENT FOR SAVANNAH QUARTERS, TO APPROVE THE CONSTRUCTION OF THE IMPROVEMENTS, TO BEGIN THE 12-MONTH WARRANTY PERIOD, AND TO REDUCE THE BOND AMOUNT FOR SOUTHBRIDGE PHASE 15A.
[DISTRICT 7.]**

ACTION OF THE BOARD:

Commissioner DeLoach moved to approve the request from Thomas & Hutton, Agent for Savannah Quarters, to approve the construction of the improvements, to begin the 12-month warranty period, and to reduce the bond amount for Southbridge Phase 15A. Commissioner Price seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present.]

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- 7. **REQUEST FROM THOMAS & HUTTON, AGENT FOR SAVANNAH QUARTERS, TO APPROVE CONSTRUCTION OF THE IMPROVEMENTS AND TO BEGIN THE 12-MONTH WARRANTY PERIOD FOR THE SOUTHBRIDGE-HARDIN CANAL BRIDGE. [DISTRICT 7.]**

ACTION OF THE BOARD:

Commissioner DeLoach moved to approve the request from Thomas & Hutton, Agent for Savannah Quarters, to approve the construction of the improvements and to begin the 12-month warranty period for the Southbridge-Hardin Canal Bridge. Commissioner Price seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present.]

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- 8. **REQUEST BOARD APPROVAL FOR CHAIRMAN TO SIGN THE GEORGIA ENVIRONMENTAL FACILITIES AUTHORITY RECYCLING AND WASTE REDUCTION GRANT PROGRAM APPLICATION FOR FY 2000.**

ACTION OF THE BOARD:

Commissioner DeLoach moved to authorize the Chairman to sign the Georgia Environmental Facilities Authority Recycling and Waste Reduction Grant Program Application for FY 2000. Commissioner Price seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present.]

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- 9. **REQUEST BOARD APPROVE FINAL SETTLEMENT OF CLAIM OF JESSIE BOSTICK.**

ACTION OF THE BOARD:

Commissioner DeLoach moved to approve the final settlement of the claim of Jessie Bostick in the amount of \$2,500 for an accident which occurred on March 8, 1998. Commissioner Price seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present.]

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- 10. **REQUEST RENEWAL OF SUNDAY SALES LICENSE FOR BEER, WINE AND LIQUOR POURING FOR 2000. PETITIONER: RAYMUNDO L. JAIME, D/B/A EL POTRO MEXICAN RESTAURANT #14, LOCATED WITHIN THE ECONOLOGDE MOTEL AT 7 GATEWAY BOULEVARD. [DISTRICT 7.]**

ACTION OF THE BOARD:

Commissioner DeLoach moved to approve the request of Raymundo L. Jaime, d/b/a El Potro Mexican Restaurant #14, located within the Econolodge Motel at 7 Gateway Boulevard, for renewal of Sunday sales license for beer, wine and liquor pouring. Commissioner Price seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present.]

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11. **REQUEST RENEWAL OF SUNDAY SALES LICENSE FOR BEER, WINE AND LIQUOR POURING FOR 2000. PETITIONER: BELINDA F. FLANIGAN, D/B/A THE CRAB SHACK AT CHIMNEY CREEK, LOCATED AT 40-A ESTILL HAMMOCK ROAD. [DISTRICT 4.]**

ACTION OF THE BOARD:

Commissioner DeLoach moved to approve the request of Belinda F. Flanigan, d/b/a The Crab Shack at Chimney Creek, located at 40-A Estill Hammock Road, for renewal of Sunday sales license for beer, wine and liquor pouring for 2000. Commissioner Price seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present.]

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12. **REQUEST RENEWAL OF SUNDAY SALES LICENSE FOR BEER AND WINE POURING FOR 2000. PETITIONER: JOHN GERACA, D/B/A GIOVANNI'S ITALIAN RESTAURANT, LOCATED AT 1 FORT ARGYLE ROAD. [DISTRICT 6.]**

ACTION OF THE BOARD:

Commissioner DeLoach moved to approve the request of John Geraca, d/b/a Giovanni's Italian Restaurant, located at 1 Fort Argyle Road, for renewal of Sunday sales license for beer and wine pouring for 2000. Commissioner Price seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present.]

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

| ITEM | DEPT. | SOURCE | AMOUNT | FUNDING |
|---|--------------|---------------------------------|---------------|---|
| A. Annual contract with option to renew for two additional one-year terms to provide door mat rental services | Various | Riverside Uniform Service | \$15,437.80 | •SSD - Various •General Fund/M&O - Various |
| B. Semi-annual software maintenance agreement | I.C.S. | Pentamation, Inc. (sole source) | \$14,112.24 | General Fund/M&O - I.C.S. |
| C. Confirmation emergency purchase for bulldozer under-carriage parts | Solid Waste | Iron Peddlers of Savannah | \$13,517.60 | General Fund/M&O - Fleet Inventory |
| D. Change Order No. 6 to the existing contract to improve drainage and pave Central, Cherokee and Saussy Avenues and Smith Drive in order to provide for paving the final section of approx. 500' of nearby Flinn Drive | SPLOST | ARCO, Inc. | \$61,868.40 | SPLOST (1993-1998) - Paving of Central Avenue, Cherokee Avenue, Saussy Avenue and Smith Drive Project |
| E. Confirmation of Change Order No. 2 to the contract to provide and install cable from the telephone room to the islands in the parking lot of the Trade Center | SPLOST | BellSouth | \$7,915.40 | SPLOST (1993-1998) Trade Center - FF&E Budget |

| ITEM | DEPT. | SOURCE | AMOUNT | FUNDING |
|---|-------------------------------------|--------------------------------------|--------------|---|
| F. Change Order No. 5 to the contract for additional work in the design of the Placentia Canal Storm Water Improvement Project | Engineering | Hussey, Gay, Bell & DeYoung | \$33,305 | 2000 Drainage CIP, Placentia Canal |
| G. Change Order No. 1 to provide and install kitchen equipment in the Trade Center | SPLOST | Baring Industries | \$3,255 | SPLOST (1993-1998) - Trade Center - FF&E Budget |
| H. Confirmation of emergency contract award for the asbestos removal from eight County-owned buildings acquired as right-of-way for the Truman Parkway | SPLOST | E.C. Management Services of GA (MBE) | \$24,982 | •SPLOST (1985-1993) - Truman Parkway - Phase III •SPLOST (1985-1993) - Truman Parkway - Phase IV |
| I. Annual contract with option to renew for two additional one-year terms to provide janitorial services for the southside locations | Building Maintenance and Operations | Quality Cleaning (FBE) | \$12,744 | General Fund/M&O - Building Maintenance and Operations |
| J. Annual contract with option to renew for two additional one-year terms to provide janitorial services for the downtown locations, and to reject all bids to provide janitorial services to the Bull Street Library | Building Maintenance and Operations | Basics Cleaning Company (MBE) | \$157,008.24 | General Fund/M&O - Building Maintenance and Operations |

As to Items 1 through 13-I:

Commissioner DeLoach moved to approve all items on the Action Calendar with the exception of Items 13-H and 13-J. Commissioner Price seconded the motion and it carried unanimously.

As to Item 13-H:

CONFIRMATION OF EMERGENCY CONTRACT AWARD FOR THE ASBESTOS REMOVAL FROM EIGHT COUNTY OWNED BUILDINGS ACQUIRED AS RIGHT-OF-WAY FOR THE TRUMAN PARKWAY; DEPARTMENT: SPLOST; SOURCE: E. C. MANAGEMENT SERVICES OF GA (MBE); AMOUNT: \$24,982; FUNDING: SPLOST (1985-1993) - TRUMAN PARKWAY, PHASE III; SPLOST (1985-1993) - TRUMAN PARKWAY, PHASE IV.

Chairman Hair recognized Commissioner Jackel.

Commissioner Jackel said, I looked over this bid and the low bid in round numbers is about \$25,000, and that's from Marietta, and the next one's \$30,000, who is a local bidder. I just wonder how someone from Marietta can do it for \$5,000, and can do a good job, for \$5,000 less than our local people can. That just doesn't —, are they taking it and not following the requirements or —. Commissioner DeLoach said, they're going dump it out on the way back to Marietta. Commissioner Jackel said, let it blow out behind the truck as they drive back to Marietta. I followed that truck week. Chairman Hair said, that's why he's asking the question. Commissioner DeLoach said, yes, that's it. Chairman Hair said, that truck came by his house. Commissioner Murray said, I want to ask a question too.

Chairman Hair said, go ahead, Mr. Lynch. Answer Commissioner Jackel's question, and then Commissioner Murray.

Mr. George Lynch said, the references, sir, that we got on them were very good. We raised that question. The indications were that consistently in their home turf they do very much the same thing. In other words, it is lack of knowledge apparently, but rather corporate strategy to come in and do it, and we raised the issue and the answer is they do good work and they bid low. Commissioner Jackel said, but that, I mean, it's 25% lower than —. Mr. Lynch said, no argument with your math, Commissioner. The same reason that we pressed a little harder than we normally would. Commissioner Jackel said, all right. You're satisfied with it that they're going to do it properly? Mr. Lynch said, yes sir, I am and so are my colleagues in Engineering.

Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, the question that I've got and I don't know whether you can answer it or Jon [Hart] or somebody else may have to answer it. The Chief might. When we bring out of town firms into Chatham County and they're here for any length of time to do business in Chatham County, what do we do as far as their registration of vehicles and those type things? Mr. Lynch said, I honestly —, I can't give you an answer on it. I assume it would be a function, I think, of what used to happen in the military when you move someplace. You had a 60-day limit or something like that and then at that point you have to go out —. I don't know the local —. Perhaps the —.

County Manager Abolt said, y'all —. I can answer it, George [Lynch], in parts. This County —, a previous County Commission of which many of you were members attempted through the Legislature to get certain changes. We were unsuccessful. The issues comes with the latitude given to a contractor as to how long he or she might exercise the discretion before they actually establish residency. Certainly in a situation like this of come in and come out, there would be no piercing of the limit. I'd be glad to resurrect that, but if I remember —, in fact, it was Commissioner DeLoach's father that led the charge initially when we had an awful lot of construction on the bridge, the Talmadge Bridge. We —, I'm sorry. We did find and were very disappointed with the generosity afforded by the State through the law as to when you have to buy local tags and when you have to establish residency within the law.

Commissioner Murray said, well, just like the Trade Center, some out-of-town group is doing that. County Manager Abolt said, yes sir. Commissioner Murray said, I know there are lot of local people working too, but there are out-of-town people that have been on the job since day one. They haven't had to register anything, and I'm just wondering is there any control over that? Is there anything that can be done? County Attorney Hart said, there is some limitation. For example, the bridge situation, that was a DOT contract, for example, and DOT is exempt from any local taxation. Commissioner Murray said, well, I understand the government would be. I'm talking about the private companies. County Attorney Hart said, and the contractors that work for them. The policy was that if it was a private contractor on a DOT project, that the County cannot tax his vehicles or his tags while he is on that DOT project in the County, the concept being is that would be a pass-through cost back to the DOT and would raise the cost of the project statewide. So —.

Chairman Hair said, maybe, Russ [Abolt], you could prepare a document to see what kind of issues are involved and maybe [inaudible]. County Manager Abolt said, I want y'all to know, you all did a super job in the past, but were unsuccessful at the State level.

Chairman Hair said, okay, I'll entertain a motion to approve. Commissioner DeLoach said, so moved. Commissioner Thomas said, second. Chairman Hair said, motion and second. All those in favor vote yes, opposed vote no. The motion carried unanimously. [Commissioner Rivers was not present.] Chairman Hair said, the motion passes.

As to Item 13-J:

ANNUAL CONTRACT WITH OPTION TO RENEW FOR TWO ADDITIONAL ONE-YEAR TERMS TO PROVIDE JANITORIAL SERVICES FOR THE DOWNTOWN LOCATIONS, AND TO REJECT ALL BIDS TO PROVIDE JANITORIAL SERVICES TO THE BULL STREET LIBRARY; DEPARTMENT: BUILDING MAINTENANCE AND OPERATIONS; SOURCE: BASIC CLEANING COMPANY (MBE); AMOUNT: \$157,008.24; FUNDING: GENERAL FUND/M&O - BUILDING MAINTENANCE AND OPERATIONS.

Chairman Hair asked, does anybody have any questions?

Commissioner Jackel said, yes. This is one where we're not going with the low bidder, and I just think it's essential when we're not going to the low bidder that we have a public statement so we can explain why that's —, no one can say, well they just passed over that, I didn't hear anything about it. Your reasons are good ones that are stated in the report. I just would like to make it a —.

Mr. George Lynch said, very good, sir. Fundamentally, when a bid comes in we have two obligations. The first question, of course, is mathematical, and that is what is the order in terms of price offered, and that's the easy part. The second part is the responsiveness of the bid. In this particular instance, the firm that was the absolute low bidder has not had the experience in providing custodial service to large, active, diverse, and very much in the public eye offices. The largest figure that we were able to obtain that this firm had was having done 3,000 square foot of —, pardon me, about 3,500 square foot building. No question they did wonderful job of it, but in this case we have got 190,000 square feet. A second factor, and this really harks back a little bit to your question on the previous item, in our judgment, and this concerns us particularly because the firm doesn't have experience in this large size, it would be questionable that cleaning service, adequate satisfactory cleaning service could be provided at the price bid. Those were the two factors that cause us to recommend that we not accept the low bid. Now in all fairness, Ms. Dykes, who is the owner of the firm —, Ms. Dykes, if you all would care to address any questions to her, let me refer it.

Commissioner DeLoach said, let me talk to George [Lynch]. Chairman Hair said, Mr. Lynch, he has some —. Commissioner DeLoach said, let me talk to —, I want to talk to George [Lynch] first. Mr. Lynch said, yes sir. Commissioner DeLoach said, all right. She had the low bid, this K —, CKC Enterprises. Is that right? Mr. Lynch said, CKC Enterprises, yes sir. Commissioner DeLoach said, was the low bidder. Mr. Lynch said, yes sir. Commissioner DeLoach said, all right. How long had she been in business? Mr. Lynch said, Ms. Dykes, let me ask you to answer

because I —. Commissioner DeLoach said, I'm going to ask you. I want to ask you. Mr. Lynch said, I can't recall it from memory. Commissioner DeLoach said, okay. Well, let's —, come up and let's talk to her then. Okay. Your name, 'mam? Ms. Dykes said, I've been in business for two years. Commissioner DeLoach said, two years. Ms. Dykes said, yes sir. Commissioner DeLoach asked, is this —, who did we go with now, George [Lynch]? Mr. Lynch said, we are recommending going, sir, with Basics. Commissioner DeLoach said, okay, and how long have they been in business? Mr. Lynch said, they have been in business —, and we have Ms. Campbell from Basics. Ms. Campbell, I know you have been in business at least three or more years. Ms. Campbell said, I've been in business for about 11 years. Commissioner DeLoach said, 11 years. Okay. Commissioner Jackel said, I'm sorry, I didn't hear the answer. Chairman Hair said, 11 years, 11 years. Ms. Campbell said, about 11 years. Commissioner DeLoach said, let me follow up with that. When you first started —, let's take Basics Cleaning. When you first started Basics Cleaning, the first large place you had was what size? Ms. Campbell said, it was about 4,800 square feet. Commissioner DeLoach asked, and yours is around 3,500, 3,600? Ms. Dykes said, 35, 36. Commissioner DeLoach said, let's say, you've been in business two years, got good recommendations. Mr. Lynch said, yes, from the people that she had been doing the work from. They were very satisfactory. Commissioner DeLoach said, these folks that we've got here, they are Basics Cleaning has great recommendations. Both of them are excellent companies. Mr. Lynch said, yes sir. Commissioner DeLoach said, I started out with a small business and I tried to get into big business and it was hell to break the market because every time you walked up there, no matter how good you did on all the other businesses you did, whatever size, they always said, I don't know whether you can handle it or not. But the only way a person can grow or only way a small business can grow is if they get an opportunity. To me the person has submitted a low bid and there's an opportunity for somebody to grow larger. I think it's something, it behooves us to give these people an opportunity to do that. And I understand your position. You want to make sure things are done right. This lady here does a good job, this lady does a good job here. Is there any way that —, to develop small business, is there any way based on the fact that you had a quality company come before you and say I can do this job, is there any way that you can give an opportunity to someone to enlarge theirself [sic] at a percentage of this business and still keep the larger percentage to the company that's established so that we can develop people who are trying to move up and move into larger businesses? Have you ever thought of that approach? I know the City of Savannah does that, and I know that it's the devil when they start chopping up a bid. I know how that is, and I know how it is on the person who is the main, the one who got the bid, but my concern is if a person's got a good reputation and has done a good job, and based on what she has that she does good work, but the only requirement is that she's small, well, every company that ever started was small when it started.

My Lynch asked, may I respond to your question, sir? Commissioner DeLoach said, sure. Mr. Lynch said, we can recommend and suggest. We cannot tell the contractor who has submitted the bid, Ms. Campbell in this case, you must, if you would, joint venture with Ms. Dykes. That would be going a little bit far. We can certainly suggest it.

Commissioner DeLoach said, I'm not suggesting that. I'm suggesting that you, in your position, the fact that you control the inventory that they've got to clean, that you realize that this person is the low bidder, does a quality job —. Mr. Lynch said, yes sir. Commissioner DeLoach said, and you don't want to take a chance on throwing all of that to one person because of the fact of their size, and I understand that. I know the position that you're in and you want a quality job, but to develop these smaller businesses, if they could have —, they don't have to have 190,000 square feet, if they could have two buildings or three buildings and develop these people, just like I'm sure Ms. —, what's your name, 'mam? Ms. Campbell said, Ella Campbell. Commissioner DeLoach said, Ms. Campbell. Just like Ms. Campbell probably started, she did the same thing. She started with a 4,800 square foot building and she has moved up and one quite well, I'm sure, and I just wanted, you know —, if you've got an opportunity, especially in the position of government and the fact that it is, you know, you should give an opportunity for people to grow, and that's the only thing I'm asking here, if there is a possibility of shaving off a portion of this and give this person an opportunity to develop and then in the long term have us another company here to bid on our businesses longer that will end up maybe one day a large business and I'll be saying the same thing to her that when somebody else comes up here that they want to grow. Mr. Lynch said, I understand your —, where you're coming from, sir. We will certainly look hard at that. When we become concerned, and I agree it's conservative, the worst thing that can happen is when someone comes in that's done nothing larger than 3,600 square feet and now we're looking at about 195, when the bid is lower than one would expect in terms of very close-knit experience with it, this is not new to us —. Commissioner DeLoach said, right. Mr. Lynch said, that's when you worry that you're going to get somebody who will go broke on you, or conversely who will find to their distress that they can't do the job for that price and then come back and say please give us more. Those are the things we balance. Commissioner DeLoach said, okay. And you feel like based on what you've seen that you feel like that's the situation we have? Mr. Lynch said, yes, however, we would be delighted to have Ms. Dykes and her firm, say, if we get something in the 20,000, I think it's a gradual progression step.

Chairman Hair asked, you want to make a comment?

Ms. Dykes said, what I need to say is basically they have been in business for 11 years. They would —. Commissioner Saussy asked, excuse me, could you pull that mike down? Chairman Hair said, make sure —, help her. Mr. Lynch said, let me get that for you, 'mam. Ms. Dykes said, thank you. You know, they've been in business for 11 years. That's wonderful. They started out small just like Mr. DeLoach is saying, but, you know, my concern here is I started two years and I'm still growing, but the point is being in business for 11 years doesn't mean, you know, they're doing a great job. Okay? I have references. They did contract work for the City and they were terminated for not doing a good job. Commissioner DeLoach said, I don't care about —. Let them deal with —. You deal with George [Lynch] on any problems.

Don't tell us about them right now. Ms. Dykes said, okay, okay, but what I'm saying here is, you know, with the Library out though, they took out the Library because they said I'd be there way too long the Library, okay. The Director of the Library is here and if you cannot say if I can do that job for what I bid it for, I don't see the reason why the County should throw me away from that, a simple a job.

Chairman Hair said, Commissioner Murray and then we'll —, and then Commissioner Jackel.

Commissioner Murray said, well, I've got several questions, one, and since she did bring up the Library, the reasons for that with the hours that you put on your bid calculated to \$47,000 and your bid was only \$39,000. That's why that was thrown out if I'm not mistaken. Ms. Dykes said, I have a breakdown of the Library. Commissioner Murray said, okay, if you want me to show you that. Commissioner Murray said, okay. My other question is we're responsible for furnishing the cleanup, maintenance force and stuff for the Library? County Manager Abolt said, we —. Commissioner Murray asked, they don't have their own person or own contract for that? County Manager Abolt said, we have as best we could tried to create a competitive bid situation in which the maximum amount of public buildings can be included, and that's what George [Lynch] did. Commissioner Murray said, okay. All right. Mr. Lynch said, sir, we act as a service to the Library just as we would act as a service to any other part of Chatham County government. Do we listen to what the Library thinks and their input? Of course, we do, but in this case we were acting as a procurement agent for the Library. Commissioner Murray said, the reason I asked that question, regardless of who gets this, neither one of these people had the contract, somebody else did and they were doing the job and the Library didn't think it was a satisfactory job. Do they have the authority to say something to them or do they have to come through you? I mean the Library has their own board and their own budget, and that's why I was asking. I understand the bidding it, but we look like we're going to be bidding it for two different companies anyway. Mr. Lynch said, we would expect the Library staff if they have a problem, to first work directly as the contract manager with the individual who was providing the service. If that does not provide success, pick up the phone, come see us and we will work the problem for them with the individual. Commissioner Murray said, okay, my last question, every now and then we get bids that the low bidder does not get the job or is not recommended for the job or the contract, and then we get other bids where we are told we have to take the low bidder. Where is the balance in this and why can't we bid them all where we have this —, because I don't necessarily always think, and it's nothing against this, it's just something that comes up, I don't always think the lowest bid is the best bid to go with, and why do we always have to take it on some of the other contracts? County Manager Abolt said, lowest responsive bid. In the evaluation of staff, the low bid was not responsive. Commissioner Murray said, do all of ours bid out that way now? Everything's bid that? County Manager Abolt said, State law requires that. Commissioner Murray said, well, I've been told in the past though that we have to take the low bid when we've asked that question. Commissioner Jackel said, only if it's responsive. County Manager Abolt said, lowest responsive —. Commissioner DeLoach said, like it is on like cars and stuff like that. Commissioner Murray said, [inaudible], but I prefer to go with it.

Chairman Hair recognize Commissioner Jackel.

Commissioner Jackel said, I think Frank [Murray] mentioned my thinking.

Chairman Hair said, okay, so I'll entertain a motion. Commissioner Jackel said, you know, great minds think alike. Chairman Hair said, the Chair will entertain a motion. Commissioner Price said, I move for approval. Commissioner Thomas said, second. Chairman Hair asked, of staff's recommendation? Commissioner Price said, yes. Chairman Hair said, I have a motion to approve the staff recommendation. Commissioner Murray asked, so this means we will rebid the Library, is that what you're saying? Mr. Lynch said, we will rebid the Library. We will award to Basics the four downtown County direct functions, two courthouses, CNT, Annex and a small portion of the first floor of the old Jail. That'll go to Basics, we'll readvertise the Library. Chairman Hair said, all those in favor vote yes, opposed vote no. Commissioners Saussy, Jackel, Murray, Odell, Price, DeLoach and Thomas voted in favor of the motion. Chairman Hair voted in opposition. The motion carried by a vote of seven to one. [NOTE: Commissioner Rivers was not present.] Chairman Hair said, the motion passes. Thank you.

Commissioner Price said, point of order. Chairman Hair said, yes. Commissioner Price said, I made the motion, staff's recommendation. Did that include the [inaudible] of the Library? County Manager Abolt said, you're rejecting the Library. Chairman Hair said, we rejected that bid. It will have to be rebid just because it is rejected. Commissioner Price said, okay.

ACTION OF THE BOARD:

1. Commissioner DeLoach moved to approve Items 13-A through 13-I except Item 13-H. Commissioner Price seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present.]
2. Commissioner DeLoach moved to approve Item 13-H. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present.]
3. Commissioner Price moved to approve Item 13-J. Commissioner DeLoach seconded the motion. Commissioners Saussy, Jackel, Murray, Odell, Price, DeLoach and Thomas voted in favor of the motion. Chairman

Hair voted in opposition. The motion carried by a vote of seven to one. [NOTE: Commissioner Rivers was not present.]

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XI. FIRST READINGS

Proposed changes to ordinances must be read or presented in written form at two meetings held not less than one week apart. A vote on the following listed matters will occur at the next regularly scheduled meeting.

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

1. **PETITIONER, MARK SHARPE, AGENT (FOR DONALD L. MEYERS AND KELLY MEYERS, OWNERS) IS REQUESTING THAT A 7,833 SQUARE FOOT PARCEL LOCATED ON MAYER AVENUE ON WILMINGTON ISLAND BE REZONED FROM R-1 (ONE-FAMILY RESIDENTIAL) TO A R-2 (TWO-FAMILY RESIDENTIAL) ZONING CLASSIFICATION. THE MPC RECOMMENDED THAT THE REQUEST BE DENIED BASED ON ITS INCONSISTENCY WITH THE ZONING AND DEVELOPMENT PATTERN ALONG MAYER AVENUE AND IN THE IMMEDIATE VICINITY.
MPC FILE NO. 00-136-C
[DISTRICT 4.]**

ACTION OF THE BOARD:

Read into the record as first reading.

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XII. SECOND READINGS

1. **PETITIONER, AMERICAN TOWER, L.P., AGENT (FOR JACK M. LEWIS AND DAWN M. LEWIS, OWNERS) IS REQUESTING THE REZONING OF A 0.15 ACRE SITE FROM R-A (RESIDENTIAL-AGRICULTURE) TO RA-W-T (RESIDENTIAL-AGRICULTURE-WIRELESS COMMUNICATION/DIGITAL TELEVISION TOWER OVERLAY DISTRICT) IN ORDER TO CONSTRUCT A 140 FOOT HIGH TELECOMMUNICATIONS TOWER. THE SITE IS LOCATED WITHIN A 12.4 ACRE TRACT AT 445 BUCKHALTER ROAD. THE MPC STAFF RECOMMENDED APPROVAL OF THE PETITIONER'S REQUEST WHICH WOULD ALLOW A 180 FOOT HIGH TOWER UNLESS A LOWER TOWER IS REQUIRED BY THE FAA.
MPC FILE NO. 00-116-C
[DISTRICT 5.]**

Chairman Hair recognized Mr. Bill Saxman.

Mr. Saxman said, petitioner is requesting to rezone a portion of a 12-acre tract located approximately 300 and some odd feet from the west of the Southwest Bypass. The property's fronting on Buckhalter Road, 445 Buckhalter. It's set back about 1,403 feet south of Buckhalter and just north of a planned manufacturing zoning district. Petitioner petitioned to put in a 140-foot tower. They just announced to me prior to the meeting that the FAA has come out with a maximum height of 130 feet they would be allowed in that location and the tower would not require any kind of lighting so there would not be any strobe lights or any amount of —. Commissioner Murray asked, a 130-foot tower does not require lighting? Mr. Saxman said, that's what I was —. Commissioner Saussy asked, right next to the airfield? Mr. Saxman said, that's what the petitioner tells me. Right. Anything less than 200 feet technically, if you're close to an airport, then the FAA has certain standards based on the aviation —.

Chairman Hair said, I can assure you if the FAA —, I agree with you, that is unusual, but if the FAA does have a requirement, it will be met, I can assure you. They do it themselves. Commissioner Murray said, we need to get a verification on that.

Mr. Saxman said, but they would have to have a letter signed and turned in to —. Chairman Hair said, they'd have to approve it. Mr. Saxman said, the Director of Inspections as a part of their permit application. [Inaudible comments by Commissioner Murray to Chairman Hair.] Chairman Hair said, I can't either. Mr. Saxman said, the information I was given just prior to the meeting, they have approved a 130-foot tower and it would not have to be lit.

Chairman Hair said, but I can tell you we had a situation out about a month ago out at the airport where we actually had a crane putting an air conditioner on a building and they shut the whole job down. The FAA came in and shut the whole job down, so they don't really listen to anybody. Whatever we say is not going to make much difference to the FAA, I can tell you. They're going —, they play by their own rules.

Mr. Saxman said, well, in summary, the Planning Commission is recommending approval of the proposed location. It meets all the requirements of the Chatham County Telecommunications Ordinance. As far as we know, we've sent notices to all the joint property owners, signs have been posted, and we have have no negative comments from adjoining properties. Petitioner's indicated they have actually physically went out and spoke with some of the property owners and everybody is in support of it based on the ones they've spoken with.

Chairman Hair recognized Commissioner DeLoach.

Commissioner DeLoach said, this is located, this is located where? Mr. Saxman said, just south of Buckhalter Road, about 1,400 feet south of Buckhalter Road, 300 feet west of the Veterans Highway. What I know about this location, where I —, what I'm thinking where this location is, is it —. Mr. Saxman said, part of that frontage road that they put in when the overpass for Buckhalter Road, the houses that are along that particular section are on a little frontage road parallel to Buckhalter Road. Commissioner DeLoach said, okay, where's this —, I'm concerned about where this is going to sit. I'm not —. Mr. Saxman said, it's back —. Commissioner DeLoach said, I look at the map and I can't tell squat about it, so —. Mr. Saxman said, this is Buckhalter Road here. Commissioner DeLoach said, you can chew on this all day and it won't do any good. Huh? Mr. Saxman said, the roadway —, Buckhalter Road is located here, 1,400 feet, which is roughly a quarter of a mile or so —. Commissioner DeLoach said, yes, but my —. Mr. Saxman said, at the rear end of the property. Commissioner DeLoach said, my concern is where is R-A district in that area? Mr. Saxman said, the R-A district covers everything in this area and this P-M district is just south of —. Commissioner DeLoach asked, isn't it located right there in the R-A district? Mr. Saxman said, it's in that —, where that little square is. Commissioner DeLoach asked, it's in the R-A district, that's what I'm saying? Mr. Saxman said, yes sir. Commissioner DeLoach said, okay. I've got a problem with locating a tower in a R-A district long term. Mr. Saxman said, well, that's the purpose of the R-A district. Commissioner DeLoach said, let me finish if I could. Mr. Saxman said, okay. Commissioner DeLoach said, I agree with you, I know it's probably a great location. At this time it's a perfect location because there's nothing out there if I'm correct. Am I right, Bill [Saxman]? Mr. Saxman said, there's large farm lots —. Commissioner DeLoach said, large farm lots. I mean, this place is huge and it's —, and one time they were looking at putting, you know, they were going to put a school, they were going to put a housing development and all that, and all that's, you know, that's what happened out there. It might not happen right now, but it's going to happen and I'm going to have —, we're going to have a, or Harris [Odell] is going to have in his district, he's going to have a tower sticking up right in the middle of a residential area. I've got a problem with that. Now, you know, when we sit up here and we all talked, we said we wanted these thing located where they're not interfering with the public, you know, with residential areas. This interferes. Long term this is going to interfere with public development right here, I can tell you that because this is prime property to develop long term, and I'm going to have a tower sitting right in the middle of it. I don't want a tower behind my house and nobody else does. This thing needs to be put in a place where nobody's going to be bothered with it. If you can get it over there in the woods in the swamp out there, I don't have a problem with it. Put it where you —, I mean, put it —. Commissioner Price said, the Corps of Engineers might. Commissioner DeLoach said, yes, I mean, whatever the case is, get it right next to the wetlands or whatever you have to do, but this here is prime property. It's not right now, but long term when everything else is developed, just like it is in West Chatham's happening right now, long term this place here is going to be a —, that's going to be a hot spot one day and we're going to have a tower sitting there. I just don't see us putting a tower there, so I request that we, you know —, I don't want to do that if anybody can vote against it.

Chairman Hair recognized Commissioner Price.

Commissioner Price said, I agree with what Billy —, I mean, with what Eddie [DeLoach] is saying to a great extent except that we've got an ordinance. It complies with the ordinance. I don't know —, I mean, it gets back to the, I would think it gets back to the inverse condemnation of the property. Shot [Hart], you looked at this. I mean, you don't see anything legally that —, any recourse, you know, not complying with the ordinance that we passed, recently passed to try and make sure that this sort of thing didn't happen that Eddie [DeLoach] is talking about? And that ordinance we fashioned, was fashioned exactly for what he's talking about, and here is it we have the new rules in place and we're, you know, got staff reading those rules and trying to make sure that what they recommend is in compliance with that ordinance, and it appears from what I can read that it does. Now, yes, I hope that area does develop residentially. I hope that whole area out there

grows and that's a great, that would be a great area if that were to happen, but I don't know if there's any legal ground we would have to deny this. Commissioner DeLoach said, you've got absolutely legal ground to deny it. You can do it.

Chairman Hair said, before I recognize Commissioner DeLoach I'd like to make a quick comment. Commissioner DeLoach said, and Priscilla [Thomas] too. Chairman Hair said, and then Dr. Thomas, but I tend to agree with Commissioner Price. I think there is a difference here in the sense of we'd be okaying the tower of the residential development being there, so that anybody coming in five years from now would already know the tower's there as opposed to taking an existing stable neighborhood and putting a tower down inside. I think that's something all of us would oppose, but I do think there is a difference there. So I think that's important to point out. Commissioner Thomas and then Commissioner DeLoach again.

Commissioner Thomas said, well, I just wanted to point out what Commissioner DeLoach mentioned, and I think he's referencing long term. Perhaps it just is a good —, somewhere down, you know, in the future how much would this, you know, how much effect will this have as to future growth out there? I mean, have we taken that into consideration? Mr. Saxman said, yes 'mam. Commissioner Thomas said, and everything even though we're in compliance now. Mr. Saxman said, if you look at your map, the area just south, about 300 feet south of this, is all zoned planned manufacturing or manufacturing and the possibility of that may change, but under the current master plan for the community, that's basically an industrial or manufacturing district to the south. That's where the school was proposed to be put —.

Commissioner DeLoach say that again. That's where a what was supposed to be put? Mr. Saxman said, a school was proposed. Commissioner DeLoach asked, now when you say industrial light and all this, you say the —. Mr. Saxman said, well, the school could go in any district. Commissioner DeLoach said, right, but the point is it's a school. Do you want a tower sitting at a school? Mr. Saxman said, well, the school is not going to be able to go there. It was in the flight zone of Hunter. Commissioner DeLoach said, that's what we had it zoned for, right? Mr. Saxman said, it's zoned manufacturing. Commissioner DeLoach said, right, but a school was tentatively planned there. Mr. Saxman said, well, a school can go in any zoning district, anywhere. Commissioner DeLoach said, but a school —. Commissioner DeLoach said, as long as the County Commissioners approve it. Commissioner DeLoach asked, well, was a school supposed to —, was tentatively scheduled there, Bill [Saxman]? Mr. Saxman said, but it was not suitable for that —. Commissioner DeLoach said, but the flight zone was a problem. Mr. Saxman said, that and sewer and water and other —. Commissioner DeLoach said, that they didn't have out there. That's the reason it died. All right. The only issue I have, why not go down Southwest Bypass, down to right there at the corner of the Southwest Bypass, what river is that they cross there? Mr. Saxman said, Forest. Commissioner DeLoach said, and stick it right down there? Why didn't you do that instead of —? Commissioner Saussy asked, why don't you go right across the street from the Southwest Bypass? That's not going to be residential. Commissioner Price asked, on the Hunter side? Commissioner DeLoach said, yes, on the Hunter Side. I mean, why does it have to go right here on prime property to develop long term? Mr. Saxman said, we let —, as the ordinance, it met the code requirements as you've already pointed out. Commissioner DeLoach said, I don't care. I'm not asking —. Mr. Saxman said, at the time we can't dictate where they're going to negotiate properties. Now we are in the process of working a —. Commissioner DeLoach said, please come up here. Mr. Saxman said, consultant to try to work out a long range plan, and that's where we are —, our next step's aiming for based on the money that y'all have allocated.

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

Ms. Elizabeth Horky my name is Elizabeth Horky and I'm with American Tower. The rezone —, actually our [inaudible] wanted a tower right on that bridge, but wetlands is an issue. We can't go near them and we cannot disturb them, unlike some private developers, we're not allowed to do —, mitigation and all that is not really an option for us. We have to comply with federal wetlands issues. The second issue is I'm not sure if you've ever been on that Bypass when planes have flown over it. The FAA is —, the height as you go South on the Bypass towards Abercorn gets severely restricted. We were restricted at 130 feet at our location. The height increases as you go North, it decreases as you go South. There is a BellSouth tower on King George Boulevard that is 130 feet. Those are as you go up, as you away from the Bypass. The planes, they buzz the bridge. Chairman Hair said, yes. Ms. Horky said, the FAA would not let us go —. Commissioner Price said, they follow the railroad tracks to Hunter. Chairman Hair said, yes.

Commissioner DeLoach said, I don't know how many thousands of acres that is —. Chairman Hair said, Commissioner Odell and then Commissioner Murray and then you, Commissioner DeLoach, again so we get everybody once first and then you. Commissioner DeLoach said, okay.

Chairman Hair said, this area was at one time in Eddie's [DeLoach] and now it's in my district. I've not heard one complaint from adjacent land owners. We also have —, I sympathize and understand what Eddie [DeLoach] is saying, but I'm not certain if we have legal authority to prevent them from doing what they have a lawful right to do. County Attorney Hart said, we've got an RA-W-T zone that was created. It's got certain requirements in it. MPC staff is moot and reviewed this extensively because everyone of these tower location situations are generally controversial. This meet the requirement of that zoning classification. The Chairman makes a very good point. You can take into consideration existing neighborhoods and surroundings, but trying to prevent somebody to properly and lawfully use their property because of potential future development generally is not considered. A case in example is the Truman Parkway. What if we didn't develop until the Truman Parkway was built? You know, that's 25 years in the making. So, you know, these people in my opinion meet the requirements of the code.

Chairman Hair said, Commissioner Murray and then Commissioner DeLoach.

Commissioner Murray said, I'd like to ask the lady something. Chairman Hair said, okay. Commissioner Murray asked, if this is approved and y'all build this tower, will it be built so it can support co-locating other companies on there with you? Ms. Horky said, yes sir. American Tower, that's how we make money. We don't sell phones, we sell tower space. Unless every tower in our inventory has two and a half —, an average of two and a half carriers on each tower, we don't make money. Commissioner Murray said, my other question, how far away is that BellSouth tower you were talking about? Ms. Horky said, it is on the other side of the river down in, on King George —. Mr. Saxman said, over 9,000 feet. Commissioner Price said, where the village [inaudible]. Commissioner Murray said, my point is though, you cannot co-locate on that tower? Ms. Horky said, we are co-locating. That is the connecting site on the Southwest Bypass. They need both sites to provide —. I don't know if any of you have CPS phones. The coverage on the Bypass is sketchy at best. It routinely drops calls right as soon as you get over the river. That's why they need the second tower site. They're using the BellSouth tower on King George as a connecting site. Chairman Hair said, and will continue to use that. Ms. Horky said, oh, yes, they're completing negotiations to add the antennas now. Commissioner Murray said, Jon [Hart], she said they're going to do it on this tower. In that ordinance that we have now, does it state that they have to build the towers where they will support co-location, all of them that are put in from now on? County Attorney Hart said, correct, correct. Commissioner Murray asked, and that we can insist they co-locate once the tower's in that area? County Attorney Hart said, correct. Commissioner Murray said, so we don't have somebody else coming in and —. Chairman Hair said, and it has to be put with that specification because it —. Commissioner Murray said, we ran into a couple of years ago when all this came up the fact that they weren't strong enough to support somebody else on there and I just don't buy that. Ms. Horky said, that was back in the days when the carriers were building the towers and they sell phones, they don't sell tower space, and they built it for themselves and they didn't care if anyone else had tower space available. We don't sell phones, we sell tower space. We're building it —, we hope there's eight carriers on that pole because then it's a moneymaker for us, so it is designed for the —. You require four, it is designed for at least four carriers. We over-design them so that if a fifth carrier wants to get on there, it doesn't require rebuilding the tower to put them on there. We can just add their antennas on there. So we definitely design these to hold [inaudible] locations. Our marketing department is waiting for your decision today. Once you make the decision today, if you allow this tower, we will go ahead and begin marketing it to the other carriers. To the ones who are here, and say, hey, if you've got a problem on the Bypass, we just got a tower approved if you want to go on it, and to the carriers that are coming in, Sprint PCS is coming, to say, hey, if you need a tower space at the Bypass, we've got it. As soon as you approve it, it goes into marketing. Commissioner Murray asked, and you're saying there won't be any lights on that tower? Ms. Horky said, I just called again to check and our girl that handles the FAA says, no, that [inaudible] can back and it will not have lights on it. I'll fax Bill [Saxman] a copy as soon as I get it. Commissioner Murray asked, she's just talking about the strobe, not the red light —. Ms. Horky said, no lighting at all. No lighting at all was the statement. [Unintelligible comments were made by several Commissioners speaking at one time.] Chairman Hair said, I think we might have to —. Ms. Horky said, Bill [Saxman] will get a copy of it before they finally do some work on it.

Chairman Hair recognized Commissioner DeLoach.

Commissioner DeLoach asked, there's no way to move that tower site? Ms. Horky said, if we move it further south, the tower height gets reduced, which reduces the —. Commissioner DeLoach said, no, forget south. Is there any way to move that tower? Ms. Horky asked, well, where would you —? Commissioner DeLoach said, west towards the railroad track. Ms. Horky said, then we get in the way of the Veterans Parkway. Y'all —. Commissioner DeLoach said, no, it's not the Veterans Parkway. You're on the Veterans Parkway now. I'm moving away from it towards the railroad tracks. Ms. Horky said, the whole point of putting the tower there was to cover the Parkway though. Commissioner DeLoach said, it —, well, besides that, I mean, say you move over off of it. Ms. Horky said, we could, we could look into that, but we asked all the landowners in that area that we wanted to put a tower on their property, and no one said no, but this landowner was the one who was the most anxious to deal with us. I mean, if you're talking about moving a mile off of the property, at that point our carrier will not allow us to do that because they won't have coverage on the Parkway. They're already restricted to 130 feet, which is a severe height restriction for PCS carriers. Commissioner DeLoach asked, there's no way to move it off of Veterans —, I mean, that is set right in that Diamond Cause—, I mean that Diamond property. There's no way to move it off towards the railroad tracks? Ms. Horky said, not on that side. Commissioner DeLoach asked, why? Ms. Horky said, well, as I said, I don't know —, did they get the —? Commissioner DeLoach asked, have you looked at the map what I'm talking about? Ms. Horky asked, which map —, how far are you talking about? Commissioner DeLoach asked, do you see the Army Airfield? See the road, you see Buckhalter Road crosses over the top? If you go to that corner there of Buckhalter —? Ms. Horky asked, which map, show me which map you've got. Okay. All right. No sir, if we put it on those railroad tracks we will not have any coverage, we won't be able to cover the Southwest Bypass, which is the whole point of this site. We already have a site there at Dean Forest and Highway 17, and it would be pulling it too far away from where they need it and too close to another site. They would simply kill the site and have a whole line. Commissioner DeLoach asked, well, didn't you tell me you went around and asked everybody that had property there and —. Ms. Horky said, we asked the landowners in the immediate area. Commissioner DeLoach asked, this guy was just more anxious to sell than the other people or lease? Didn't you say that? Ms. Horky said, if you look on this map, the smaller map, the smaller scale, we asked these landowners. We don't ask anybody that's a mile away from the site. Commissioner DeLoach said, well, let's go over there. Where are we there? Which ones did you ask on that small map? Ms. Horky said, they went, he went about four parcels down the road on either end because they wanted to be on the Bypass. Commissioner DeLoach said, okay, four parcels. Ms. Horky said, yes sir. I mean, not more than a quarter mile off the Bypass. Commissioner DeLoach asked, couldn't get anybody to sell there? Ms. Horky said, these are the people who were willing to do the deal. Yes, sir,

they were —. Commissioner DeLoach said, well, I mean, if you couldn't do that deal there, would you go on to one of those others? Ms. Horky said, we would have kept continuing to try to negotiate with everyone else. Commissioner DeLoach said, then you could have gone further off the Bypass and got out of this prime property right here? Ms. Horky said, not —, I'm not sure exactly how far you consider prime —, we would have still been within a quarter mile of the Bypass. Commissioner DeLoach said, a quarter mile out of this area right here is a considerable amount. Ms. Horky said, well, we got this man to agree to it and we filed for the rezoning on this one. I mean, we can —. Commissioner DeLoach asked, if you didn't get a permit today because we said it was a good area, would you go back to somebody else and ask them further out of the way? Ms. Horky said, we could probably go to the property owner next door and ask them because they want to be on the Bypass. The further you go away from the Bypass —.

Chairman Hair said, I'll entertain a motion —. Commissioner DeLoach said, I make a motion we deny this. Commissioner Murray asked, then you would have a taller tower if you went further down, right? Ms. Horky said, not necessarily. I'm not —, I haven't seen the map for the FAA, but —. Chairman Hair said, all right, we have a motion on the floor. We have a motion to deny. Does that motion have a second? Chairman Hair said, motion dies for lack of a second.

Commissioner Price said, I make a motion to approve. Chairman Hair said, motion to approve. Do I have a second? Commissioner Jackel said, I'll second it. Chairman Hair said, second. All those in favor of the motion to approve vote yes, opposed vote no. Chairman Hair and Commissioners Saussy, Jackel, Murray, Price and Thomas voted in favor of the motion. Commissioners Odell and DeLoach voted in opposition. The motion carried by a vote of six to two. [NOTE: Commissioner Rivers was not present.] Chairman Hair said, the motion passes. Thank you.

ACTION OF THE BOARD:

Commissioner Price moved to approve the petition of American Tower, L. P., Agent (for Jack M. Lewis and Dawn M. Lewis, Owners), requesting the rezoning of a 0.15 acre site from R-A (Residential-Agriculture) to RA-W-T (Residential-Agriculture-Wireless Communication/Digital Television Tower Overlay District) in order to construct a 140-foot high telecommunications tower, which site is located within a 12.4 acre tract at 445 Buckhalter Road. Commissioner Jackel seconded the motion. Chairman Hair and Commissioners Saussy, Jackel, Murray, Price and Thomas voted in favor of the motion. Commissioners Odell and DeLoach voted in opposition. The motion carried by a vote of six to two. [NOTE: Commissioner Rivers was not present.]

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2. REQUEST BOARD APPROVE AMENDMENT OF THE REVENUE ORDINANCE FOR 2000 FOR CHATHAM COUNTY.

Chairman Hair said, I'll entertain a motion to approve. Commissioner Price said, so moved. Commissioner DeLoach said, second. Commissioner Jackel said, I just —. Chairman Hair asked, have you got a question, Commissioner Jackel?

Commissioner Jackel said, I've been hearing from some of the homebuilders and I want to make sure our fees in here are proper. Commissioner Murray said, they are proper. As a matter of fact, we are still below any municipality in Chatham County with our fees to the contractors.

County Manager Abolt said, if I may, Mr. Chairman. This is a confirmation of action you've already taken. We do as a follow-up every time you adopt a budget and in that budget there are fee increases that's already been approved, we codify it in the Revenue Ordinance. That's all this is. Chairman Hair said, that's all this does.

Commissioner Murray asked, what's the fee at Tybee? County Manager Abolt said, I don't know, sir. Commissioner Murray said, Tybee was the highest one and they probably have more construction going on there than the rest of the areas per capita.

Chairman Hair said, we have a motion and a second. The Clerk asked, did we have a second? Commissioner DeLoach said, second. Commissioner Jackel asked, does that mean if we raise ours we'll have more construction? Commissioner Murray said, I hope so. I don't know. Chairman Hair said, yes, we do now. We have a motion and a second to approve. All those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Rivers was not present.] Chairman Hair said, the motion passes.

ACTION OF THE BOARD:

Commissioner Price moved to approve an amendment to the Revenue Ordinance for 2000 for Chatham County to increase the construction valuation rate from \$39 to \$45.00 per square foot and to increase the building permit fee from \$2 to \$3.50 per thousand dollars of construction value. Commissioner DeLoach seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers 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. **ROAD REPORT.**

ACTION OF THE BOARD:

Report received as information.

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- 4. **INFORM BOARD OF TRADE CENTER VEHICLE PURCHASE AGREEMENT.**

ACTION OF THE BOARD:

Report received as information.

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EXECUTIVE SESSION

Chairman Hair said, we now will entertain a motion to go into Executive Session for what purpose? County Manager Abolt said, recess to Executive Session for personnel, litigation and land acquisition.

Upon motion made by Commissioner Thomas, seconded by Commissioner Odell and unanimously approved, the Board recessed at 11:15 a.m., to go into Executive Session for the purpose of discussing personnel, litigation and land acquisition. [NOTE: Commissioner Rivers was not present.]

Following adjournment of the Executive Session, the meeting of the Board of Commissioners was reconvened at 11:40 a.m.

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ITEMS FROM EXECUTIVE SESSION

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

ACTION OF THE BOARD:

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

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APPOINTMENTS

- 1. **CHATHAM COUNTY BOARD OF HEALTH**

ACTION OF THE BOARD:

Commissioner DeLoach moved to appoint Catharine Powell, RN, MSPH, Ed.D., to the Chatham County Board of Health to fill the vacancy created by the death of Ms. Anne Adami, which term will expire on December 31, 2003. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present.]

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ADJOURNMENT

There being no further business to be brought before the Board, Chairman Hair declared the meeting adjourned at 11:42 a.m.

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APPROVED: THIS _____ DAY OF _____, 2000

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

SYBIL E. TILLMAN, COUNTY CLERK