

MINUTES OF THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF CHATHAM COUNTY, GEORGIA, HELD ON FRIDAY, DECEMBER 15, 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, December 15, 2000.

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II. INVOCATION

Commissioner Rivers gave the invocation.

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III. PLEDGE OF ALLEGIANCE

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

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IV. ROLL CALL

The Clerk called the roll.

PRESENT:	Dr. Billy B. Hair, Chairman Dr. Priscilla D. Thomas, Vice Chairman, District Eight 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:	R. E. Abolt, County Manager R. Jonathan Hart, County Attorney Sybil E. Tillman, County Clerk
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YOUTH COMMISSIONERS

Chairman Hairsaid, our Youth Commissioners are all having finals today, and that's why we don't have them present today. There --, there's a very good reason for them not being here, and I just wanted to make sure the public knew why they weren't here today.

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V. PROCLAMATIONS AND SPECIAL PRESENTATIONS

1. OUTGOING COMMISSIONERS' RECOGNITION.

Chairman Hair said, the first thing on our agenda this morning is to recognize three of our Commissioners who are attending their last official meeting as Commissioners, and we would like to recognize their service. I'm going to ask them --, I think I'll do this individually. I think we'll go in seniority. Commissioner Price since you're the oldest --, maybe not --, oldest in service.

Chairman Hair asked, Ben [Price], how long have you been on the Commission? What, 12 years? Commissioner Price said, yes. Chairman Hair said, 12 years. It's with a great honor this morning that I present to you this plaque, and I'll just read a portion of it. It says, "Ben Price, Commissioner, District Six, Board of Commissioners of Chatham County, from 1989 to 2000, in recognition of your leadership during an era of projects and achievements unparalleled in the history of Georgia's oldest county government." Congratulations.

Commissioner Price said, thank you, Billy [Hair], I appreciate it. You know I've never been one lacking in words. Give me just a minute to say something to you. This is bittersweet. I'm going to miss the Chatham County family that I have here. I will still feel like I'm part of this family as I know other Commissioners who have left the service here still do. I understand one thing and that is that we have the greatest challenge ahead of us, and I say we because I still feel like a part of this organization and will continue to. I know that there is great leadership on this Board, I know that there is a lot of potential, especially with the new members that are coming on board. I have a great deal of faith in David Gellatly. I know he'll do a great job, and I'll say the two things that I think that I'd like to leave you with and express what I consider to be most important at this point is I am currently serving as a facilitator in the Leadership Savannah Graduate Program, helping the current Leadership Savannah class, and less than a month ago we had a meeting and about 80 or 90 of the new Leadership Savannah attendees were asked what's the number one thing they'd like to be able to see changed if they were able to have some input into it, and 80 to 85% responded in the same --, the same thing, and that was to improve public education, to improve perception of public education. I see these younger --, not necessarily all were younger, but some of them were, but I --, these younger future leaders of Savannah, who recognize how significant it is that we do that, and all I would say to you is in that regard, do all you can to help in that direction. Do all you can to help continue to cooperate with the Board of Education. If there is any way that the Commission and the County can continue to combine its forces, please do that. The last thing I'll say, and this will be the last time you'll hear from me on this issue, and I'll bet you can guess what it is. Commissioner Murray said, no doubt. Commissioner Price said, use it. That's a great tool. I'm talking about the GIS system. That is a platform. It's to be built upon. There are all kinds of things that it can be used for, not just engineering, not just for tax mapping. You take that tool and the investment that we've got in it, over \$3 million, and move forward with it. It can help do a lot of things for this County. I appreciate every one of you and I'm going to miss you, each of you dearly, and thank you for serving with me.

Chairman Hair said, Commissioner DeLoach, come forward please. While Commissioner DeLoach is coming down, the plaques, one thing it does, it lists all the projects in the districts that these Commissioners represented during their years of service. "Eddie W. DeLoach, District Seven, Board of Commissioners for Chatham County, from 1993 to 2000, in recognition of your leadership during an era of projects and achievements unparalleled in the history of Georgia's oldest county government." Thank you.

Commissioner DeLoach said, I did want to take a moment to tell each one of the Commissioners how much I appreciate the opportunity of serving with you. It's been a great learning experience. There's some other folks that I want to recognize that usually don't get the recognition, and that's the employees from Chatham County. I have been fortunate in Chatham County, not only in the elected groups of judges, the Sheriff, also in the County Police Department, we've been really fortunate --, I think I described it one day --, and we're going to get this mike fixed some time or another, aren't we? Anyway, I'll just sit that down on the side. I just wanted to recognize the County employees. It sort of like getting a newspaper every morning. Most people don't think about the fact that you get the newspaper every morning, and you don't appreciate what goes into the fact that you do get that every morning without delay. Somebody's there taking care of the business of delivering the newspaper. Well, that's the same situation that happens in the County government. Day in and day out people come and do a job that don't get recognized and make it more efficient for our citizens and more comfortable for our citizens, and I just want to recognize them as we depart and tell you that I appreciate working with you. I've never had anyone that I didn't call to do something that it wasn't done in short order. I think we have the best Manager that anyone could have, and we have the best Assistant Manager that anyone can have. Thank y'all for the opportunity. It's been a life dream of mine to serve the people of Chatham County. I had a great time. It's been a wonderful experience. Life goes on, and I'll go on, and I appreciate everything that --, I just appreciate all the friendships that I've developed over the years. Thank you.

Chairman Hair said, Commissioner Saussy. "David L. Saussy, District One, Board of Commissioners of Chatham County, from 1993 to 2000, in recognition of your leadership during an era of projects and achievements unparalleled in the history of Georgia's oldest county government."

Commissioner Saussy said, I've got about a six-page speech here. Unlike the others, I've got to read mine so I won't forget what I had to say. No, seriously this is sort of a moment I wish hadn't come, but it did, and the past eight years on this

Commission have really been most gratifying for me. The experience has enlightened my respect both for this office and for those who support its efforts, the men and women of this County team. In reflecting upon the past eight years, we can all be proud of the things that we have accomplished, not only for this time period, but for many decades to come. The roads and highways, the recreation facilities, the Trade Center, and those things on Hutchinson Island, the community centers, all of these have and will continue to expand the quality of life in this already wonderful period. We have been truly blessed by God, and it is with sadness that I leave this office, but it is with the hope that things can be even better than we have brought. I thank you, all of you for this opportunity to have served you, but most important to serve with you, both the men and women on the Commission and, of course, all of the employees. We have great employees. Nobody could want better. Thanks a lot.

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2. PROCLAMATION FOR FRANCES CARGILL ON HER RETIREMENT.

Chairman Hair said, the next thing on our agenda is we have a proclamation for Frances Cargill on her retirement. Chairman Hair recognized County Manager Abolt.

WHEREAS, we are fortunate to have employees who provide dedicated service to Chatham County and its citizens, and in that regard, we salute with pride, Frances M. Cargill; and

WHEREAS, Frances began her employment with Chatham County on April 1, 1975 as a Payroll Clerk and was promoted several times during her tenure; and

WHEREAS, she will be retiring from the Chatham County Finance Department as Investment Officer; and

WHEREAS, Chatham County has greatly benefitted by having high caliber employees such as Frances, who will truly be missed.

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

FRANCES M. CARGILL

for over than twenty-five years of dedicated service to Chatham County and extend best wishes to her for a long, happy, healthy, retirement.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of Chatham County, Georgia to be affixed this the 15th day of December, 2000.

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

ATTEST:

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

County Manager Abolt said, Mr. Chairman, Dr. Thomas, gentlemen, a few moments ago each Commissioner testified to the quality of our work force. It's not by coincidence that some of that quality you see today, the quality we're going to miss within the Finance Department. The Finance Director is in training class right now, possibly to pick up the duties of Frances [Cargill] will be leaving behind after today, but I would like to turn it over to Clara Rouse, and at the same time I do want to present to Frances a memento --, really a token of what really should be something I know she'll remember in the years to come, a very handsome lamp with the seal of Chatham County embossed on the base. Please, before Frances speaks, Clara [Rouse], would you --.

Ms. Clara Rouse said, this is my first time doing this; however, I count it an honor to be a part of this retirement celebration. Frances [Cargill] has been an excellent employee, and she's just a tremendous person, and anybody that gets to know Frances can't help but love Frances. We at the Finance Department --, we're going to miss her service, but we're most importantly going to miss her. We wish her the best on her retirement years, and we know she's going to do as good in the retirement as she did at Chatham County.

Ms. Frances Cargill said, I just want to say that I enjoyed working for Chatham County for 25 years, and I've worked with Clara [Rouse] for 25 years, and I feel like since I've been here the County has grown and grown, but at the same time all of my friends have grown, and I love everybody I've worked with, and I leave with mixed emotions. I love my job, I love my people, but I'm looking forward to my retirement. Thank you.

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3. PRESENTATION BY MAJOR STEVEN BERGER, OPERATIONS OFFICER, 2ND MARINE EXPEDITIONARY FORCE, REGARDING TRAINING IN AN URBAN ENVIRONMENT EXERCISE (TRUEX).

Chairman Hair said, next we're going to have a presentation by Major Steven Berger, who is the Operations Officer for the 2nd Marine Expeditionary Force, and he's going to tell us a little bit about an upcoming operation here in Chatham County. Major Berger, we're glad to have you with us this morning.

Major Berger said, good morning, Mr. Hair, Commissioners. My name is Major Steve Berger. I'm the Operations Officer for the Marine Corps Special Operations Training Group from Camp LeJeune, North Carolina. I have to admit being in a special operations community it's a little unnerving having folks to my back, but I'm sure I'll be able to handle it. As many of you are aware the 24th Marine Expeditionary Unit, commonly referred to as the MEU, will be deploying to Chatham County from the 9th through the 21st of January to conduct what we call a training in an urban environment exercise and it's referred to as TRUEX by most of us. I know you're aware of that, but I'm not sure how familiar some of you are with exactly what a MEU is, so I'd just kind of like to paint a real quick picture for you. When you hear the newscaster talk about a Marine presence off the coast of the shore ready to go in and evacuate U. S. citizens from a hostile country or in fact already evacuating personnel –, U. S. citizens, that's the MEU. When you hear about Marines going ashore in Turkey to assist earthquake victims or going ashore in Bangladesh to assist flood victims, that's the MEU. Air Force Captain Scott O'Grady several years ago, as he was recovered from Bosnia when he was shot down, that in fact was the MEU. In fact, that was the 24th MEU, the same unit that will be coming down here to Chatham County in January. The things I've mentioned are just a very small part of the capabilities that a Marine Expeditionary Unit have to have prior to its deployment to operating areas overseas. In order to get ready for those many different capabilities they have to possess, we go through a six-month work-up with the unit that includes three major exercises, TRUEX being one of those exercises. During the TRUEX it gives the MEU the capability of not only coming down and evaluating the skills that they've been learning at home station, the ability to work in an urban environment, but also to improve upon those skills. That's a very valuable tool for them. Without the ability to come down to an environment where there really are cars driving by, buildings, people walking back and forth, the MEU doesn't have the capability to truly determine are they ready to go into an urban environment on a foreign shore, so that the value that is added –, that is provided by this exercise by Chatham County opening its doors to allow us to do this exercise is not only very much appreciated, but it is critical to the success of the MEU once it's foreign deployed. With many of the things that the Marines do, the TRUEX is in fact –, there is some inherent danger in anything we do in the Marine Corps; however, I want to assure you that the safety not only of our Marines, but the citizens of Chatham County and their property is the paramount concern of the Marine Corps we've deployed down here. They're going to mitigate some of the risks that are involved in this. We have, as late as nine months ago, we have started making contact not only with state –, city, county, state and federal law enforcement and emergency services, but also the Federal Aviation Administration to determine exactly what are the perimeters which we can conduct this exercise within. It's a very controlled exercise and when we conduct the exercise, when we actually do one of the events of which there will be four of, the event will be tightly controlled by your local law enforcement from Chatham County with inner and outer perimeters to ensure that no civilians are injured. Additionally, I want to reaffirm our commitment from the 24th MEU and the Special Operations Training Group to support some of the community events that you've asked us to participate in. For example, the Martin Luther King Day Parade, we'll be providing an aviation fly-over for that, as well as a Color Guard, we'll be having certain –, we'll be helping out with certain community outreach programs throughout the County, and just some general public speaking at some of the schools and other locations. I know that you have a very busy schedule and on behalf of Colonel Vick Riley [phonetic], Commanding Officer of Special Operations Training Group, my boss, and Colonel Rich Mills, Commanding Officer of the 24th Marine Expeditionary Unit, I want to thank you in advance for opening up your doors for us to come down here and conduct this very valuable and what I know will be a very successful operation in Chatham County.

Chairman Hair said, thank you, Major. We want you to know if there's anything we can do to assist you, we will be more than ready to do that. Major Berger said, thank you very much. Chairman Hair said, thank you.

Commissioner Jackel said, Major, I think you already know that we have a former Marine sitting over here, our County Manager and –. Commissioner Murray said, from what he says he's one. Commissioner Jackel said, well, that's true too. Commissioner Saussy said, not former. Commissioner Jackel said, oh, another Marine. Commissioner Saussy said, we've got one right here too. Commissioner Jackel said, that's a fact, and I'm former Infantry, but we really support what you do and we appreciate you coming here. We –, I'm speaking for myself, but I feel like I know these gentlemen and ladies up here, and we're all strong supporters of the military and we want y'all to have the best, be the best prepared because we count on you and we appreciate what you do.

Major Berger said, thank you very much. Also, Dr. Hair, if I could, impress upon you to accept a token from the Special Operations Training Group, and each of the Commissioners will also receive, as well as a short information booklet that kind of talks to what we at the Special Operations Training Group do. On behalf of Colonel Vick Riley, Operations Commanding Officer, Special Operations Training Group, I'd like to present a token of appreciation, presented to Dr. Billy B. Hair, Chairman, in support of our 24th Marine Expeditionary Unit's training in an urban environment exercise from 8 through 21 January 2001, Savannah, Georgia. Please accept the sincerest appreciation of the United States Marine Corps, Semper Fidelis, V. J. Riley, Colonel, United States Marine Corps.

Chairman Hair said, thank you very much, Major, I appreciate that. Thank you. This will look really good next to my green Army certificates.

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VI. CHAIRMAN'S ITEMS

1. REQUEST FROM HAROLD YELLIN REGARDING WEATHERWOOD.

Chairman Hair said, the first thing under the Commissioners' items is one I have. We have a request from Harold Yellin and it's about the Weatherwood project. Chairman Hair recognized Mr. Yellin.

Mr. Yellin said, thank you, Chairman Hair, members of the Commission. For the record, my name is Harold Yellin. I'm here today on behalf of petitioner Sheftall Development Corporation. With me today is Benny Eichholz, who is a principal of Sheftall Development Corporation, also Mr. Chuck Satchwell, who's flown in today from Cincinnati, Ohio, who is a Project Manager with SCS Engineering. We are here today and we've asked to come before you today because back in May of this year we submitted building plans to the Chatham County Inspections Department for a lot to be located at Sheftall Bluff, formerly known as Weatherwood. In addition to the building plans, a letter was submitted from SCS Engineering, which contained findings and recommendations. The Chatham County Inspections Department correctly decided that this matter must be brought to you first, and that is in compliance with Georgia law, which I'll read very quickly. Code section 8-6-4 says: No person shall construct any building on any real property on which a landfill on the public records has been located without first obtaining a permit for such construction from the local governing authority. In requesting your permission today, there are three points we would like to ask you to please consider.

Point number one: Back in 1992 several homes were removed because of high methane gas readings. Virtually every home that was removed was slab-on-grade construction and in that slab-on-grade construction we are very much aware, and Mr. Satchwell can tell you more about it, methane gas had no place to go but to seep through the structure itself. Houses that were not removed were either not on the landfill itself or they were above-grade construction. There's no problem because methane gas naturally dissipates when it hits the air. I want to be careful in saying today that no one is saying that there wasn't a problem in 1992. There was. There was a very serious problem in 1992. What we are saying though that the problem was a combination of the presence of the landfill, number one, and number two is improper construction for this site.

Point number two we'd like to ask you to consider today, it is a scientific fact, there's no dispute, that methane gas is a natural byproduct of the decomposition of organic materials. That's a fact. But it's also a fact that methane gas generation decreases over time. There is a peak and after that peak the generation of gas continues and continues and continues to decrease. The peak was likely in 1992. Mr. Satchwell will address that. Please keep in mind that we are eight years later. We're on the decline.

Lastly, the third point we'd like to ask you to consider is that there are now opportunities perhaps that did not exist eight years ago to return this property to a productive use. I don't just mean a tax base, which would probably be about 20 homes at \$150,000. Not just a three million dollar tax base, but we can return the property to productive use as a residential viable neighborhood. It will not be easy, it will take time, and it will be very expensive. We also know that this community does not want to be the first to approve a gas control system such as the one that we will be proposing, but I assure you that you will not be the first. I have asked Mr. Satchwell to give you some idea of residential projects around the country. The list is exhaustive, but if I can mention just a few. The Sun Point Place Apartments in Largo, Florida, a methane gas control system and a monitoring plan was developed for a large apartment complex in Largo, Florida. There's a Courtyard by Marriott in Philadelphia, Pennsylvania. There is in Yorba Linda, California, a mitigation system not for 20 homes, but for 284 single family residences in Yorba Linda, California.

Mr. Yellin said, just to be clear, I'd like for everyone to understand what it is we're asking for. We're looking for permission to build on these lots subject to the submission of a building plan, a foundation plan and engineering plans all being submitted to the Chatham County Inspections Department. The Inspections Department has correctly said they can't even accept it until you tell them first whether we should proceed. By voting in favor of our request please understand we are not going to run out on Monday and start building houses. That just doesn't happen. What you are saying is that you can proceed to begin the testing, you can proceed to see if this is viable, you can proceed to see if this can be done. If it cannot be done, we will not do it. If it can be done, we would like to do it. We'd like to return this neighborhood to its present status, or it's former status as a neighborhood. Your approval would simply mean that our job is just beginning. We would respectfully request that this petition be granted. I would very much like at this time to ask Mr. Chuck Satchwell to make a few comments. Mr. Satchwell, as I mentioned, is a Project Manager. He is intimately familiar with Sheftall Bluff and Weatherwood, and perhaps questions can be answered by both myself and Mr. Satchwell after his presentation.

Chairman Hair said, I'm going to recognize --, before we get to Mr. Satchwell I'm going to recognize Commissioner Jackel for a question, but I think it will probably be better after this we hold all our questions until we've heard the whole thing and then we'll ask whatever questions we need to ask. Chairman Hair recognized Commissioner Jackel.

Commissioner Jackel said, those hotels and things you mentioned, are they on-grade or above-grade construction? Mr. Yellin said, most are above-grade. Mr. Satchwell will explain a lot of what he does is new construction. When you are aware that there's a landfill, you can through new construction accommodate that landfill. In 1992 you probably had no choice but to do what you did because you had an old subdivision over a landfill no one knew about. Very different circumstances. Commissioner Jackel said, well, I understand that. Mr. Yellin said, but he does both and his company has

been involved in over 2,000 projects, and –. Commissioner Jackel said, well, what I want to know from you though is, suppose you go ahead and you do the study and it says you can build there if you do X, Y and Z. Now I understand this won't be a one-time thing, but someone has to keep the system in place and make sure that the monitors are working and all that kind of stuff. Mr. Yellin said, yes sir. Commissioner Jackel said, all right, who's responsibility does that become a that point? Mr. Yellin said, Mr. Satchwell can explain the monitoring system. Everyone –. Commissioner Jackel said, I'm not asking about the monitoring system. Mr. Yellin said, there are –. Commissioner Jackel said, I'm saying does the County have to go out there and inspect it to make sure it's in place and pay for its running, or is it the homeowners by contract and covenant, that's the legal question I'm asking you. Mr. Yellin said, the likelihood would be it would be part of the neighborhood association would pay for –. Commissioner Jackel said, the likelihood. Mr. Yellin said, well, it would be. I mean, if the County says that's how they want it done, absolutely it's done, and it's what makes the most sense, Mr. Jackel. It's a self-monitoring system. Everybody pays their way. They come into this thing. We're looking at monitoring systems and alarms, and it's a complete package system on making it work. I purposely –, this was supposed to have been before you twice before. I asked that it be tabled two times because Mr. Satchwell needed to be here because there's some technical questions that I think you may have. His company's been involved in over 2,000 projects and I asked him this morning have you had any problems, you know, tell me because I want to hear it first, and he said our batting average is 2,000 for 2,000, and he said if this project doesn't work, I don't intend to be 2,000 for 2,001. If it can't work, I'm going to tell you that it can't work and it's not going to be done. Commissioner Jackel said, that's not –, that's not my question. My question is a very simple one. You put it in place, who's responsible next year, the year after, for making sure it works and who pays the cost of that? Mr. Yellin said, the cost will be the developer and/or the neighborhood itself, it will not be Chatham County.

Chairman Hair said, thank you. We'll hear from Mr. Satchwell now and then we'll address any questions the Commissioners might have.

Mr. Chuck Satchwell said, good morning. Chairman Hair and Commissioners said, good morning. My name's Chuck Satchwell, as Harold [Yellin] said. I'm with SCS Engineers out of Cincinnati, Ohio. I've been with SCS for almost 11 years and been involved in many, many landfill gas projects over those 11 years. One of them happens to be the Weatherwood Subdivision back in 1992 when it was decided to remove those homes from that area because of the landfill gas and the subsidence issues that were a problem there. I have been involved in many, many landfill projects where we have built developments, both residential type developments and commercial developments atop closed CND sites, closed municipal solid waste landfills where methane gas is a known factor and the design for that facility is in the process. When you know that you're dealing with landfill gas or methane gas on a particular site, the design for that facility that's going to be placed on that site has to accommodate the known fact that there's landfill gas there. That is easily done. We have done it all over the United States and Canada for many, many years. It's a factor of extracting that landfill gas from beneath that building, dealing with the landfill gas, putting a monitoring system in place to ensure that the gas is not concentrating at the levels where it could be explosive within the building itself, the surround property, put alarm systems in the buildings, put monitoring probes outside the building to make sure that in fact that building is safe for inhabitants and that there won't be any problems associated with the fact that there's landfill gas. The methane concentrations out at Sheftall Bluff development are relatively low except for a few areas where the landfill itself is known to be in relation to other facilities that we have designed and built and maintained on landfills. Landfill gas is composed of basically methane, CO₂ and oxygen. The methane concentration in landfill gas is normally in the 55% range. We're dealing with methane concentrations out at the Sheftall Bluff development in some areas approaching that 55%, but most areas it is much lower. It is in the 1 to 2 to 3, 4 or 5% range. With those concentrations it's much easier to deal with the landfill gas issues than it would be on a municipal solid waste landfill that has been closed. The difference between 1992 and today is we know there is methane gas out on this site. In 1992 it was discovered that there was gas on the site. The buildings that were built, the homes that were built in Weatherwood back in the 90's were built not really knowing that they were going to have a problem with landfill gas or methane gas somewhere down the road. We now know that there is gas out there. The technology is certainly available to build those structures out there to ensure the safety of the occupants of those homes. With extraction systems and venting systems and monitoring systems the construction of the home itself and construction of the foundation of that home and the way it is designed and built and maintained makes it perfectly safe to go back out to Weatherwood or Sheftall Bluff development and build new homes back on that same site. As Harold [Yellin] said earlier, what SCS's involvement will be in this project at this point in time will be assessing the risk for methane gas on each of these lot individually before anything is done so that we will ensure and be site specific on each of these lots to design a system that will ensure the safety of the occupants of that home. Each individual lot will be dealt with individually and specifically for the conditions that are found at that site. That will include monitoring the existing terrain and soils, subsurface investigations that will include the installation of test pits to make sure that what is beneath the ground is what we expect it to be. The monitoring will involve, you know, several locations on the lot as well as near the building to determine what the levels of gas are. That will dictate pretty much what the level of protection that will be necessary for that individual home.

Mr. Satchwell said, I believe, and it's my professional opinion that homes can be built back out into this –, back out in this subdivision and ensure the safety of the owners and the residents of this area such that there should be no problem with methane gas being an issue down the road. Thank you.

Chairman Hair said, okay. I'm going to recognize first Commissioner Murray and Commissioner Price and then I'd like to ask a question, and then Dr. Thomas.

Commissioner Murray said, first of all, I cannot believe that this is even coming back to the County Commission. I'm appalled at the fact that the people that are involved in it would even consider bringing it back to us. I went through that firsthand when it took place. It happened to be in the Fourth District at that time. The Manager called me one night right after I got back in town and picked me up and we went out and went through the homes, and I'm telling you, you might be able to build homes out there right now, but I will never support putting the people in this County in jeopardy of doing something like that again, and I just can't believe that you'd consider bringing it back. The other part of this thing is once we went through that stressful time with those citizens that owned that property out there, when they moved out and this Commission at the time, and there's several of us still serving that went through that, it was stressful for us too trying to decide what was the best thing to do and the best way to handle this and how to get out of it. We did, in my opinion, what we had to do and the best thing we could have done, and that was to purchase the property, and then we sold it back off. We had some professional –, so-called professional attorneys out of Atlanta to handle this for us. They failed to put one clause in there that you could never build on that property again that we all assumed was in there. The –, I understand that Mr. Eichholz owns the property now. If I'm not mistaken, we've even had problems with that property being maintained and kept up like it was supposed to be since you've owned it and taken it back over again, and I just will not sit here with this Commission, and I hope this Commission will not approve it, and if we deny it and you want to take it to court, let the judge take that responsibility because I'm certainly not going to do it. My responsibility is to say no, and I'll say no right now before there's a motion on the floor. Thank you.

Chairman Hair recognized Commissioner Price.

Commissioner Price said, Mr. Satchwell, you indicated that the people who built the homes on this site originally when it was called Weatherwood didn't know –, the contractor who built the homes for these individuals did not know that that was a landfill that they were building on, or that they –, maybe what you mean was that it would be producing methane and cause these problems. Mr. Satchwell said, the homes that were built on the –, in the original Weatherwood Subdivision were not built with the fact that landfill gas was going to be produced and become a problem somewhere down the road. They were mostly slab-on-grade and there were no protection systems, there no alarms, there were no monitors. So it was built back in '90, or back when the houses were built in the 90's they did not take into consideration the fact that there is methane gas out on this site. Commissioner Price said, well, the builder knew he was building on a landfill. Mr. Satchwell said, uh huh. Commissioner Price said, okay. I mean, that has been established as a fact, and in fact the builder knew to the extent that he pretty much hid that fact, and that's pretty much why he went the course that he went. I would ask Jon Hart, the County Attorney –, I understand what you're trying to do and test the viability of this idea, and I'm sure that if anything were to be built, it would have to be built with some type of ventilation, some type of –, not a slab, but off the ground, but I guess the legal question, Jon [Hart], I'm asking you is if we don't allow them to test the site, go in there and start this testing procedure, what is their recourse? What's the petitioner's recourse? County Attorney Hart said, well, Commissioner Price, as I –, when this came up one time before I advised the Commission at that time that I had offered Mr. Eichholz some legal advice prior to becoming the County Attorney and as a result of that when this issue first came up I felt that I would need to defer to outside counsel for that, and we went to outside counsel, Alston and Bird, to ask them what the legal rights of the County was with regard to that. Two things. One, there's nothing to prevent them from going forward and running whatever tests they want to run, okay. It's their property, they can test it, they can come up with a design plan of how to do it, but fundamentally, ultimately they're going to have to come back before this Commission, pursuant to the Georgia Construction Activities Prohibition on Abandoned Landfills Act, and request this Commission to give them permission to proceed, and the statute says no person shall construct any building or enclosed structure of any kind, type of any design on any real property on which a landfill on the public records, which this one is on the public records, has been located without first obtaining a permit for such construction from the local governing authority. This act was sort of enacted as a result of the situation here and the situation in Augusta and a couple of other places across the State, and although there's no case law construing the section, the plain language of that code section basically places the authority for the granting or the denying of permits to build on that type of land strictly within the discretion of the governing body. Commissioner Price asked, what if we don't grant that authority? County Attorney Hart said, they would have a very uphill fight to try to do something about that because then the statute basically says it's giving the governing authority of this County, a policymaking decision as to whether they want to permit construction on landfill areas. Commissioner Price asked, does it open any liability to the County if we grant that permit? County Attorney Hart said, well, the act requires enumerable amounts of disclosures if they go forward with it. Obviously anybody that's got a filing fee can always sue somebody for something. If there's full disclosure and if there is complete disclosure, it will be very difficult for somebody to come back on the County at that point and say, gee, the County let me do this when I knew what I was getting involved in, and I would assume that anybody that's going to try to develop lots in a subdivision and then sell them that's over a landfill is certainly going to want to comply with that act because it gives them, you know, a safety factor in and of themselves, but it is a policy decision for you guys. Commissioner Price asked, if we grant this permit to continue with the viability testing, does that give the petitioner, assuming that the test results come back in a fashion and which would be positive to the petitioner, does that give the petitioner down the road any firmer legal standing or footing if we would and should deny them to be able to proceed with it at a later date? County Attorney Hart said, well, if this Commission consented to –, if this Commission said go forth and test or go forth and do all this and we want to make that as a policy decision that we're going to let you, it gives a stronger argument at a later date to these folks that, well, you led me down the path and now you've turned around and said no at the end. Commissioner Price said, right. County Attorney Hart said, but if this Commission takes no action on this today, there's nothing to prevent them from going out, doing the test, coming up with a set of plans, doing the design factors and all of that, and then coming back to the Commission and saying here's our experts, here's our plans, and this is why it's safe, tell me whether to do it or not to do it. Now, on the other end of that, that costs money and I can certainly understand these people wanting to have some type of guidance there, but ultimately I feel that, you know, it's going to be what you folks

decide. Commissioner Price asked, what if this organization –, what if this was to be built into a neighborhood and there was some self-regulating or self –, from the homeowners association allowing, you know, the testing, the monitoring to go on on an on-going basis, and then later down the road for whatever reason people moved out of the neighborhood, that organization wasn't functioning in that capacity anymore, where does the County stand in that situation? Are we back in the picture again, having to go out and spend money, as Commissioner Jackel I think was alluding to? County Attorney Hart said, I do not know the answer to that today. Commissioner Jackel did raise an interesting and good point. If you will recall, we recently had a number of developers desire to put in a self-contained package water/sewer areas where sewers are not available, they call super septic tanks. Technically, they're fine, they work. The biggest problem though is maintenance, and the State in granting those permits now require that the person having the –, or desiring to put that type of system in now has to contract with some type of utility that will be around to maintain the facility, and that's the big problem that Mr. Jackel alludes to. I have not even remotely thought about that in regard to this context nor, in fairness to Mr. Yellin, I don't think he's had an opportunity to look at that.

Chairman Hair recognized County Manager Abolt.

County Manager Abolt said, thank you, Dr. Hair. Dr. Thomas and gentlemen, just by history of this, what Commissioner Price alluded to is in place in the former Weatherwood Subdivision. One of the legal guarantees and protections of the County, there had to be in place a legitimate homeowners association in perpetuity would have the responsibility to monitor the homes that are currently occupied, and the same law firm that issued the opinion that Attorney Hart just referred to guaranteed the County at that time that there would be no residual responsibility for taxpayers.

Commissioner Price said, let me finish –, let me finish the questions I have. I guess the biggest question I have is where has this worked elsewhere? Has it worked in the State of Georgia? You said there are some 2,000 of these that you've done. You know, tell me what are the governing organizations in those locations –, what's the relationship with the municipalities there and the monitoring of the gases? I'd like to hear a little bit about that. Mr. Satchwell said, as well as designing and installing these systems, we, at SCS Engineers across the country, we do a lot of the operation and maintenance of these systems, not so much in residential areas, but many, many, many commercial facilities that are built atop closed landfills. We have contracts for the operation, maintenance and monitoring –. Commissioner Price said, all right. Well, let's stop and focus on the residential. Mr. Satchwell said, okay. Commissioner Price said, give us some examples of other residential communities where you've successfully done that. Mr. Satchwell said, well, Harold [Yellin] has that list of 10 that he was reading earlier. Those are all residential units, they're all on top of closed landfills, they're all MSW landfills, municipal solid waste landfills, and they are working. They've been in operation for as many –, as much as some of them go all the way back to 1988, and they've been in operation ever since 1988 with no problems. Sometimes SCS does the monitoring, sometimes it's a –, it depends on the particular development. A lot of times it is a third party that does the actual monitoring and maintenance of those systems where it's not the owner, it's not the design engineer, but another entity that is responsible strictly for the monitoring and maintenance of those systems. Sometimes that might be SCS Engineers, sometimes it might be someone else that's doing that. It could be a homeowners association, it could be a maintenance organization that does this type of work. There are many companies that do landfill gas work across the country. Any one of those would be capable of doing the monitoring and maintenance of these systems. Commissioner Price asked, so out of 2,000 there's how many residential? Mr. Satchwell said, I found in the past five years just in SCS's database 10 that are very similar to what's happening here in Savannah. They are residential units, they're on top of old landfills. Commissioner Price asked, what is that, 2%? No, 1%. Mr. Satchwell said, this is in the past five years. Commissioner Price said, okay. Mr. Satchwell said, that's as far back as I've been. Commissioner Price said, so the biggest area you've had experience in is commercial, but very limited I would say in residential. Mr. Satchwell said, I'll have to agree, yes, because most of our experience is in commercial development. Commissioner Price said, okay. I'm done.

Chairman Hair said, okay. I have a question and then we're going to go in this order: Dr. Thomas, Commissioner DeLoach, Commissioner Jackel, Commissioner Saussy, Commissioner Odell. We'll take it in sequence. My question is a legal question, it's not for you, Mr. Satchwell. I'm sure –, I'm not an engineer obviously, but I'm sure that probably technically this is possible, but my question more to you, Mr. Yellin, is the future liability of Chatham County and the taxpayers. That's what I'm most concerned about. If this Commission were inclined to do this, would the developer be willing to post some kind of financial guarantee that if any problem in the future occurred that it would be the cost of the developers not the taxpayers? Mr. Yellin said, it seems to me there must be some instrument out there that can give you what you're looking for. I can't tell you right now that there is a surety or bond available for this exact specific situation, but conceptually what you're asking for seems to be very reasonable. Mr. Abolt is correct. Now, there's currently a homeowners association that kind of takes care of existing monitoring. What we're doing is expanding the circle. I don't know if there's going to be an economy of scale by having more homes sharing in the same cost or not, but it certainly is our intention that we're all kind of involved in this one little area called Sheftall Bluff taking care of everything. Your question is above and beyond that. We're certainly happy to explore it. I can't tell you off the top of my head that there is that instrument out there. I guess my concern is in a very strict technical sense every time Chatham County issues a building permit arguably there's liability, whether it be for Sheftall Bluff or any home anywhere in Chatham County, whether it be The Landings or anywhere else because you've approved something. It seems to me though that, based on what Mr. Hart has said, these disclosures are going to be in large bold print in the deed and everybody knows, everyone's aware, everyone knows what's going on. I think the liability of the County is truly minimal and I'd have to [inaudible] Mr. Hart on –. Chairman Hair said, the disclosures are not my concern. I mean, obviously the law is going to require the disclosures. Mr. Yelling said, right. Chairman Hair said, but in order for me to support something like this, I would have to be assured that not just

for the next year or two, but 20 years from now if there's a problem that the taxpayers are not going to have to do what they did in 90 -, was it '94? Mr. Yellin said, '92. Chairman Hair said, '92 where the taxpayers incurred a liability of four million dollars for this problem, and I think that's wrong, and I don't think we could do anything that would post that burden on the taxpayers, so the safety issue and the financial issue is something that would have to be addressed before I could support something like this. I'll recognize Dr. Thomas.

Commissioner Thomas said, thank you, Mr. Chairman. You have stated exactly what I wanted to ask about was the safety and the future liability of this Commission and the citizens, you know, of this County. Having been a part of that 1992 situation sort of left a bad taste in my mouth because it was not the nicest thing to go through. I know that during that time many of the homeowners, they were frustrated, and rightfully so, but personally I was very upset because I had one homeowner who was so upset because they were really ready to attack me, and I had to kind of like let them know you'd better back off because, you know, I'm going to take action because I'm not responsible for what happens out there. I said all of that to say this, is that I'm really concerned -, I'm really concerned about the safety and the liability, and I would have very mixed emotions at this time to say that I would, you know, support this in its fullest because of those issues that I -, those questions that I have in mind. Now I imagine that if the request is just for testing, you know, to see if there's a viability there where you can proceed with what you want to do, maybe I might be able to support that, but nothing beyond, nothing beyond that unless you can prove to me, you know, that we will not have that liability. It was such a great liability until you can understand the fear of trying to, you know, be involved in something like that again. Mr. Yellin said, we are very mindful of the sensitivity of this project. It's real easy not to be sensitive. We think in 1992 y'all did the right thing. I want to be very clear that we all think that in 1992 the right decision was made. We also want you to hopefully understand from our perspective is things do change over time. Some things do and some things don't. We know scientifically the methane gas is on the decline and every year and every minute from now on it will be less and less and less, so to say never doesn't make any sense. You know, I suppose at some point in time Weatherwood will be just like any neighborhood anywhere in the City of Savannah or Chatham County because it will be that much on the decline, and that's a fact. We also understand the protections you're looking for, and that's why this morning I asked Mr. Satchwell, I said, you know, do you stand behind your projects, and he said, you know, if it can't be done, we're not going to put our name on it because we know that this Commission is looking for SCS to put their stamp on there that says it can be done. Mr. Satchwell said this morning if it can't be done, my company and my name don't go on there. Having said that, there are perhaps other opportunities. We're returning about three million dollars to the tax base. Perhaps taxes raised from these properties can in fact be put into a pool to [inaudible] creatively on how to fund this money. I think there are ways to do it, I really do, but I guess what we're asking is that maybe it may involve thinking a little bit outside the box, is this viable, is this something we should be thinking about or should it be closed forever and a day, and what I'm hearing, and I was a little bit skeptical at first too, but I've been listening to the scientific facts. It sure sounds doable, it sure sounds like a reasonable idea. It certainly sounds like it's worth exploring, and that's obviously what we're looking for today is can we proceed. It's going to be expensive to proceed, and I think Mr. Hart mentioned it's kind of a chicken and a egg problem. Do we proceed and spend a lot of money testing to find out that you don't want us to proceed, or do we get the go ahead now and then proceed. That's really where we find ourselves and that's why we're here today, but we do understand your concerns. Commissioner Thomas said, okay, I just want to make sure that you understand that I'm not going to support anything that I have a big question about, particularly the liability and the safety because those were issues and concerns that were, you know, truly concerning the people of Chatham County, and I know that I was bombarded with a lot of lot of concerns as to why we were willing to buyout those homes, so I would have to have second thoughts before I say okay. All right?

Chairman Hair said, I recognize Commissioner DeLoach. Excuse me, Commissioner DeLoach. I'm sorry, Russ [Abolt] wanted to make a comment.

County Manager Abolt said, it's very important to understand that legislative intent is always very important prior to your making a decision, and the facts of the situation are this, that certainly the attorney then employed by the County Commission did not do certain things, but I must submit, having endured it as you all have, that I think it's very clear in the minds of us that were a part of that that the legislative intent of the County Commission then seated was to forever more have that land an open space.

Chairman Hair recognized Commissioner DeLoach.

Commissioner DeLoach said, I'm going to piggyback on what Frank [Murray] said earlier. I know it's short-lived as far as I'm concerned, but I'd at least leave a thought with the Commissioners that will be here that there is no way that that area should be opened based on what took place back in 1992. It was the intent of the Commissioners then, and my father sat on that Commission at that time, and there was no doubt in my mind from the discussions that I had listening to him talk about it, that in no way would that place ever be opened back up after they paid that four million dollars for that property. So I think it's important to make that note to start off with. The other thing is there is no need for us to even be looking at this. This gentleman can do what he wants to do without even talking to us. If he wants to spend the money, let him walk out there and spend the money and he can come back later and talk to whoever he wants to and see if there's a possibility of him doing this project. I would not recommend us to vote in favor of him moving forward. If he chooses to do that on his own, so be it, but I do think it's important that we be concerned about the safety of those folks that'll come -, because when governments do -, when governments do projects and vote on ordinances, it lasts forever and forever is a long time. We'll be gone, we might not be here, but that vote, that person that buys that property later, regardless if it's -, whatever the project's called at that time, that person won't know. That person might not have an idea or that person won't be aware of it, and all good intents up front, the road to hell is paved with good intentions, so we need to make sure that we don't put

our citizens in jeopardy to take care of a financial need of someone else, and that is the key to all of this. Let it ride. Don't even vote on it, don't even –, after we've finished discussion here, let it die. Just forget about it and let them go do what they want to do and then let them bring it up to you another time because I don't think we should put our citizens in jeopardy. Thank you.

Chairman Hair said, thank you, Commissioner DeLoach. Chairman Hair recognized Commissioner Jackel.

Commissioner Jackel said, it's clear that there's a lot of emotion involved in this thing in the past and I'm concerned about some of that rhetoric. Let's look at the history of this County, and I can't go back because I'm not a big colonial scholar, but I can tell you, you could not build Fort Pulaski. I can tell you it just could not be built unless you drive a bunch of pilings in the ground, and they drove thousands of pilings in the ground and they were able to build Fort Pulaski, and it's still standing there, but if they'd asked the Commission like us, well, it's muddy out there, you know anything you build will sink into, and we couldn't build Fort Pulaski. We couldn't build the Trade Center across the river, how do you build a Trade Center across –, or the hotel. You can't build over there, but modern engineering came in and they drove pilings in the ground and now we've got two wonderful buildings over there. I certainly couldn't build anything over there because I don't have the technical know-how, but we had the people that said if you go over here and you do A, B, C and D and E and whatever, you can build those buildings over there. You can't put a space station up that circles around. I can't. It's ridiculous to have that thing up there, but if you're willing to spend enough money and use technology, you can put a space station in space, so I'm convinced y'all can do this, but I don't want to just hear rhetoric from you and I think –, I'm afraid that's what I've heard, Harold [Yellin]. We're friends. All right, you say '92, where's the evidence that '92 was the peak year? Have y'all done any testing? Mr. Satchwell said, yes sir. Commissioner Jackel said, all right, and you've got the reports that show '92 as the peak year? Mr. Satchwell said, based on when the facility was closed, the disposal facility was closed –, '92 was around the peak year. Commissioner Jackel said, all right. And how's this thing coming down, where does it reach a safe point? Mr. Satchwell said, well, it really depends on what you consider safe. Commissioner Jackel said, well, I understand that. What's a reasonable point –, I mean there are, you know, there are other areas around here that have vegetation, and how long would you say that you can go there and reasonably build without any precautions? Mr. Satchwell said, on the landfill itself probably, it will be producing gas, that landfill will be producing gas for probably another 15 years. Commissioner Jackel asked, 15 years? Mr. Satchwell said, probably. Ever so slightly reduced year by year, month by month, the landfill gas generation is definitely on the decrease. It's on the back side of the generation curve. It will still generate as long as it has access to air and water and the things that make things decompose. It will still generate gas for a number of years, probably another 15 years before the gas that is generated from that site was basically inert and as it comes out of the ground it is so low in concentration that it mixes with the air instantly and there's no danger whatsoever. Commissioner DeLoach said, well, he could come back in 15 years. Commissioner Jackel said, all right, all right. So we're talking in 15 years then there wouldn't be a problem. All right, now, I know you haven't done the plans yet. What cost does it take to build some kind of system like that and what kind of –, what is the annualized cost to maintain it? Mr. Satchwell said, the system that –, well, we'll look at what was put in the houses that remained in Weatherwood that were retrofitted with systems. They were active extraction systems, which consists of the holes that were drilled in the concrete slabs for those that were slab-on-grade, piping network that went into the attic to a piping network attached to a blower that is actually a vacuum extraction system so that the gas that was beneath that slab was literally pulled out from beneath the slab and emitted to free air, there were vents on any –, installed on any of the homes that remained that were –, with crawlspace such that, there again, the more air you mix with landfill gas the less dangerous it becomes, and at some point in time, you know, it mixes to the concentration where there's no threat whatsoever. There were alarms placed in all those homes that remained out there, such that if landfill gas reached the concentration of where it could be harmful, the alarm would be set off and people know that, you know, they need to get out of the house. So those are the types –, same types of controls we're talking about for anything that would be developed on that site today. Commissioner Jackel said, well, but you wouldn't have to –. Mr. Satchwell said, need to have –. Commissioner Jackel said, you wouldn't have to bore through concrete or anything because you're doing all –. Mr. Satchwell said, right, because it's new construction. Commissioner Jackel said, yes, new construction. Mr. Satchwell said, you install that system before you build the house. Commissioner Jackel said, right. And what's some sort of ballpark figure for a house and what's the maintenance cost per year? Mr. Satchwell said, the maintenance cost is basically running a small blower or a fan, similar to what it would cost to run, you know, a bathroom exhaust fan. They're very small, low current, low volume. They run about, oh, anywhere from 250 to 500 c.f.m.'s, so it's a small fan basically. Commissioner Jackel asked, so you're talking about a dollar a month or something like that? Mr. Satchwell said, it's not a major cost by any means. Commissioner Jackel asked, and the system itself, what kind of cost is that per home? Mr. Satchwell said, I believe back in '92, when those systems were installed, they were installed for about \$12,000 to \$15,000 per home. Commissioner Jackel asked, but this would be less because it's new construction? Mr. Satchwell said, because it's built in from day one, right. Commissioner Jackel said, new construction. Mr. Satchwell said, right. Commissioner Jackel said, all right, so if you're saying 15 years down the road it would be fairly clear and this thing peaked in '92, so that's about 22 [sic] years, so the half life of these things is about 40 years? Mr. Satchwell said, 30 to 40 years. Commissioner Jackel asked, 30 to 40 years is what it is? Mr. Satchwell said, that's correct, uh huh. Commissioner Jackel said, okay. All right. Well, I think you've answered my questions, other than I'm still not sure, you know, if someone has a problem in their house or anything like that, if the covenants cover all the houses I don't know how you're going to commingle the two, the new construction and the old construction as far as an association taking care of that sort of thing, but that's something I'm sure that can be worked out, two sets of covenants probably or something like that, two sets of [inaudible] or something like that, and I feel confident, like you do, that someone's who is willing to place a surety on to make sure because I understand he says it can be done and he's a nice gentleman and I take him at his word, but I never go for just trust me. That just always bothers me a little bit, so we would –, you know, I'd be looking at your surety, so I'm convinced if they can build Fort Pulaski where it is –, of

course now they had the advantage of having a young lieutenant by the name of Lee who supervise that. I don't know if he's still available to y'all. Mr. Yellin said, or to the County Commission either. Commissioner Jackel said, yes, and they can build the Trade Center and they can build the Westin Hotel and we can build in all kind of places around here that you cannot build unless you take proper engineering precautions. If the right engineering precautions are taken, then it can be done. Mr. Satchwell said, well, let me assure you that one of SCS'S major components of our business is dealing with landfill gas issues. This is something that we do day in and day out in environments that are much more dangerous than what we're faced with out there at Sheftall Bluff. The landfill gas concentrations out there are relatively low considering most situations that we're dealing with landfill gas. The concentrations out there are in the, you know, less than 10% range. We're normally used to dealing with landfill gas concentrations in the 50+% area. Commissioner Jackel asked, now does that required, when he was talking about the fan –, when you were talking about the fan, was this a sealed electric fan so a non-spark type –. Mr. Satchwell said, explosion-proof fan. Commissioner Jackel said, explosion-proof. Mr. Satchwell said, which makes its' a little more accepted that a standard bathroom stand, but it fits the same basic principle. It's an in-line fan so that, you know, they're quiet, they're dependable, they're explosion-proof, there again, because we're handling something that could be an explosive gas, but, you know, they're safe, they're proven. The technology is most certainly there. We do it on a daily basis and, you know, systems that we have installed, systems that we maintain, systems that we don't maintain, we've not had problems with because it's a proven technology. As long as everything is up front and everyone knows that there's landfill gas there and the design is such that that is taken into account, it is perfectly safe. Even back in '92 SCS was involved in the decision that Chatham County made back in '92 to remove those homes and we agreed that that was certainly the right thing to do at that point in time, but we didn't necessarily agree that that particular piece of property could never be developed again because we do it on a regular basis all across the United States in places just like Sheftall Bluff, you know, day in and day out, so the technology is there to do it. Commissioner Jackel said, thank you.

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

Commissioner Saussy said, this landfill that was built on, is it a garbage landfill or is it a construction–, what type of landfill was it? Mr. Satchwell said, it was mostly C and D, construction and demolition debris. There was some putrescible material, which is an organic material found when we originally did tests back in '92, so it was a mixture, but for the most part it was construction and demolition debris.

Commissioner Price said, there was a good –, trying to help answer the question, I know in fact there was a good bit of muck from Hayner's Creek Bridge that was originally being taken all the way out to Chevis Landfill out by Georgetown and the County Police stopped it because it was muddying up the road and causing auto accidents, and then they found that it was in the near vicinity of Hayner's Creek, which is out Whitfield, out near Crossroads, that they could go to Ferguson Avenue, so it was the Georgia DOT, along with the County at the time, and this is what brought us into the liability question back then and why we had to spend the money, actually dumped a good bit of that muck, that marsh. They were trying to build a foundation for that bridge, into this landfill. So I think that's what really caused most of the methane problems here.

Commissioner Saussy said, well, my concern, of course, is the methane, but tell me what happens in a landfill over a period of time that has mainly, as you say, construction material, old trees and things like that. It leaves –, wouldn't it leave a lot of voids? Mr. Satchwell said, one of the issues that need to be dealt with out there are the subsidence issues. Yes, it does leave a lot of voids. As the material in there that is organic decomposes, it tends to settle. You get differential settlement. As a matter of fact, one of the homes out there that was out there in '92 experienced that differential settlement and the slab broke up over an area that settled in one spot and didn't settle in the other spot. If you end up with voids there, there are certainly construction techniques available to counteract that type of settlement. Commissioner Saussy asked, such as? Mr. Satchwell said, such as caissons, floating slabs. There are many ways to deal with that, [inaudible] beams on piles that are driven through the landfill. One of the things that we need to be very careful about here is that each particular house design is suited to the site that it's going to be placed on. The landfill is anywhere from about, oh, five feet deep in some places to over 60 feet deep in other places. Those areas where the landfill is 60 feet deep need to have different considerations than the areas where there is either no landfill or it's very shallow. In the areas where the landfill is shallow, the waste can literally be taken out and replaced with clean fill. Where the areas that are 60 feet deep, that's not –, probably not economically feasible, but there are certainly other techniques to use to ensure the stability of that home once it's built. The key here is knowing what's there, designing the house to fit the particular situation such that you know it's going to stay and it's going to be safe. Commissioner Saussy asked, how do you know what's there? Mr. Satchwell said, we'll do test pits, we'll do drillings, we'll do whatever is necessary to determine what's there. A lot of that's already been done. Commissioner Saussy asked, well, if you do a test pit here and the other one 25 feet away, what about in between? Mr. Satchwell said, you can pretty well tell what's there. We've got a pretty good idea –. Commissioner Saussy said, but there's no guarantees though, is it? Mr. Satchwell asked, please? Commissioner Saussy said, there is no guarantee. Mr. Satchwell said, no, there's never a guarantee. Commissioner Saussy said, right. Mr. Satchwell said, but on the lot that Mr. Eichholz is planning to build on right now, the one that he's proposing right now, he's already dug six test pits out there. Basically, the four corners and two inside the foundation where the house itself will be built, that's where we're concerned is about where the house will be built itself, those tests did show that there was a little bit of concrete rubble in there, but for the most part there was no organic waste. Commissioner Saussy said, well, if a person were to buy that house that is to be built, is he going to be guaranteed that there's not going to be any problems? Mr. Satchwell said, I can't answer that one. Commissioner DeLoach said, the guarantee is as good as the builder. Mr. Satchwell said, well, that's right, and I guess that would be up to –. Commissioner Saussy asked, so the buyer beware, right? Mr. Satchwell said, well, I think

everybody's aware of what's out there, and I'm sure that --. Commissioner DeLoach said, I guarantee you someone will come along there and get hooked. Mr. Satchwell said, those will have to be --, that's a legal issue. I can't answer that. I don't really know what's going to be involved there. I'm sure there will have to be some sort of covenants made that any structure that's built out there, and that will be the normal case, things that we've dealt with in the past over landfills. There's always a deed restriction or a deed notation associated with that piece of property that it is a past landfill so that the buyer of that particular piece of ground is well aware of what he's buying. Commissioner Saussy said, well, most buyers I would think are not aware of exactly what a landfill is comprised of, which they wouldn't be in this sense and neither would y'all unless you dig the whole thing up and move it, and I just can't see myself voting for this. It's in my district, and I certainly wouldn't vote to do it.

Chairman Hair recognized Commissioner Odell.

Commissioner Odell said, I've got just a couple of questions and those are that I understand David's [Saussy] position. My position is that what we're supporting is not the approval that houses be constructed. What we are supporting if we vote favorably today is that they have a right to do that which they have a right to do. Commissioner Saussy said, they have a right to it, right. Commissioner Odell said, they have a right to test the property anyway. Commissioner Murray said, they have a right to do that without us voting. Commissioner Odell said, absolutely and I don't have an emotional attachment that those who were here in '92, some of you do, as to Weatherwood, but I do conclude the following. One is that the 1992 Commission could not bind the 2010 Commission, and if our attorney tells us that we can act arbitrary and capricious, then that is in my opinion not what the law of Georgia allows us to do. It's --. Commissioner DeLoach asked, what's arbitrary and capricious? Commissioner Odell said, arbitrary and capricious means that it defies reason. The long and the short of it is we believe this group when they said in 1992 do what you have to do regarding Weatherwood. You voted for it and you made that decision, but we're eight years later and I don't want my fellow alumnus, and I admit it that I graduated from Tulane, I admit that Benjamin Eichholz graduated from Tulane, Benjamin Eichholz was not the person who was the developer when we had the problem in 1992, so, you know, I don't want him to be paired with that brush that he was the author of this misfortune. He's not. We can talk about what we need to do is we intended, we intended that this property would never be developed upon. If you intended that, you had these high powered lawyers from Atlanta that we paid an arm and a leg because no one in Savannah was smart enough to do it, and they didn't put it in the contract. You intend what the contract provides, and the contract allows the owner of that property to build. So whether we choose to believe it or not, and whether or not we want to wait because it doesn't pass the smell test, the sole thing that's been asked of this Commission, the only thing that you're being asked to do is to allow them to do what they have a lawful right to do. They're not the people who caused you to spend those four million dollars. That's number one. The obvious concern is public safety. That should be our primary concern, but we get --, we would get several bites at the apple. We'd get a bite at the apple as far as inspection. Any house --, as of this point, the only issue is can they go forward. Obviously, they can go forward. I tend to differ from our County Attorney. If think if they go forward using the same engineering that said stop it in '92 and they said you can do it in 2001, I think it puts us in a position where if we act in defiance of that, we're arbitrary and capricious, and --, but that's only a sole practitioner, blue collar lawyer's opinion. Commissioner Price said, that's a white collar, that's not --. Commissioner DeLoach said, it's white. Commissioner Odell said, I'm going to miss these guys. Not long, but I'm going to miss them. We believe that we have the right to set this property aside for perpetuity, which we do not. We do not have that right. We could feel better about we intended to do this in '92, it did not happen, we're going to avoid even investigating whether or not this piece of property can be made safe for homes to be built on. The County liability, we always will have some exposure, but I think that we have a greater exposure if we act arbitrary and capricious in denying an individual, a property owner, to do that which they have a lawful right to do.

Commissioner Saussy asked, but don't they already have that right without us saying it? Commissioner Odell said, absolutely. They do, David [Saussy], they do. Commissioner Saussy said, then let them do it.

Commissioner Odell asked, are there people living on part of Weatherwood property now? Mr. Satchwell said, yes. Commissioner Odell said, okay. And some of the houses are vented? Mr. Satchwell said, yes. Commissioner Odell said, okay. So what we're doing is --, this is not a --, there aren't some on the landfill, on the edge of the landfill? Is that true? Mr. Satchwell said, on the edge. Commissioner Saussy said, no. Mr. Satchwell said, outside the --, there are no houses remaining out there that were over the existing landfill. Commissioner Rivers said, they've assured us of that. Commissioner Odell said, okay, but the point is that the reason we're unable to build there is because of methane. Methane dissipates and has a half life of 30 to 35 years so consequently, the longer you go out, the reduce --, the risk is reduced, so whether we live on the edge, if we look at nine years ago, then where is the edge because the methane constantly reduces and dissipates when it hits the air. Mr. Satchwell said, one thing you'll find out there also is that there is naturally occurring methane. When we did the testing back in '92 and we repeated that testing in '97, we found that even off of the landfill there is some methane. It's pretty much indicative of areas where there's a lot of peat deposits and where there is a lot of high ground water, low elevations, coastal areas. Because there is organic material in the ground, it has the moisture that it needs to decompose and generates methane gas. There is methane gas probably in some levels of concentrations all over Savannah. Commissioner Odell said, absolutely. So the question is what is the level of risk and how to reduce that risk to ensure public safety. Mr. Satchwell said, right. Commissioner Odell said, it's not whether or not you deal with this methane, if you have fallen trees that have decayed, you have methane. Mr. Satchwell said, right. Commissioner Odell said, so the question, therefore, is how can you identify the risk and how can you reduce that risk to the homeowner? That's your question, and --. I yield to Joe [Rivers].

Chairman Hair said, I've got Commissioner DeLoach and then Commissioner Price and then Commissioner Rivers.

Commissioner DeLoach said, I just want to follow up and reiterate the fact that there's nothing we have to do up here today if we don't want to do anything. So what I would recommend is not doing anything and if the gentleman is interested and feels so good about the project, then he can go ahead and spend the money and in the long term if we can see what happens when he comes back before the next Commission that's here, but we do not have to vote on this today. There's no need whatsoever. Commissioner Jackel said, there's nothing to vote on yet. Commissioner DeLoach said, I know, but I'm saying we don't have to vote on it if there's –, if it comes up –, we don't have to bring it up, that's all.

Chairman Hair said, Commissioner Rivers and then I'm going –. Commissioner Price said, yes, go ahead with Commissioner Rivers.

Commissioner Rivers said, Mr. Satchwell, let me ask you a question. I want to make sure that I'm getting you right. One, and I think it was based back on '92, if my recall is correct, that during the time we discovered that they were moving that debris and everything from Hayner's Creek, we also stated that because of the area that that was in, that there was also a presence of methane. Mr. Satchwell said, that's correct. Commissioner Rivers asked, am I correct on that? Mr. Satchwell said, that is correct. Commissioner Rivers said, all right, now, in the landfill you guys built a trench around it and assured us that that was safe. Now, there was one other thing you said here early this morning. You went from 1% to 10% to 50%. Your last [inaudible] was 10% to 50% and you said that some parts of it was 2% and some parts was even up to that 50 –, almost to that 50%. Am I correct on that? Mr. Satchwell said, that's correct. Commissioner Rivers said, okay. So if I take your previous statement, the first statement, to your last statement, then I'm to assume that in certain parameters the gas level is –. Mr. Satchwell said, it's higher. Commissioner Rivers said, higher. Mr. Satchwell said, yes it is. Commissioner Rivers said, okay. Gas aside, getting back to one of Mr. Saussy's things, the reason that that slab cracked more than likely was from the settlement of that landfill. Based on everything that you told me in '92, and you know somebody goes back and says, well your intent, we have a lot of inference in law today. That's why we had the big rigamarole over the election that the Constitution, everybody had to come back and reinterpret certain laws, so inference is always there. Intent of me setting a law today may be interpreted different down the road. I know what my intent was in 1992, okay. My intent was, and whether it was entered in there or not, I'm here and the fact is that I didn't want to see anything else built on that landfill. I, I personally was the deciding vote on that, okay. I held it up. Four, four. Whether we buy it or whether we did not buy it, and for whatever reason, for the people's sake, we bought it with the intent of never going through that ordeal again. Okay? That was a decision that I made right on the whim of not going through –, my intent was not to go through that, and I'd have to be really, really assured that even voting here today that we don't have the liability of saying okay we gave you the okay to do this. You bring the proof back to me in the pudding and convince me that it's sound, hey, I might consider it, but I said I might consider it.

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

Commissioner Price said, one quick question and then I'm going to fashion a motion. I like the way that sounds. Jon [Hart], if we vote not to allow them to go ahead with the viability part, I mean, they could still do the viability testing themselves, so if we vote not to –, if we say no to them today, what does that mean? Do they have any recourse, can they still go out and do the viability testing and still –? County Attorney Hart said, there's two –, there's a number of questions that are there. Number one, if you do nothing, okay, they have the absolute right to go ahead and test, they have the absolute right to come up with a set of plans, and they have the absolute right to come back to you and say this is the deal here, this is why it's safe, this is why we feel it's the best thing that's ever happened, but ultimately under that landfill act, the governing authority has to make a policy decision as to whether they're going to permit construction over that landfill since it's a publicly recorded landfill. So at some point in time y'all are going to have to make that decision. You don't have to make it today. These people can go out and do that, but at the same time they're going to incur the expense of doing that. Commissioner Price said, you had some questions that we –, or we had some questions of you earlier that we were asking that you said you didn't know for sure. You had to go back and –, you might have to go back and look at and respond back to us. In light of that I'm going to –, I'm going to make a motion to table this until those questions are answered and specifically regarding what liability from a permitting standpoint exists for the County if we allow the viability testing and what type of bonding is available to bond or indemnify the County from future liabilities.

Commissioner Murray said, can you wait to make that motion until the rest of us speak that are on the list? Chairman Hair said, okay, we've already –. Commissioner Price said, I'm sorry, I thought he was done.

Chairman Hair said, we've already had a –, well, he's second turn. Commissioner Murray said, [inaudible]. Chairman Hair said, well, I think we could –, if the motion's going to be to table, I think we could discuss it forever, I mean, I think the –. You made the motion to table? Commissioner Price said, I made the motion, but I'll retract the motion for the time being. I'd like to give Frank [Murray] the opportunity to speak. Chairman Hair said, all right, and then I'll recognize you again. Commissioner Price said, I'll come back. Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, I just wanted to clear up something that Mr. Yellin said earlier. You said it was an old subdivision in 1992. It was not an old subdivision in 1992. Some of those homes were new homes that people had just moved in. Some of the front road homes may have been older, but it was not an old subdivision. Mr. Yellin said, right. Commissioner Murray said, now how do –, how can we sit here and believe that the things that are being said are going to be done are going to be done when the intent of that was for that area over the landfill to be used for recreation. It was supposed to be set up as a recreational facility and it was supposed to be maintained and that has not happened. As a matter of fact, the County, if I'm not mistaken, had to put a notice out one time to clean it up to the owner of the property,

which is the one that wants to develop it right now. Is that —, was that right? Mr. Abolt said, yes sir, more than once. Commissioner Murray said, I just wanted to make sure it was.

Mr. Yellin said, you raised a number of —, you raised an interesting point about legislative intent. I think Commissioner Rivers mentioned that we've just been through a four to three Florida Supreme Court vote and just been through a five to four Supreme Court vote. Everybody's talking about what was intended eight, nine years ago, and I'm not going to sit here and tell you I know exactly what was intended because I don't, but what I do know is having come to this thing and looked at it kind of fresh, the language that appears in that deed that says remove the homes and landscape it tells me that nobody wanted this thing to look like a ghost town. It made sense not to leave rubble, not to leave bits and pieces of a house, not to leave it looking like a fractured neighborhood. At least that's how it looks to me. I've also, as an attorney who does primarily real estate, I've done lots of declarations, I've prepared lots of deeds, and it's kind of elementary that if the intent is no homes, it's one sentence. That one sentence says there shall be no structures built on these lots. It would be very clear. I'd know what was intended, it would have been expressed. I probably wouldn't be standing here right now, but that language isn't just missing, it's conspicuously missing and that's why when I look at the document, and admittedly I have kind of a fresh approach. I was not here in '92 involved in this project, but I sit here looking at the documents, the way courts look at document in Florida and elsewhere, I look at it and say, where is it? All that I see of record is apparently a right to come back and build, but only if it can be done safely. Only if it can be done with no liability to you and to address the issues that you've raised. This really is the only reason we're here. We're trying to answer and address every one of your issues and I apologize for my misstatement —.

Commissioner Rivers said, I'd like to reply. Commissioner Murray said, well, let me —. Commissioner Odell said, Commissioner Murray has the floor. Commissioner Murray said, first of all, say to Commissioner Price's motion he's going to make to table, we have nothing to table. There has not been a motion made to do anything, and I really don't think we need to make a motion to do anything. Commissioner Saussy said, right. Commissioner Murray said, just let it go like it is. We've had discussion, the discussion's complete when we finish talking about it, and the developer can go out and do what he wants to other than build the homes at this point.

Chairman Hair said, to clarify the record, we do have —, he has made a formal request to proceed so that —. Commissioner Murray said, well, we don't have to —. Commissioner Saussy said, we don't have to act on it. Chairman Hair said, continue the request is what we'd be doing. Mr. Yellin said, my only concern is if this Commission takes no action, we're simply looking for somebody —. Commissioner DeLoach said, okay, well, let's just table it. Chairman Hair said, I recognize Commissioner Price.

Commissioner Price said, let's go —, I'll go back and I'll move to table for the same reasons I mentioned earlier, which —. Chairman Hair asked, do I have a second? Commissioner DeLoach said, second. Commissioner Rivers said, I asked for the right to respond, Mr. Chairman. Chairman Hair said, all those in favor —, a motion to table is not debatable. Commissioner Rivers said, plus a point of order, Mr. Chairman. Chairman Hair said, a motion to table is not debatable. Mr. Hart, is it debatable? Commissioner Rivers said, plus a point of order. Point of order, Mr. Chairman. Chairman Hair asked, what's your point of order. Commissioner Rivers said, point of order. The point of order is that this is a request. This is not a formal that has been put forth to us for action. It's a normal request. Chairman Hair asked, Mr. Hart, is the motion to table an appropriate motion? County Attorney Hart said, you can table this, yes sir. Chairman Hair said, okay. Point of order has been settled by the attorney. All those in favor to table vote yes, opposed vote no. Commissioner Murray asked, what are we tabling? Commissioner Rivers asked, what are we tabling. Chairman Hair said, tabling the request. Commissioner Price said, tabling —. County Attorney Hart said, tabling the request. Commissioner Price said, tabling the request until we get answers as to what liability from a permitting standpoint exists with the County if we allow this viability test. Chairman Hair said, he's got two —. Commissioner Price said, and what type of bonding is available to bond or indemnify the County for future liability. Commissioner DeLoach said, I've got a second to that motion and I want to amend that motion. Chairman Hair asked, do you want to try another motion? Commissioner DeLoach said, I want to amend that motion to say that we also —. Commissioner Odell said, I seconded it. Chairman Hair said, it's already been seconded. You can't amend the motion —. Commissioner DeLoach asked, did I second it or did he second it? Chairman Hair said, he seconded it. Commissioner Odell said, I did. The Clerk said, I heard Eddie [DeLoach]. Commissioner DeLoach said, she's got me, okay. Chairman Hair said, okay, what do you want? Commissioner DeLoach said, my amendment to that motion is that he also bring back the test that he runs on that property so that we will know exactly what is on that property at that time. Chairman Hair asked, do you accept that as —, since you made the motion? Commissioner Price said, yes, I'll accept that. Chairman Hair said, okay. Chairman Hair and Commissioners Rivers, Jackel, Odell, Price, DeLoach and Thomas voted in favor of the motion to table. Commissioners Saussy and Murray voted in opposition. The motion to table carried by a vote of seven to two. Chairman Hair said, thank you. Thank you very much. Thanks. Mr. Yellin said, thank y'all very much.

Chairman Hair said, the motion's already passed. Commissioner Jackel said, I thought there was a table motion up there. Commissioner Jackel said, it is. Commissioner Jackel said, okay. Chairman Hair said, it has been tabled. Commissioner Jackel said, okay, it's tabled. Chairman Hair said, it's been tabled. Commissioner Jackel said, what was that added to the motion? Chairman Hair said, just that we get the test back that's all, the test results come back to us. Commissioner DeLoach said, that we get the information back. Commissioner Jackel said, that's just a request then. Chairman Hair said, that's correct. That is correct. Commissioner DeLoach said, that's part of the table motion. Commissioner Price said, it is part of the tabling.

Commissioner Rivers said, let me, let me clarify that, Mr. Chairman. Now the motion was to table the request. Chairman Hair said, that's correct. Commissioner Rivers said, and that's it. Chairman Hair said, until two –, no, that's not it. Until two questions are answered plus the test results be brought back to us. Commissioner Rivers said, but it's tabled. Chairman Hair said, that's correct.

ACTION OF THE BOARD:

Commissioner Price made a motion that the request of the developer of Sheftall Bluff be tabled until the County Attorney has answered the following questions: (1) what liability from a permitting standpoint exists with the County if we allow this viability test, and (2) what type of bonding is available to bond or indemnity the County for future liability, and that the developer also bring back the test that is run on the property so the Commission will know exactly what is on that property at that time. Commissioner DeLoach seconded the motion. Chairman Hair and Commissioners Rivers, Jackel, Odell, Price, DeLoach and Thomas voted in favor of the motion to table. Commissioners Saussy and Murray voted in opposition. The motion to table carried by a vote of seven to two.

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VII. COMMISSIONERS' ITEMS

1. CYPRESS GAS (COMMISSIONER DELOACH).

Chairman Hair recognized Commissioner DeLoach.

Commissioner DeLoach said, I'm bringing this Cypress Gas up. Commissioner Price said, speaking of gas. Commissioner DeLoach said, speaking of gas –, bringing up Cypress Gas. We've got a problem out in West Chatham that a lot of folks –, we brought it up at the last meeting and we wanted to make sure we brought it up again. There's not been a lot of movement on that. I do think they're in the process now of trying to set up some meetings, but the way it is right now I'm not satisfied with the –, what's taking place, and I'm going to be rolling off the Commission and I just wanted to make sure that we had an opportunity as a County to participate in this, and I wanted to find out from Mr. Hart whether we could actually ask for a regional impact study to be done on this, on this matter before we actually allow them to proceed as far as Chatham County's concerned. County Attorney Hart said, we looked at that issue later this week and this type of plan, the gas line as opposed to a development, i.e., buildings, parking lots, and shopping centers, does not fit under the parameters of that regional impact area, and I don't think it would be reaching enough. We could write those people and ask them if they thought in their own opinion whether it was, but I, you know, looking at the plain intent of the language of that act, it does not look like it applies to that. Commissioner DeLoach said, so if it comes off of storage tanks and all that other stuff, I mean, I thought if it had to do with storage tanks and that type thing that it could be a part of –. County Attorney Hart said, you're talking about a gas. Commissioner DeLoach said, yes, I'm talking a gas line. We could tie it to the –, since it's coming right off this one over here right down the street, you couldn't tie that to the –? County Attorney Hart said, I was unable to get anybody at the Coastal –, the people out of Brunswick that handle that issue under regional impact, to give me a definitive answer on that. They felt that it needed to be done with the –, RCD, excuse –, thank you, in regard to that so it's my interpretation to that at this time is that it probably would not apply. There's also another issue here in that this is a gas line that falls under the federal agency that deals specifically with gas line issues, the Federal Energy Commission, and there would be an issue there as to whether that is some type of federal preemption of local legislation in regard to what you can limit a gas line to do. That came up late in this week and we have not had a chance to look at that, but we're trying to get in touch with the people at that commission in Washington to find out what that –, their position in regard to that. Commissioner DeLoach said, well, some how or another, I mean I got an ordinance –, I mean, a proclamation passed by the City of Bloomingdale concerned about what's taking place actually rejecting the fact that they don't want the gas line to come across their property. I start with that and I'm sure I can get a number of other people, and we have not had any participation in this whole process, and I've talked to Jack Kingston and they've got a meeting lined up on the 19th concerning that trying to –, and he's aware of it and he's concerned about it, but some how or another we've got to stop the train. I don't know how you stop the train, but, you know, we need to figure out a way to at least slow it up so that we have some participation there so that we don't stop our long term development out there with a gas line. They'll give you all kind of stories about how you can develop right on top of it and all that other stuff, but it's just like developing on top of that landfill. I'm not too keen on it. A lot of other people wouldn't be too thrilled about it. So some how or another, I don't know what you've got to do, something, we've got to do something to stop the train. I won't be here to deal with it, but somebody's got to stop the train so we can get somebody out there to make sure that our position is clear. Nobody's taken a lead on this thing and this thing is –, they're putting it just where they want to put it.

County Attorney Hart said, Commissioner DeLoach, if directed we'll be happy to look at whether the –, what the requirements are under the Federal Energy Commission for this type of line to see what kind of local input is in that. We just –, I just hadn't had –, got the opportunity to do that at this point, but we'll be glad to do that and give a report back to the Commission if they'd like to have that.

Chairman Hair said, thank you. Commissioner DeLoach said, well, y'all take care of them, okay. Chairman Hair said, all right. Thank you.

Mrs. Hilda Whitaker asked, may I say something? Chairman Hair asked about what? Mrs. Whitaker said, about the gas line. Chairman Hair said, quickly. Mrs. Whitaker said, thank you. My name is Hilda Whitaker for the record. The gas company people just approached us last week about —, it went to my husband at work, about gas lines coming near us. Perhaps I'm not the only one that they thought the property belonged to someone else. Under the development of regional impact study, if I can read you one sentence, it says in the guidelines the DRI review process which became effective October 1, 1991, involves the host local government, the reviewing regional development center and affected local governments, state and federal agencies and other potentially affected agencies and organizations. Is not the Federal Energy Commission a federal agency? Thank you.

Chairman Hair said, okay, thank you.

ACTION OF THE BOARD:

County Attorney Hart stated that he will look into this matter further and determine if we could ask for a regional impact study with regard to the gas line proposed by Cypress Gas.

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2. CITIZENS' STEERING COMMITTEE TO WORK WITH MPC (COMMISSIONER MURRAY).

Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, at the meeting —, I don't know if it was the last meeting we had or the meeting before that we had discussed rewriting some of our zoning ordinances and making some changes and some recommendations. Also at that time I recommended that we have a committee to work with MPC and the County staff as we go through this process. I think we all received the information the County Manager sent out that his staff and MPC were working on those changes now and then there would be a committee put together. The intent of that was to put a committee together to work directly with them while that is going through, while that process is taking place, and if in fact the Commission would approve it, I would like to move that we set up that Steering Committee today. I've got some names just for recommendations on it and some different areas that they would represent. I have not contacted but three out of the 14 people that are listed and those three would be willing to serve, and if y'all would give me just a minute I'd like to read those names if in fact you would support doing this, but I think it needs to be done right away so they can work with County staff and MPC staff to go through those changes and certainly have input. I have Ben Price, Eddie DeLoach and David Saussy, who would be going off of the Commission and have been involved in the zoning that we've been doing and the processes we've been going through. I've got Dr. Thomas as a Commissioner still serving and I think we need one more Commissioner on that and if any of y'all would volunteer to serve on it, I think it would be great. Neil McDonald, Hilda Whitaker, Jane Feiler, Timothy Mackey with the MPC Board. I've got Harold Yellin and Phillip McCorkle, who are two attorneys that represent most of the zoning changes and recommendations that come through this community, Kaycee Ratterree with the Tree Foundation, Marianne Heimes with the Islands Citizens for Logical Growth, and a representative that the Homebuilders would put up for that same committee. What? Commissioner Saussy said, Sid Nutting. Commissioner Murray said, and Sid Nutting is also on there and I would recommend that Sid Nutting chair that committee. Commissioner DeLoach said, I second that. Commissioner Saussy asked, do you need a motion? Commissioner Murray said, we would need a motion. Commissioner Saussy said, well, I make that motion. Commissioner DeLoach said, so moved. Second.

Chairman Hair said, motion and a second. Any discussion on the motion? Commissioner Odell said, discussion. Chairman Hair said, all right. Chairman Hair recognized Commissioner Odell.

Commissioner Odell said, the individuals like Marianne Heimes, is that akin to a neighborhood association and should we not all have a representative —? Commissioner Murray said, well, if you want to add some other people on there that's fine. This is just a recommendation of some names that I thought about that came up that have been involved in what we've been doing throughout the community.

Chairman Hair asked, can I make a suggestion? That the motion establish the committee and then each Commissioner would submit names to serve on that and then we would come back at the next meeting and approve the names. I think establishing the committee is one thing. We normally make appointments in a different manner. If we go ahead and establish the committee and then ask each Commissioner to come back with, say, two or three names at the next Commission meeting. Commissioner Murray asked, how many names? Chairman Hair said, I'll say two. That would be 18 people. I think that would be more appropriate than try to pick names at the podium. I mean, then all the Commissioners —, recognizing what Commissioner Odell is saying, I think all Commissioners should have a right to appoint people to the Committee. So if we just —. Commissioner Murray said, that's fine. Chairman Hair said, let the motion establish the committee and then we come back and put some names on it later I think would be appropriate. Commissioner Murray said, my intent on this and I just want to make sure that it happens is that whoever's on this committee serves along with County staff and MPC staff when they go through this process. Chairman Hair said, right. Commissioner Murray said, and I think certain organizations need to have representation on that, the Homebuilders being one of them and some of your other groups, the Tree Foundation should be one. Chairman Hair said, I think that's very

true and I think we would be cognizant of that at the time we made individual appointments, and our appointment process normally works pretty well in that sense that we usually try to balance where possible. So the motion is to establish the Citizens Steering Committee to work with MPC and we have a second. All those in favor of the motion vote yes, opposed vote no. The motion carried unanimously. Chairman Hair said, the motion passes. Thank you.

ACTION OF THE BOARD:

Commissioner Saussy moved that a Citizens Steering Committee be established to work with County staff and MPC staff on proposed changes to the zoning ordinance and that each Commissioner bring back at the next meeting two names for appointment to the Steering Committee. Commissioner DeLoach seconded the motion and it carried unanimously.

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3. REORGANIZATION REQUEST, JUDGE BEAM, JUVENILE COURT (COMMISSIONER JACKEL).

Chairman Hair recognized Commissioner Jackel.

Commissioner Jackel said, if we could have Judge Beam come up, I think everybody knows him. Through his efforts in working with our State delegation, the State has finally come up and put some money where its mouth is. I think that's the proper way to state it, and they've said we're going to do something about crime and so they're investing some money in paying our judges, and that is a special bill put out that maybe you can go on and explain the rest of it.

Judge John Beam said, I have requested some reclassifications and some changes to the salary structure of 15 of the positions in Juvenile Court, and these represent between a third and a half of the staff that we have, and I know how you struggle between wanting to treat the staff and the employees as best you can and keeping taxes as low as you possibly can, and behold I bring you good news of great joy. This funding that has been provided by the joint work of some juvenile court judges and superior court judges a couple of years ago, we sought legislation that would fund juvenile courts around the State, juvenile court judges around the State, and the purpose of the legislation is primarily to enable and to encourage counties to have specially trained juvenile court judges in their circuit. For those circuits who already have a juvenile court judge such as ours, then what this money will mean is a salary savings for the County. I do want to recognize the efforts of our local delegation in helping us to secure the funding. They were very instrumental in helping us. The amount of the money for Chatham County for our circuit is going to be about \$95,000. The money was available starting in October of this year so already the County has received a little over \$30,000 concerning this funding. Now, a quick survey of other counties that are also receiving this money that already have judges have indicated that they're going to use the money that we're preparing to and that is to help bolster the salaries of their staff where it's needed. The recommendations that I have made come from a couple of sources. One is the consultants that we hired not long ago to help examine the way our salary structures are set and then also comparing how some of our staff is faring with other counties. There are two --, the two largest increases involve a clerical person who is actually acting as a court clerk and our associate judge, who is making \$21,000 less than similarly situated persons in other counties. So our proposal will address some of those disparities. Now, including fringe benefits, including expected increase in 2001, the total amount that we're asking to change is \$65,000. That leaves a balance of \$30,000. We're not asking to spend the savings that the County has already received, so with respect to the 30-something thousand dollars that have all --, already been received by the County, we say Merry Christmas and Happy Chanukah, and use that money as you feel like best, but for two-thirds of the money that you are realizing as a result of this savings from this legislation, we're asking that we amend and modify and reclass some of our staff.

Chairman Hair asked, Judge, if we approve this, would you --, would that --, would we have any assurance that the State money would always cover these? Judge Beam said, this is a recurring annually, this year, next year, and every year thereafter. Chairman Hair asked, okay, so there would not be any liability on the local taxpayers in the future if we approve this? Judge Beam said, this is not savings we've made from supplies or anything else. This is something that's going to be continually recurring. Chairman Hair asked, and as pay raises go up, the State would increase that amount? Commissioner DeLoach said, I move for approval. Judge Beam said, no, there's no guarantee of that. It doesn't have automatic increases, but I would expect that to happen. Chairman Hair said, well, in that case we would be asked to fund the raises, right? Judge Beam said, yes. Periodically, I would expect that to happen. Chairman Hair recognized County Manager Abolt.

County Manager Abolt said, Mr. Chairman, Dr. Thomas and gentlemen, I --, the Judge was kind enough to call me yesterday and advise me of his wishes to come before you today, which I always appreciate. As you all know, staff has been in the process of reviewing it and certainly at this juncture there's nothing that we would lend in opposition to what the Judge has requested and certainly conceptually you could make the approval today. I would just ask that in your intent in making that motion that you recognize that we've yet to officially hear from the Chief Judge of Superior Court, Judge Brannen, through Danny DeLoach. It's a formality from the standpoint of the other elements of staff. Mr. Persaud has posed a question to ensure that the money is used properly. From the letter we received from Judge Beam, which is in your packet dated the 8th of December, I'm confident that question has been answered. The other issue, which is

somewhat of a formality, is whether or not this is consistent with the plans for compensation and reclassification adjustments as embodied in the recommendations from our compensation consultant. I'm told by Mr. Kaigler that in fact that it does. We can put it all together with your conceptual approval. The only thing that I'm short of today is some response from the superior court judges.

Chairman Hair asked, Judge Beam, would you accept that caveat? Judge Beam said, absolutely. Chairman Hair said, okay. Judge Beam said, I have no problem. Chairman Hair recognized Commissioner Odell.

Commissioner Odell said, I'll make a motion to approve -. Commissioner Jackel said, I'll second that. Commissioner Odell said, conceptually as long as the salary adjustments are consistent with the wage and salary study. Commissioner Saussy said, second.

Chairman Hair said, I have a motion and a second. Any -? Commissioner Rivers said, discussion, Mr. Chairman. Chairman Hair recognized Commissioner Rivers.

Commissioner Rivers said, let me ask you this. That additional \$30,000 that we're not -, we're not using, what are we going to do with that? Judge Beam said, as far as I'm concerned, you show it as revenue. Commissioner DeLoach said, that's our going away present. Commissioner Rivers said, what I would like -. Chairman Hair said, that goes to fund balance, [inaudible] happy. Commissioner Rivers said, no. Mr. Chairman, Mr. Chairman, what I would like to see done with that money is that money be escrowed away in an account, maybe not escrowed but certainly that be a future credit towards their increases. Chairman Hair said, I'm not sure that we could do that. Commissioner Saussy said, I think we ought to use it for juvenile crime prevention. Commissioner Odell said, we could put it into fund balance and that way -. Chairman Hair said, yes. That makes it [inaudible]. Commissioner Rivers said, it's a permanent revenue stream that's coming in here, and I think that if you got an increase for the judges in total that's coming that particular year, you just give them that.

Chairman Hair said, well, I'm not sure it's permanent, but what I understood the Judge to say the \$30,000 was -, because we haven't approved it yet, next year there won't be that \$30,000. Judge Beam said, yes. We're only spending \$65,000 of the \$95,000 -. Chairman Hair asked, so it would be \$95,000 every year? Judge Beam said, so even -, I mean, this year in 2000 and in 2001 there will be an excess. Chairman Hair said, well, then automatically it would be in his budget anyway so it would cover that increase. What you're concerned about would already be taken care of. It's already in his budget. It will be there, the \$95,000 will be in his budget every year. We have a motion and a second. All those in favor of the motion vote yes, opposed vote no. The motion carried unanimously. Chairman Hair said, the motion passes. Thank you, Judge. We appreciate you being here this morning.

ACTION OF THE BOARD:

Commissioner Odell moved that the Board conceptually approve the request of the Judge of Juvenile Court for some reclassifications and changes to the salary structure of 15 of the positions in Juvenile Court which will be funded by a recurring State allocation to the Juvenile Court for salaries in the amount of \$95,000. Commissioners Saussy and Jackel seconded the motion and it carried unanimously.

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VIII. TABLED/POSTPONED ITEMS

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

1. REQUEST BOARD APPROVAL TO QUITCLAIM CHATHAM COUNTY INTEREST HELD BY THE TAX DEED AT 501 W. 37TH STREET TO CITY OF SAVANNAH AS PART OF THE CUYLER-BROWNSVILLE REDEVELOPMENT PLAN. Tabled at meeting of December 1, 2000.

Chairman Hair said, the first item, because the City of Savannah has decided that they don't need our assistance, we need to take this off the table and we won't need to take any action on it in the future.

Commissioner DeLoach said, I move to take it off the table. Chairman Hair said, all right. Second? Commissioner Price said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously. Chairman Hair said, the motion passes. Thank you.

ACTION OF THE BOARD:

Commissioner DeLoach moved that this item be removed permanently from the table and from consideration by the Board of Commissioners. Commissioner Price seconded the motion and it carried unanimously.

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2. SEE SECOND READINGS (XII-2) FOR Tabled ITEM: REVISIONS TO THE SOLID WASTE/RECYCLING ORDINANCE. Tabled at meeting of December 1, 2000.

Chairman Hair said, the next item needs to remain on the table. Staff is still not ready to bring any action. Commissioner Murray said, I'd like to have some discussion on that regardless of whether staff's ready or not. Commissioner Price said, you've got to untable first. Commissioner Murray said, and I move to untable it. Commissioner Price said, second. Commissioner Saussy said, second. Chairman Hair said, all right, Commissioner Murray. The Clerk said, we need to vote on that please, the untable. Chairman Hair said, we've already voted. It's up there now. The Clerk said, we still have two that have not voted. There you go. The motion carried unanimously.

Commissioner Murray said, I don't know how many people out there that this involves that came to this meeting thinking this was going to be talked about again because they were here at the last meeting also, and now we've got it tabled again and staff's not ready to bring it off the table. I want to know why staff's not ready to bring it off the table. County Manager Abolt said, I'm sorry, sir. Are you talking about the recycling? I apologize.

County Attorney Hart said, we met with the recyclers and haulers last week at an extended. All of them had specific problems with the recycling ordinance, all of them having various problems with it, some of them not necessarily consistent with each other. Some of the suggestions were good, some we probably are not going to incorporate, and we're looking at the possibility of looking at a different means of funding one of the issues, and to be honest with you we haven't had time to -. Not all of the responses -, we asked them to respond to us in writing. We haven't got all of them back, and it's going to require some redrafts of part of the ordinance.

Commissioner Murray said, well, I just want to tell you up front, I have a problem with changing the ordinance totally and the problem is for years staff has tried to get dry trash pickup taken out of the unincorporated area. This is another way of doing it. We will still pay the same amount of taxes, yet we'll pay an increased fee to the private haulers so they will take the extra stuff they pick up. This is not right and it's not fair to the people in the Special Service District and I don't think we should be doing it, and that's why I wanted to discuss this thing today.

Chairman Hair said, well, I think -, we can certainly discuss it. I think it would probably be more appropriate though when we don't even know what staff's going to recommend. I think -, there has been a lot of concern about this in the public and I've talked to a number of folks in the business and I do think we're not ready to discuss it. There's a lot of problems with it and we need to work a lot of things out before we discuss it. I mean, I think it would just be a waste of time today since we don't even know what changes the staff will recommend, and then we've got to come back and discuss it again when we get the new proposal, so -. There is a lot of concern out there and I think some of these, a lot of these haulers have very, very legitimate concerns that we need to address. Commissioner Murray said, it's not just the haulers that have concerns, the citizens have concerns also. Chairman Hair said, well, that's true too, but I think it would be more appropriate to let the lawyers and the staff come back and made the -, some suggested changes in it based on input and I think we also need to have another public meeting on this issue as well before we come back and make any changes in that ordinance. Chairman Hair recognized County Manager Abolt.

County Manager Abolt said, Mr. Chairman, thank you. It is our plan, because of the transition and membership of the Commission, rather than have any second reading on your next meeting, which may very well be the 12th, is on that date to have again the workshop that we had back in October to bring you and the three new members of the Board completely up to date and to gain any direction you may want to give in the interim and then come back with your official public hearing your last meeting in January.

Chairman Hair said, okay. I think it would be appropriate to retable this. Commissioner DeLoach said, I make a motion to retable. Commissioner Price said, second. Chairman Hair said, second. All those in favor vote yes, opposed vote no. The motion carried unanimously. Chairman Hair said, the motion passes. Thank you.

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IX. INDIVIDUAL ITEMS

- 1. REQUEST BOARD APPROVE THE FOLLOWING: A GENERAL FUND M&O TRANSFERS OF \$1,450 WITHIN THE MAGISTRATE COURT BUDGET FROM OFFICE SUPPLIES AND EQUIPMENT TO SALARIES AND BENEFITS, \$4,600 WITHIN THE DISTRICT ATTORNEY'S BUDGET FROM MAINTENANCE AND REPAIRS TO SALARIES AND BENEFITS; AND TRANSFERS OF \$400,000 TO THE TRUMAN PARKWAY PHASE III PROJECT; \$2 MILLION TO TRUMAN PARKWAY PHASE IV PROJECT; AND \$3.3 MILLION TO THE SKIDAWAY WIDENING PROJECT (FERGUSON AVENUE TO VICTORY DRIVE) FROM 1985-1993 SPLOST, US80/JOHNNY MERCER FLYOVER; AND A TRANSFER OF \$1,200,000 TO THE WHITFIELD AVENUE WIDENING PROJECT FROM THE 1993-1998 SPLOST, POOLER PARKWAY/I-16 INTERCHANGE PROJECT.**

Chairman Hair said, I'll entertain a motion. Commissioner Price said, so moved approval. Commissioner DeLoach said, second. Chairman Hair said, second. Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, yes, in the last meeting I'd asked how much money was left in the Highway 80/Johnny Mercer Flyover account. Y'all came back with something like \$6.2 million, six point something. County Manager Abolt said, yes sir. Commissioner Murray said, none of that money was committed to anything at that time. As a matter of fact, after the meeting was over I was talking with the County Engineer about some things that needed to be done in the Islands area and in the unincorporated area to improve some intersections and some other things. He had some ideas too. That conversation was stopped. Now we see where \$5.7 million of that money is being allocated for some other projects on here two weeks later. What's going to happen with the rest of it? Is that going to be allocated somewhere else too? None of these improvements in the unincorporated area are going to take place? Commissioner Odell said, probably. I just thought I'd give you an answer. Commissioner Price said, adding fuel to the fire.

Chairman Hair asked, Mr. Abolt, could you answer? County Manager Abolt said, I'll defer to the County Engineer. Commissioner Murray said, I just don't like the way it's been done.

County Engineer Al Bungard said, the project you asked me about at that time, as I recall, was whether or not there would be enough money left to -. Commissioner Murray said, we were told we didn't need to discuss that, it needed to be discussed on another level. I'd like to know what that other level is. Russ [Abolt], can you -, you're the one that made the comment. Now what's the other level it's going to be discussed at? County Manager Abolt said, well, I apologize, sir, for having a little Alzheimer's Disease. I'm not denying it at all. The issue -, the question was how much money we have and we identified what it was. It's not our intent to back off of that. Al [Bungard], can you help me. I'm really at a loss. I apologize. County Engineer Bungard said, well, you know, at one time -, at the last conversation you asked me about the right lane, decel lane into The Marshes, and what I said was there would be enough money left that. Commissioner Murray said, that's right and then we talked about some other intersections that would need some improvements made within that same area. County Engineer Bungard said, there's the entrance into the Mercer Place we we've talking about. That is a small amount of money. This leaves about \$300,000 and there's more than enough money to do those. We didn't discuss any other specific projects. A long time ago we talked about possibly using some of these funds for paving some of the dirt roads in the rest of the County, but that all went away with some of the transfers to other projects, and now we're at the point we're out of money. We have 300 and some dollars left in Whitfield Avenue. We got recent estimates of Skidaway Widening from its standstill [inaudible] acquisition of Whitfield. There's not enough to finish the right-of-way acquisition for Truman Parkway and that's only in Fund 30. When the contingency went away -. Commissioner Murray said, so when I was told at the last meeting that there was \$6.2 million or whatever that figure was in here -. County Engineer Bungard said, that's the money we're talking about here, sir. Commissioner Murray said, I understand that's what we're talking about. That's where we're having problems. Nobody said then that this money was going to be committed for any of this stuff. You said that was left in that account. County Engineer Bungard said, what I said was I'll be -. There was some talk of taking that money to other projects, and my answer was I will need that to be transferred to other road projects to continue with that, and your specific question was will there be enough for that right turn lane, I said yes. Commissioner Murray asked, well, how much is left in there once this money comes out? County Engineer Bungard said, I think it's about \$300,000. Commissioner Murray said, I'd like to put an amendment to the motion that that money stay in the account until these projects can be looked at in the unincorporated area and see what happens with them.

Chairman Hair asked, you're talking about just the \$300,000? Commissioner Murray said, that's all that's there. We can't use any of this. I mean, it's pretty obvious they've already committed it. Commissioner DeLoach said, second. Chairman Hair said, what you're --, I want to make sure I know what you're asking so we can vote intelligently on it. You're asking that the \$300,000 be set aside and not used for other projects until it comes back to us, is that what you're saying? Commissioner Murray said, that's exactly right. Chairman Hair said, well, it would have to come back to us anyway. That's --, okay, we have a motion and a second. Will you accept that amendment? Commissioner Price said, yes. Commissioner Jackel said, I have some other questions before we approve that. Chairman Hair said, okay. Chairman Hair recognized Commissioner Jackel.

Commissioner Jackel said, I need to hear about this thing from the Magistrate Court and the District Attorney. Again, we're getting into a thing where we're save some money somewhere and we're passing it on in salaries and there's not going to be a revenue stream to do that, and in future budgets they come to us with a large part of their budget is already into salaries, and so that's my concern.

Chairman Hair recognized County Manager Abolt.

County Manager Abolt said, yes, thank you, Dr. Hair. The justification is contained on Magistrate Court on page four of the staff report. It's a memo from Court Administrator Susan Dixon in effect explaining job --. Commissioner Jackel said, Susan [Dixon] is here. County Manager Abolt said, she can certainly speak better than I then from the standpoint of justification, but it is an internal adjustment to reflect an applicant that they have which they feel is very fitting for the job that is currently vacant. A similar situation exists in the District Attorney's office with the exception that there was a newly created State position of an Assistant District Attorney, and District Attorney Lawton was asking for the ability within his budget to adjust funds so they could recognize the local participation in that State-funded program.

Chairman Hair asked, do you have any further questions, Commissioner Jackel? Does that answer your question or not? Commissioner Jackel said, I'm just trying to echo what my good friend Commissioner Rivers keeps saying over that how do we do these things without a revenue stream. County Manager Abolt said, well, I can tell you from the standpoint of revenue stream certainly for this year each department has the funds within their budget, and each year we will have to address the total budget and the priorities that exist within that department, but this Board has not placed an embargo on departments realizing when it comes to personal services you have the ultimate control of that, but if the budget level has not been exceeded by any action proposed in the past, you've given them the authority to make the interdepartmental --, the intra departmental transfer. There's no question in future years any expenditure that involves personnel will be one subject to escalation because primarily of just the cost of living.

Commissioner Jackel said, well, my question on these two then would then be would we not hire these people without that supplement? Susan [Dixon], would that person not come to work unless we increased the salary? Chairman Hair asked, do you want to come forward and answer that please from the well? Ms. Dixon said, I am Susan Dixon. Well, the particular applicant that we do have is excellent. She's got a lot of background in filings and lawsuits and we did want to bring her in at a little bit higher. This figure that I've got here does cover the pension and everything else with that, and from what I understand, the way things work, this is the first time I've had to do this, is because of the way the budget is set up now. Any savings we have if there are vacancies, years ago you were able to bring someone in and we've saved and we never used much of our salaries and wages, but because the money is now allocated and taken for other purposes, we have to come before you when we are hiring someone at a little bit higher rate, and so that's what I'm here for. This person is excellent. We really do want to get her in at a little bit higher, and like I said, this does cover the pension and everything.

Chairman Hair asked, does that answer your question, Commissioner Jackel? Commissioner Jackel said, yes, now if someone could answer it from the District Attorney's office. Do we have anyone? Chairman Hair said, okay.

Ms. Gwen Robbins said, good morning. Chairman Hair said, good morning. Ms. Robbins said, my name is Gwen Robbins. I'm one of the Office Managers of the District Attorney's office and presently we have County supplements for all of our District Attorneys who are paid by the State so that their overall wages would be in line with the County-paid District Attorneys. So when we had the vacancy for the Juvenile Prosecutor that's a grant-funded position, that was filled by an individual who was already a State-paid prosecutor so that left a vacancy so we're hiring a new person to replace him and are requesting --, we're requesting a supplement for that new person so that he will be paid, he's an entry level person, but he will be paid the same wages according to the County scale. Commissioner Jackel said, well, I don't --, if he's replacing someone, I don't understand why that salary isn't there where that person could pick it up. Ms. Robbins said, because the individual that's moving moves with his entire salary from the State and County supplement. Chairman Hair said, to the new position. Ms. Robbins said, yes. Chairman Hair said, yes, that makes sense. Ms. Robbins said, but his State-paid salary is grant funded, so that left us a vacancy for State-paid Assistant District Attorney.

Commissioner DeLoach said, I call for the question. Chairman Hair asked, okay, would you allow Commissioner Odell to ask a question? Commissioner DeLoach said, oh, I'm sorry. Chairman Hair said, Commissioner Odell and then Mrs. Heimes and then let's call for the question.

Commissioner Odell said, I want to follow up on what Martin [Jackel] said regarding the vacancy. If the position and the supplement moves, my impression is that this \$4,600 is for new monies --. Chairman Hair said, a new position.

Commissioner Odell asked, or is that a transfer? Ms. Robbins said, okay. There are actually three individuals involved in the transfer. Commissioner Odell said, I understand. Ms. Robbins said, the first individual is the one who is moving to the new grant-funded position. That is a new position. His base salary is funded through the grant and he takes his current salary supplement from the County with him. So his entire salary package does not change. Then we have an experienced Assistant District Attorney who is taking that first individual's place. That supplement, the supplement that we are requesting is to go with him. We're not going to reduce his base salary because he is moving over to the State employment, so we are requesting the supplement to fund, well, to make his pay in line with the other County-paid ADA's, then a brand new individual. Commissioner Odell said, let me just interrupt you. I think you've answered my question. My next question would be, this is within your overall budget, you're not exceeding by \$4,600? Ms. Robbins said, no sir. We're moving funds from the Maintenance. Commissioner Odell said, I move for approval.

Chairman Hair said, we have a motion and a second. I'm going to recognize Mrs. Heimes quickly for a brief comment and then Commissioner Rivers for a brief comment.

Mrs. Marianne Heimes said, my name is Marianne Heimes. I just wanted to ask. Commissioner Odell asked, you're in Frank's [Murray] district, right? Mrs. Heimes asked, sir? Commissioner Murray said, yes, and I think everybody knows that. Mrs. Heimes said, I'd like to add something to what Commissioner Murray had to say. I was never a proponent of the flyover, I'm not now a proponent of the flyover, and I never will be a proponent of the flyover, but you all need to realize that our traffic problems on the Island are becoming very, very severe. I have a letter that our group has been working on. We have the possibility of nearly 500 more apartments along Johnny Mercer Drive being constructed in addition to what's already there. We have a brand new YMCA being built. We also have the new park which you all so graciously provided for us, and which we're very appreciative of, but I, and we have the three schools. We have a lot of traffic there. There's going to be a time when there is going to need to be some money spent on a traffic light, two traffic lights, whatever, in that area, and I, you know, I guess we have to go back to the well again and get that back, but that money was originally to expedite traffic, as I understand it, along Johnny Mercer and traffic will still need to be expedited somehow to protect all the citizens out there, not through the flyover because that really wouldn't serve a purpose, but I ask you to consider that the Islands are growing and the traffic is bad and it's only getting worse. Thank you.

Chairman Hair said, thank you, Mrs. Heimes. Chairman Hair recognized Commissioner Rivers.

Commissioner Rivers said, Russ [Abolt], I, you know, I don't know if Martin's [Jackel] question has been fully answered, but you know, monies coming from supply normally will rejuvenate themselves within a budget. Money for equipment sometimes is not there on a permanent basis, so how much of this supplement for both of these actions are going to require new funding or new dollars come the next budget year? County Manager Abolt said, to be very candid, that obviously will depend upon my discussions with the District Attorney and other constitutional officers and department heads. For the last several years we have kept them at the level of their previous year budget and then have allowed only modest increases over and above. I would recount that we've been able to make some substantial salary adjustments by cuts being made in other elements of each respective department's budget, so what I'm saying all that, and what it means is that I've had the cooperation of the District Attorney and other departments when I say your base level budget is this, and usually the base level budget going forward to the next fiscal year is the previous year budget with some appreciation for the added cost of doing business. Commissioner Rivers asked, that's inclusion, that's inclusion of equipment? County Manager Abolt said, yes sir. Commissioner Rivers said, because sometimes equipment is [inaudible], and sometimes we'll mix that equation. County Manager Abolt said, that's correct, sir. That is correct. You remember in the shortened fiscal year we froze all equipment. To freeze all equipment for a prolonged period of time is unrealistic. Commissioner Rivers said, I realize that. County Manager Abolt said, and the way in which we have managed the budget successfully with each of the departments, including the District Attorney, we say, Mr. Lawton, your base level is this, you must live within that. We do not handcuff him though to say that because all of that, as you know, he's repeated revenue in this case, we do not handcuff him and say it can only be used for this line item because this line item is relatively safe in the [inaudible]. Commissioner Rivers said, that's the only thing that I'm question whether the equipment portion of it knowing that we. Commissioner DeLoach said, call the question. Commissioner Rivers said, whatever the equipment is. County Manager Abolt said, we have the cooperation of this department.

Chairman Hair said, all right. All those in favor of the motion vote yes, opposed vote no. The motion carried unanimously. Chairman Hair said, the motion passes. Thank you.

ACTION OF THE BOARD:

Commissioner Price moved to approve the following: a General Fund M&O transfers of \$1,450 within the Magistrate Court budget from office supplies and equipment to salaries and benefits, \$4,600 within the District Attorney's budget from maintenance and repairs to salaries and benefits; and transfers of \$400,000 to the Truman Parkway Phase III project; \$2 million to Truman Parkway Phase IV project; and \$3.3 million to the Skidaway Widening Project (Ferguson Avenue to Victory Drive) from 1985-1993 SPLOST, US80/Johnny Mercer Flyover; and a transfer of \$1,200,000 to the Whitfield Avenue Widening Project from the 1993-1998 SPLOST, Pooler Parkway/I-16 Interchange Project, and that the \$300,000 remaining in Special Service District Contingency stay in that account until the projects in the unincorporated area can be looked at and see what happens with them. Commissioner DeLoach seconded the motion and it carried unanimously.

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2. EXTEND EMPLOYMENT HIRING FREEZE WITH CERTAIN EXCEPTIONS UNTIL THE SECOND MEETING IN FEBRUARY.

County Manager Abolt said, Chairman Hair —. Commissioner Price said, motion to approve. Chairman Hair asked, is there a second? Commissioner Odell said, second. Chairman Hair asked, any discussion? All those in favor vote yes, opposed vote no. The motion carried unanimously. Chairman Hair said, the motion passes. Thank you.

ACTION OF THE BOARD:

Commissioner Price moved to extend the 90-day employment hiring freeze, with the exception of public safety positions, until the second meeting in February, 2001. Commissioner Odell seconded the motion and it carried unanimously.

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3. BOARD CONSIDERATION OF REPRESENTATIVE MUELLER'S REQUEST TO PAVE PARKING LOTS.

Chairman Hair said, Representative Mueller was here earlier. County Manager Abolt said, she was here a moment ago. Commissioner Odell said, yes, Anne [Mueller] is out there. Chairman Hair said, okay.

County Manager Abolt said, permit me please and I will make a presentation. If necessary, I will defer to Mr. Bungard. I will though have to refer necessarily to the staff report to avoid too many words. Essentially we have analyzed options for you to consider and we have some maps that indicate the extent of the issues before you. You'll remember Representative Mueller was very thorough in her explanation of the concern about the Humane Society and the Bamboo Farms for the County to participate in County contracts so that improvements at those facilities could be made. We've identified the chronology to each of these reports. Cutting right to the options that you have, we feel as mentioned last time when we look at the Helmken House, which was the house relocated to now partner with Hospice, that there was an interpretation made that some modest parking improvements might be made in conjunction with a road project. Those are shown on the, if you will, page ten of the staff report. The yellow indicates on that drawing where the road actually is. The salmon color, at least what I would identify it as salmon, indicates the parking spaces that at that point when that project went forward it was felt that they were in effect compatible with and supportive of a road project. If you look then with that as precedent at the —, what amounts to the Humane Society/dog kennel for the County and the storage buildings for voting machines, that is found on page eight and page nine. We feel that again if you look at the salmon color on page eight and then look up further, were you to choose as Commissioner Murray suggested, to extend the roadway that would serve the dog pen area of the County, the animal holding facility, and it's also a cat facility I might add, as well as serve the out building there that was used to store voting machine, we could pick up that additional paving and, in fact, the green, which would be again similar to the Helmken precedent, and that the County staff now feels that if you choose to make a policy decision, that does not pierce the intent of the —, our understanding of the limitations on SPLOST money to be used to pave roads. When we move then to page, what amounts to page six and page seven, very large project, it does take two pieces of paper, and I apologize. We could not get it all on one, but if you at least color —, look at the color variation. The yellow is the pavement. It is traditional roadway for which the County would pick up its share of a County contract and the State would then pick up its share. Where we go, we feel far beyond the normal interpretation of the precedent that the Helmken, it is the sheer scale, the size of the salmon color you see on both page six and page seven. It is our understanding from testimony from Representative Mueller last time that there is some willingness on the part of GDOT to take one of these projects. An option you might consider today if you wish is that the County would proceed with a County contract and pick up the ancillary though minimal parking in the area of the Humane Society, as well as County facilities, and then it would be an option to go forward to the Department of Transportation, and looking at page six and page seven, and in effect have a County contract with them that would limit the County participation in State share to the roadway and, further, the salmon would be picked up a hundred percent by the Georgia Department of Transportation.

Commissioner Price said, so moved. Chairman Hair said, so moved. Is there a second? Commissioner Odell said, second. Commissioner Rivers said, second.

Chairman Hair said, so moved and second. I just wanted to make sure, Representative Mueller, have you seen —, have you seen this proposal? You've not seen this proposal? Representative Mueller said, I have not seen yellow or salmon. Commissioner Saussy asked, how about green? Representative Mueller said, I haven't seen any green in a long time. Commissioner Rivers said, trust me, take the salmon. Representative Mueller asked, trust you? Okay. Chairman Hair said, I do think it's, you know, it's consistent with what we talked at the earlier meeting, Representative Mueller, where we would pick up the Humane Society parking lot and DOT would pick up the Bamboo Farms. Representative Mueller said, sounds good to me. Chairman Hair said, basically the concession that we made, and we already have a motion and a second. I do think we certainly need to make sure Representative Mueller gets copies of this. County Manager Abolt said, we will get —, if she has an opportunity before she leaves, we'll do just that. Chairman Hair said, make sure you get copies

of it and if you have any questions or comments about it, please share them with us, as I'm sure you will. Representative Mueller said, I certainly shall.

Chairman Hair said, we have a motion and a second to approve. Any discussion? All those in favor vote yes, opposed vote no. The motion carried unanimously. Chairman Hair said, the motion passes. Thank you.

Representative Mueller said, thank you so much and Merry Christmas to all of you and I'll try to leave you alone for awhile. Commissioner Saussy said, we're not going to leave you alone though. You've got a lot of work to do. Representative Mueller said, oh, I know that. Chairman Hair said, thank you very much, Representative Mueller. Commissioner Rivers said, I had the Chatham County Police Department up here today.

ACTION OF THE BOARD:

Commissioner Price moved that the Board make a finding that paving the parking facilities at the Humane Society in conjunction with the paving of a roadway from Sallie Mood Drive to the County's storage building at the rear of the property is an appropriate use of SPLOST funds designated for "road, street and bridge purposes," with the understanding that the Georgia Department of Transportation (GDOT) will agree to pick up the cost of paving the parking facilities at the Bamboo Farm. Commissioner Saussy seconded the motion and it carried unanimously.

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4. RECOMMENDED IMPROVEMENTS TO PROCEDURES AND STATE LAW REGARDING INSPECTIONS SERVICES.

Chairman Hair recognized County Manager Abolt. Commissioner Rivers said, you gentlemen see that lady out. Chairman Hair said, he's escorting Mrs. Mueller here. Next item, Mr. Abolt.

County Manager Abolt said, thank you, Dr. Hair, Dr. Thomas, gentlemen. This is an issue of great concern to you, this community and certainly County staff. This is the next step in what will amount to a series of recommendations dealing not only with some external considerations, but eventually some internal considerations. The whole matter was brought to our attention by a serious —, a very unfortunate event, and as one person said recently, it was definitely a wake-up call to staff. It is our intent going forward to ensure you and ensure the community that we have the quality control in hand and you're not going to see the type of problems that you've seen in the past. I'm very confident that Mr. Anderson will deliver that, and we will give you on point a specific review of each of the allegations. So far in front of me is a very detailed report which you received several weeks ago on one of the allegations. Staff is exhausting all of our resources to ensure the investigation is thorough. You will have the —, not the final report, but you'll have a report from staff possibly as early as this evening dealing with all but one of the remaining issues. Some of you, if not all of you, received some correspondence from a gentlemen that had some experience on Tybee. I am meeting with that gentleman next week to go into further allegations he has made, but I do want to turn it over now to Mr. Anderson, which will explain in effect what amounts to the next iteration, the next chapter in our attempts to regain and reconfirm the quality of our Inspections Department with you and with the community. County Manager Abolt recognized Mr. Gregori Anderson.

Mr. Gregori Anderson said, thank you, Russ [Abolt]. Good morning. What you have before you today in the staff report is our documented strategy, and I'll go through that quickly for you. We have five elements in that strategy. Before I get started I'd like to certainly start with the acknowledgment that over a period of years that there have been numerous mistakes made and they've come out of the Inspections Department as well as from other sources. We're here to acknowledge those mistakes this morning and to stand up and say that this is our response and strategies to assure that those mistakes will not continue in the future. The first element of our strategy and this has been heard before and has already been implemented is the implementation of internal quality control procedures for our inspection services, which includes such things as follow-up inspections, ride-alongs along with field staff by supervisors and the Assistant Director, as well as additional training, certification and just making sure that the inspectors are doing what they're supposed to do. That's the first element of this process. The second element includes, which would require some help from our State Legislature, is the promotion and support for state licensing of general contractors and builders. This will do two things for us in staff's opinion. Not only help to make sure that the background and experience of builders and general contractors is in line with the industry standard, as well as an element that we feel in time would increase the quality of construction in Chatham County that will help limit some of the part-time, if you will, non-professional type of contractors and builders that we see in the industry because of the lack of a state licensing program in the State of Georgia. We've had discussions with the Homebuilders Association and they're here in support of the state licensing for that industry. The third element includes an issue that we've been dealing with over the years, again with the cooperation of the Homebuilders Association of Savannah, and that is the phenomenon that we have with home owners who are moving into newly built houses without certificates of occupancy being issued. What has happened is that not only lending institutions, but even some builders who are —, have the opportunity to finance their own residential construction have had closing without the need or the requirement to have certificates of occupancy in hand. We feel that that has stimulated some of the premature move-ins of these residential structures without in some cases it's found inspections being done and in some cases acknowledgment of land disturbing requirements and tree quality points and those kinds of issues. So the enforcement arm of that particular initiative —, right now there is a privilege that's allowed to homebuilders in Chatham County to allow temporary power to be turned on a structure where they can test the equipment, climatize the interiors, so that finishes and those kinds of things can be done. That element in some cases is being abused to allow people to move in without having the proper certificates of occupancy issued. If the current initiative is not successful, the result will be that that privilege will be revoked, and we —, it's something that has been discussed with the homebuilders and our industry for a period of time. Our next element deals with the establishment of marsh line setback requirements and enforcement elements in Chatham County. The marsh line encroachment is an element that is developed and put together by the State Department of Natural Resources. There is a separate setback requirement that you have to adhere to when your property is backed up to a marsh or a governmental controlled waterway. The County Engineering Department is saddled with the responsibility for enforcing that to help that element here locally in Chatham County, but it is developed as a State requirement. We are looking at, in conjunction with the Engineering Department and Department of Natural Resources, of developing some requirements here locally that will make sure that the problems that we've had in the past will not re-present themselves. The issues that we're looking at would require amendments to both land disturbing ordinance and the local zoning ordinance in that assurances will need to be documented and certified that structures that are being built in the field on the ground are not encroaching into that required State buffer, so that will be elements that will be addressed to be developed and brought back to this body for approval as part of amendments to those two ordinances. The last element of our strategy is a very important element I feel and that will kind of tie all of this together, and that is an educational element. We have kind of three aspects of that educational element that we're going to initiate. Some of those have already been initiated, the first one being the development of a brochure, and I think you've gotten copies of this brochure. This brochure is our first attempt at getting general information out to not only applicants for building permits in Chatham County, but also the general public at large. What this does, it begins to identify first of all the responsibilities of what inspections are required, what minimum inspections are required for permits that have come through and are required by Chatham County. It will also begin to talk about the initial charging of the department, as well as the codes that are in place, and also finally

it also talks about some of the more frequent questions that we get from the general public about not only permitting requirements, inspection requirements, but also where the lines of responsibility are drawn in terms of who's required to get the permits, who's required to call for the inspections, and who's ultimately required —, responsible for making sure that the structure is code compliant. That's the first step. The second step is to develop, and this is something that we're resurrecting that we have done in the past, again in cooperation with the Homebuilders Association, and that is to develop what we call a list of most frequently [sic] violations that we find in the field, and we've done that in the past, we've assembled that list and brought it to the attention of the building community saying these are the problems that we're seeing most frequently in the field and let them know these are the types of things that their staffs and their subcontractors will need to work on in terms of meeting code requirements. What we've done in the past is to have these —, this list printed in the local homebuilders' newsletter, and we will certainly endeavor to resurrect that to again be an outreach tool to educate the building community on some of the issues that we're finding in the field that are reoccurring. The last element, which is really in my opinion a kind of innovative element, that our governmental cable State television station will allow us to do, and that is to develop a TV program after the first of the year where we will begin to identify code compliant type of structures and non-code compliant type of structures in Chatham County that will be broadcast on that station, and then we can identify this is what it needs to look like, it does not need to look like this. This is something that becomes a new initiative that we will develop with the help of Pete Nichols and the opportunity because of our cable station, our governmental cable station. So this —, those five elements, some of which have already been implemented, have already been put in place, and some of those are in the process of being developed and some will be developed and implemented shortly after the first of the year. Certainly I'm sure you are aware that we moved our office location from this building to Eisenhower Drive and we're settled there now so we can begin to implement some of these initiatives that we've talked about this morning that we didn't have the opportunity to do prior to our move. So that is our strategy, that is what we feel will help us to get where we need to be and where we want to be and also feel that this will help in certainly reducing the types of problems that this department has had in the past. What I request for you this morning is acknowledgment in the recommendation number one to solicit support from the State Legislature for licensing —, state licensing of general contractors and also in concept of modifying the land disturbing ordinance and the zoning ordinance to put some elements in there that will help in the enforcement of the State buffer encroachments requirements.

Commissioner DeLoach said, so moved. Chairman Hair asked, do I have a second? Commissioner Thomas said, second. Chairman Hair asked, discussion?

Chairman Hair said, I want to make a couple of comments and then I'll recognize Commissioner Price and Commissioner Murray. I've got some problems with some of these recommendations, and let me first state my philosophical problem. I have always taken the position that we need less government, not more government, we need less regulation, not more regulation in many respects. We obviously have to have adequate regulation to protect the health and safety of individuals, but a lot of the problems that I have witnessed, some first hand, have not been problems with regulation and I'm a little bit concerned that we are saying that the solution to all of our problems in the Inspections Department is more regulation, and I have a natural vice against that. The second, and this comes from what I do for a living, is that I see companies every day trying to solve people problems by changing the processes and leaving people in place and nothing happens for the good, or vice versa, you know, trying to solve process problems by moving people into bad processes and nothing good happens, and I see some of that here. My second comment, I think that the majority of the builders in Chatham County do an outstanding job. Mr. Anderson said, yes. Chairman Hair said, I'd put the number at 98% probably. Mr. Anderson said, sure, sure. Chairman Hair said, and it bothers me a little bit, it's kind of like, you know, punishing all for the sins of a few, and I'm a little bit concerned that we're going to put additional requirements on people who've done a good job voluntarily for 20 years, but because of a few bad apples we're going to make everybody fill out more paperwork and do more things and check more people and check —, you know, and I'm not sure that's the approach we need to take. I think that we need to identify those people that are causing the problems and deal with them severely, but why are we imposing those same requirements on those people who've done a great job for years and years, so I've got some problems with that. Now, I'll recognize Commissioner Price and then Commissioner Murray.

Commissioner Price said, Russ [Abolt] and Jon [Hart], the State of Georgia has no requirement or format for licensing contractors currently, is that —. County Manager Abolt said, that's correct. You might recall in the [inaudible], that was a number of years ago from the County Commission, went forward to Atlanta with that very cause in mind, and if my history —, if my memory serves me correctly in this case, the State Homebuilders objected to it even though our local Homebuilders agreed with it. At that point you were getting —, the Board was getting a lot of pressure from subcontractors. Subcontractors have for a long time been licensed, and they were having problems with some of the general contractors and the solution was to treat the general contractors, who have greater responsibility, in the same way in which subcontractors were treated. That went nowhere. There are issues that continue to go about that in effect are addressed by an assurance to a prospective home buyer that not only is their government doing their job, but if they knock on the door of somebody and say I am a homebuilder, that they're qualified to be a homebuilder. I'm told that the States of Florida, Alabama and South Carolina, which of course border us, all have similar requirements. I'm also heartened by the same thing that the Chairman has said, and I've had that evaluation for some time. Our homebuilders, many of which are represented here, are doing an outstanding job. To their credit they see the need, not because they as individuals are concerned about their performance, but in this world of, you know, buyer demand the buyer will make selections hopefully from an informed basis and will look for quality in the contractor. Commissioner Price asked, are you saying that currently the Homebuilders in Chatham County support the idea of state licensing? County Manager Abolt said, I would —, I've had the good fortune to talk to the current chairman, but as Greg [Anderson] mentioned, representatives are present. At some point prior to you making a decision, you may want to ask from them directly. Commissioner Price said, but you're —.

County Manager Abolt said, my understanding is yes, sir. I don't mean to be evasive in my response. Commissioner Price asked, so what does it mean to be licensed by the State as a general contractor? What assurance does that give anybody that anything's different? County Attorney Hart said, it doesn't give absolute assurance, but you have licensing programs in those three states and, for example, the State of South Carolina's is very detailed, okay. Any time you go into licensing something or putting a license in, you're doing it for "a good reason." We want to protect the public. The flip side of that issue though is always are you creating a barrier to entry? All right. The people that are in are all for licensing because they'll be grandfathered in, okay, and then does the licensing issue no longer become a public protection issue so much as an industry protection issue, and that's always a balancing situation whenever you get into a licensing program. Commissioner Price said, well, it seems to me that there will always be a need for self-regulation within the home building industry. It's very similar to the industry I'm in. We're self-regulated by NASDAQ, New York Stock Exchange, and all the others because the federal government wants us to keep our house in order, and for obvious reasons, and I think that that's the same thing that applies here, but I need to hear more directly from the local homebuilders that they still support this concept of state licensing before I would support it. I do think that something's got to be done, and I agree with Chairman Hair, the last thing we want to do is invent more government. I mean, that doesn't work.

Commissioner Jackel asked, can I ask just a question or two. Do you want to do away with barbers' license and beauty license and bar licenses and –? Commissioner Price said, I'm not saying I have a preference either way, Martin [Jackel]. I'm just saying the last thing I want to see is more government, and I agree with Chairman Hair. Why would you want to have more government when you could have self-regulation going on within the industry? That's what really makes –. Commissioner Jackel said, well, I ask that question again about beauty parlors and barbers and dentists and doctors and attorneys and everybody else? Why is there this one exception to the licensing? Commissioner Price said, I'm not saying that they shouldn't –. Commissioner Jackel said, if some girl wants to do manicures, she has to get a license. Commissioner Price said, Martin [Jackel], I'm not saying there shouldn't be. My question is what does it really matter? I mean, who's going to –, who's going to oversee this new state license contractor? I mean, what's going to be different in what we're doing now compared to when that happens? It's still going to have to be a self-regulated industry. It's going to have to be the homebuilders themselves saying our reputation's at stake. We want to make sure that what's done is done correctly. Chairman Hair said, and also to answer your question, Commissioner Jackel, another problem you're going to have is you license them, you're going to put a certain set of requirements and every time you have a problem with one house, you're going to go back in and adjust that again to put –, you know, you're going to try to fix every problem. I think it's more licensing –. Commissioner Jackel said, there is certainly that, but if someone doesn't meet a standard, they could have their license revoked. You do have a governing board and now you don't have that. Commissioner Price said, that part's true. You're right about that.

Chairman Hair recognized Commissioner Murray. Commissioner Jackel said, you have no protection that way.

Commissioner Murray said, I think all this sounds great, but this is not what I thought we would be discussing today. You know, at our last meeting my last comment was that we would have all the complaints from all the properties that came to us with complaints and we were going to discuss it, and y'all were not aware that there were attorneys involved in it. That's when I asked that we do it in Executive Session. I was told we couldn't do it in Executive Session. I was guaranteed that we would have this brought up with all of that. I understand why you've got investigations going on since you received a letter, but we also received a packet from an attorney this week representing one of the properties that were in question. It wasn't to do with the contractor. What we –, this Board has always questioned is why did certain things get by Inspections Department, how did they get by. That isn't even being address here. This is just another layer of stuff to go ahead and move forward to cover up what's already been covered up. County Manager Abolt said, we're not attempting to cover up –. Commissioner Murray said, well, it appears that way. County Manager Abolt said, it's not. I give you –, from my heart of hearts, we're not. We had a bit of a production problem this week because of people being out of the County, but you will have, if things go well, a complete analysis on all but one of the remaining. You do have the analysis on one which, of course, if you would like, it could go through today. I felt as a courtesy to those involved that we also want to get out in their hands a copy of our investigation, which obviously we will do after we give it to y'all. Commissioner Murray said, well, I read through this packet that I was given from an attorney, and in that packet it has three C/O's for this piece of property, all dated the same day, all with different information on it, signed by the same person. Now if that doesn't sound like somebody's trying to document stuff to put in a file, then I don't know what does. County Manager Abolt said, I have not see it, but I –. Commissioner Murray said, well –.

Chairman Hair said, the only thing I would caution you is if we're talking about something that go to litigation, if we're already got –, we might need to –. Commissioner Murray said, well, I was told we couldn't discuss it in Executive Session. Chairman Hair said, I just caution you –. Commissioner Murray said, so we were going to discuss it out here. Now if you want to go into Executive Session to discuss it, then I think we need to do that.

Chairman Hair asked, any other comments on the proposals made by Mr. Anderson? If not –. Mr. Anderson asked, Mr. Chairman, may I make a comment on your statement if I may please, sir? Chairman Hair asked, pardon? Mr. Anderson said, just make a comment. Chairman Hair said, certainly.

Mr. Anderson said, in reference to just proposing new regulations and not looking internally, our first proposal, and I may have been misleading when I presented it to you, our first proposal in terms of our internal quality control does exactly that. It does put that inspector on notice and does have some mechanisms that checks and goes behind that inspector to make sure he's doing his job. So if there is a problem, then yes that will be dealt with and it's purely not, you know, adding some

things on top of regulations we already have. Chairman Hair said, but, Mr. Anderson, in all due respect, I think that's not going to solve the problem and if anything it might make it worse because what's going to happen is, you know, why should a home owner be held up or a builder be held up because the first inspections that they should have every expectation should have been a correct inspection, and they now have to come back two weeks later and do something the first inspector didn't make them do. Mr. Anderson said, no –. I think it –. Chairman Hair said, I think it's going to make it worse. Mr. Anderson said, no, I think you're misunderstanding me. What we –, in terms of our drive-by and follow-up inspections, it is strictly an internal thing that we do. That inspector who goes out and makes that inspection, that's correct –. Chairman Hair asked, are you saying that the second inspection if they found something the first inspector didn't find, you're not going to make them fix it? Of course you're going to make them fix it. You're going to make the home owner fix it and you're going to make the builder fix it, and why should they –, you delay them two or three weeks because the first inspector didn't do their job. I don't think that's right. Mr. Anderson said, well, the thing is if that happened, there are ramifications to that first inspector. Chairman Hair said, but there's also ramifications to the home owner and the builder's got to go back and redo everything now.

Commissioner Rivers said, Mr. Chairman, Mr. Chairman. Commissioner Jackel said, if there's a mistake that the builder made, why blame the inspector and why shouldn't the builder fix it? Chairman Hair said, well, he should. Commissioner Rivers said, Mr. Chairman. Chairman Hair said, he should have fixed it the first time. Commissioner Jackel said, well, he shouldn't have built it wrong the first time.

Chairman Hair recognized Commissioner Rivers.

Commissioner Rivers said, let me ask –. You know, we have been wrestling with this situation here and we've been coming back with this and that, aren't there some recommendations to correct what is happening in the department? If we've got inspectors, as you said before, that are not doing their job, then we either retrain them or get rid of them. One of two. It ain't no –, I mean, it's a simple thing and everybody's going to make mistakes, I don't care who he is. Even if you go out and make an inspection on the house, there's something you'll have to list, and if there's a follow-through, then that's the best method of catching it. But, albeit, if we don't want that, what do we really want? What do we want to happen with this Inspections Department? I'm for one –, I'm at the point of saying, hey, either we correct what is wrong and stop piddly-paddly [phonetic] around with it and get it out of the way or leave it alone. Let it function.

Chairman Hair said, I agree with that totally. I totally agree with that statement. Any further comments or discussion? We have a motion, I believe? Did you make a motion, Commissioner DeLoach? Commissioner DeLoach said, yes. Chairman Hair said, and a second.

Commissioner Murray asked, when are we going to address those parcels that we raised questions about several months back that have not been addressed yet though? County Manager Abolt said, okay, sir –. Commissioner Murray said, that were supposed to have been taken care of this meeting. I was guaranteed that at the last meeting. That's why we didn't discuss it then? County Manager Abolt said, you can discuss the Grove Point one today. You've already had that out for a number of months. The individual has that copy in his or her possession. The other two, obviously, I had indicated that we were not process-wise able to deliver what we wanted to deliver to you. You'll have that, if all goes well, by the end of business today. Copies will go out to the individual property owners, with the exception of one, and that's the Tybee Island issue, early next week. So at your earliest convenience after that, which I assume will be your first meeting in January, we can go through all of them. You can go through the Grove Point one today if you like.

Chairman Hair asked, what's your desire? I don't –. Chairman Hair recognized Commissioner Price. Commissioner Murray said, if they want to say something, let them go ahead.

Commissioner Price said, Gregori [Anderson], what you have presented to us today, has it been presented to the homebuilders? Commissioner Jackel said, they're here. Commissioner Murray said, they're here, let them speak. Commissioner Jackel said, let them speak. Chairman Hair said, they're out there in the audience. A lot of them area. Commissioner Price said, my question is –, I said earlier I'd like to hear verbally from them that they support this. Mr. Anderson said, sure.

Chairman Hair asked, who wants to speak for the homebuilders? I mean, you've got the –, all the powers that be out there? Does someone want to come up and –. You've got all the –. Commissioner Price said, come on, William [Fawcett]. Chairman Hair said, whoever wants to come up and give the position of the homebuilders, we'd appreciate that. Commissioner Price said, good morning.

Mr. William Fawcett said, good morning. I'm William Fawcett. I'm the current president of Savannah Homebuilders Association. I myself and some of our other members have had conversation with Mr. Anderson and Mr. Abolt about this matter. Basically, our position on licensing is a neutral position at this moment. Any licensing that would come up we would like to have a part in that. We certainly agree with the Chairman that just more government is not really helping matters any. That's just one more form and paper we've got to fill out. That's not going to make anything any better, but we do want to come before y'all and we want to work with the Commission and County government to solve whatever problems that we have so we can continue with business. Thank you.

Chairman Hair said, thank you, Mr. Fawcett.

Commissioner Price said, the last question I have –. Chairman Hair recognized Commissioner Price. Commissioner Price said, the last question I have. Russ [Abolt], what's going to be different at the State level, the State Homebuilders Association? How's this going to work now where it didn't six years ago, five years ago? County Manager Abolt said, sir, the only thing I can offer –. Commissioner Price said, Jerry [Konter] might be able to answer some of that. County Manager Abolt said, the ones though–, from a practical standpoint, I've seen what we've had to go through in the last about six months or so. There are issues that come up that go beyond the code. There are issues as to the quality of not just the construction, but the way the consumer has been treated and it's very unfair to this Board or to any elected body to try to in effect referee between an industry and a consumer beyond the safety code, and that's where I am concerned as to I think that consumer as well as the industry should have some assurance that if there are differences of opinion, not dealing with government, not more government regulation, but from the standpoint of the quality of the product delivered, which transcends the public safety issues, there has to be some mechanism because it's not fair to you or to the police from the standpoint of those exercising public safety policy. It's not fair to Mr. Anderson or whoever comes after him or to that inspector in the field to in effect even be presented to the consumer as an individual who would even comment on those issues.

Chairman Hair said, okay. Yes, Mr. Konter. Certainly.

Mr. Jerry Konter said, I'm Jerry Konter. I am a past president of the Savannah Homebuilders Association and also a past president of the Georgia Homebuilders Association. I was very involved as president of the Georgia Homebuilders Association about three years ago in licensure [sic] discussions, but before I even talk about that, first I'd like to thank the Chairman and members of the Commission for their confidence that 98% of the builders probably do a good job in this County. We concur with that, and the ones that you–, the ones you see here today are all professional builders that take our industry very seriously and have been at many of these similar type of meetings. The Homebuilders Association on a statewide level had a board directed position of opposing licensure [sic] for about the last probably 18 years, and within that position our governmental affairs committee did not have the ability to go to the table and really negotiate if a license law ever were proposed in the State. There have been several pieces of legislation just about every year that I've been active in the association that have come forth proposing a license law. The most recent last year was one brought by Representative Vernon Jones [phonetic] and one brought by Representative Lynn Westmoreland [phonetic]. Because this has been an issue that has come up on a regular basis, our association, our State association made the determination last year to revisit the issue to find out if there was a change in the position amongst our membership so that the board would then possibly change its position, and part of that process was to go to our local associations, Savannah being one of them, poll those associations and get some type of feel of how our local associations felt, and I must tell you that the discussion that has been had even in our local association on a State level and has been going on for the last 18 years is very–, is a microcosm of the discussion that you gentlemen had up here today, and it's been a pretty split issue all along. However, our local association in that polling process did determine that we did not–, we supported a movement to change our position on a State level from flat opposition to licensure [sic] to being in a position to be neutral and be willing to work with any license bill that would come up and then that would ten come back to our board of directors, and if certain components were in that, then the State would be in a position to support a license law. So hopefully that clarified a little bit for you the difference between our local association and the State association. So our State association no longer is on record as opposing licensure [sic], but conversely it also is not out there promoting licensure [sic] right now. It is in a neutral position to analyze any bills that come forward, participate in that process and hopefully if a license law becomes the law of the State, craft one that will benefit both the consumer and the industry.

Chairman Hair said, thank you, Mr. Konter. I appreciate you coming.

Commissioner Rivers said, Mr. Konter? Mr. Konter said, yes sir. Commissioner Rivers said, albeit if–, even if that doesn't come and we say 98% of the builders or developers out there are good, maybe the 2% doesn't belong to your organization. How do we as a County and the County Inspections correlate the effort to help police what is going on out there that is being done wrong? Mr. Konter said, well, first let me tell you that I build in several municipalities, not just Chatham County and the Coastal Empire, and I will tell you that I think Chatham County runs one of the most professional inspection organizations in this region. I build in –, I don't want to –, I don't want to criticize other municipalities, but I can tell you that Mr. Anderson does an excellent job. That doesn't mean that you're not going to have problems. I mean, I think they probably had 1500 starts this year. That's a lot of houses and a lot of inspections, and so there are going to be some mistakes that are going to be made, and I'm sure that you've got examples from some people that have complained, some that have agendas, some that don't, and that has brought forth this heat amongst the Inspections Department. There's always room for improvement in any organization. I think Mr. Anderson is more than capable internally to bring forward those changes that he needs to make sure that his inspectors do their job properly, and I really think that's the only thing that you need to concentrate on is that we've got a department that's trained. One thing is to certify as many of your inspectors as you can. Chatham County has been one of the counties in the State that has take a very forward approach on that. I can tell you places like Cherokee County, and other counties in the metro area, they don't have certified inspectors, they don't –, they don't have the level of quality of inspectors that we have in our own community. That doesn't mean that they –, that you don't need improvement. I'm sure you do. I will tell you as a homebuilder, I am concerned that I get a quality inspection. Last year I built 96 homes. I cannot be at every point of construction at every minute while those homes are being constructed, so if an inspector comes out to my site and he finds a problem on my construction site, I am pleased. I'm not concerned about having to go back and do something or make a change. The biggest problem with our industry today is the contingent liability the builder has. Law suits are rampant. Today everything that I do in business unfortunately is done with an eye of how do I protect myself against the contingent liability that is out there against some

consumer that may decide to sue me whether he has a valid case or not. That's the nature of our society today. We live in a litigious society. One of the best –, one of the best ways that I have to prevent or protect myself if that ever happens is to have an adequate Inspections Department that's going behind me and making sure that what I'm doing is right. So –, and I feel that most builders out here today would agree with me and feel that way. So we're not going to fight the Inspections Department. We're here to make sure that they do a job –, a good job, that they do quality inspections, because they might find something that we missed. We can't be on every construction site every minute, but with all that said I have to tell you I have a lot of confidence in the leadership of Gregori Anderson in the Inspections Department, and I hope that I fall in one of those categories as the good builders that y'all were referring to earlier –. Commissioner Price said, I can attest to that. Mr. Konter said, yes, Mr. Price is a past customer of mine and I was happy to build a house for him. So if there's any other questions, I'll be happy to answer them. Otherwise, I'll give it back to you.

Chairman Hair said, thank you, Mr. Konter. I appreciate you being here. Okay, we have a motion and a second. I'm waiting for the –.

Ms. Flo Roberts said, yes, my name is Flo Roberts. I am the president of Homeowners for Better Builders for the State of Georgia, and I've been listening to these gentlemen and I will agree that there are very good builders in Savannah, Georgia, but there are also some builders in Savannah, Georgia, that all they care about is making a fast buck and they will go in and build a house, they don't clean up materials in it, they don't clean up nails in it, and then the home owner is left with a total nightmare and so then the home owner has to, you know, they'll come to the County. I went to see Mr. Abolt and Mr. Hart. My husband and I did after we went to court and lost our case, and they just laughed and said, sue us. Well, we'd already been through three years of litigation. I wasn't particularly looking forward to suing the County. I talked to a local judge here and told me 75% of the cases in Chatham County are over real estate. Maybe this is why our crime, our murder and everything else is bad because we're spending too much time on real estate. Commissioner Odell asked, was that judge hospitalized when he said that? Ms. Roberts said, no. Commissioner Jackel said, those statistics are so far wrong, I guarantee you. Ms. Roberts said, that's what I was told. Commissioner Odell said, that's bizarre. Commissioner Jackel said, 90% of your cases filed are collection cases. Ms. Roberts said, well, maybe collection, but he probably meant, I think, court cases. Commissioner Jackel said, and the other half is criminal cases. Ms. Roberts said, yes. Chairman Hair said, complete your remarks. Ms. Roberts said, possibly court cases. This is just I was told. I just think that, you know, when the home owner goes to try to go to court, every attorney you go to has maybe represented that builder. I went to ten I think that had represented the same builder. I couldn't find an attorney. It took me six months to find one. I just think that there's a lot of coverup. Everybody's covering up for everybody else. I think everybody ought to work together. I think the builders and the Inspections Department ought to work together. I think the builders ought to work with the home owners and respect them a little bit more, and if we could just work together and solve this problem so it wouldn't happen in the future everybody would be a lot better off. Thank you.

Chairman Hair said, thank you very much, Ms. Roberts. Okay, we have a motion and a second. All those in favor of the motion vote yes, opposed vote no. Commissioners Rivers, Jackel, Murray, Odell, Price, DeLoach and Thomas voted in favor of the motion. Chairman Hair and Commissioner Saussy voted in opposition. The motion carried by a vote of seven to two. Chairman Hair said, the motion passes.

ACTION OF THE BOARD:

Commissioner DeLoach moved to approve the recommended improvements to procedures and State law regarding inspections services by soliciting support from the local State delegation for legislation to license general contractors and homebuilders, and to amend the Land Disturbing Activities Ordinance and Zoning Ordinance to address marsh buffer encroachment violations. Commissioner Thomas seconded the motion. Commissioners Rivers, Jackel, Murray, Odell, Price, DeLoach and Thomas voted in favor of the motion. Chairman Hair and Commissioner Saussy voted in opposition. The motion carried by a vote of seven to two.

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5. NETPLAN 2000 LEASE AGREEMENT TO FUND THE ACQUISITION OF COMPUTER-RELATED INFRASTRUCTURE, COMPUTERS AND SOFTWARE.

Chairman Hair recognized County Manager Abolt.

County Manager Abolt said, Mr. Chairman, members of the Board, normally this would be on the calendar, but because it is a lease of five years and because we did solicit the help of our financial adviser, A. G. Edwards, we did keep it out singular and apart from the rest of the agenda. In effect, we're looking at the continuation of improvements to our computer and network infrastructure. From 1988 we've set aside money that had up to that time been devoted to funding jointly with the City of Savannah our computer operation. We continue that same level of funding. No new money is involved. The interest rate that we have, as you'll see in the letter from Ms. Diane McNabb, shows an interest rate of 5.7, which compared to past borrowings a tad higher, but she gives reasons why. The money is there to cover it. We recommend you proceed with executing the lease agreement to fund the Netplan 2000 budget.

Chairman Hair said, I'll entertain a motion to approve. Commissioner DeLoach said, so moved. Commissioner Saussy said, second. Chairman Hair said, second. Any discussion? All those in favor vote yes, opposed vote no. The motion carried unanimously. Chairman Hair said, the motion passes.

ACTION OF THE BOARD:

Commissioner DeLoach moved to authorize the Chairman to execute the lease agreement with G. E. Capital to fund the Netplan2000 project for the acquisition of computer-related infrastructure, computers and software. Commissioner Saussy seconded the motion and it carried unanimously. [NOTE: Commissioner Price was not present.]

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X. ACTION CALENDAR

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

Chairman Hair asked, does anybody want to pull anything off the Action Calendar? Commissioner Jackel said, I have several. Commissioner Saussy said, 3. Chairman Hair said, why am I not surprised. Commissioner Jackel said, item 3, that's unanimous. Chairman Hair said, okay. Commissioner Jackel said, 4, and then we have 11. Chairman Hair said, okay. Commissioner Jackel said, and then there's A, C, E, J -. Chairman Hair asked, all of them? Why don't you just pull them all? Commissioner Jackel said, no, no, no, no, U and then -, that's a part of that. Chairman Hair said, that's all of them, you can't pull any more. Commissioner DeLoach said, I move to approve -. Chairman Hair said, wait a minute. You wanted to pull one. Commissioner Thomas said, J. Commissioner Rivers said, he already pulled that. Commissioner Jackel said, that's a good pull. County Attorney Hart said, Mr. Chairman. Chairman Hair said, I'll entertain a motion to approve the balance of the Action Calendar. Commissioner DeLoach said, so moved. Commissioner Rivers said, I'll second. Chairman Hair said, second. All those in favor vote yes, opposed vote no. The motion carried unanimously. Chairman Hair said, the motion passes.

ACTION OF THE BOARD:

Commissioner DeLoach moved that the Action Calendar be approved in its entirety with the exception of Items 3, 4, 11, 16-A, 16-C, 16-E, 16-J and 16-U. Commissioner Rivers seconded the motion and it carried unanimously.

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

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1. APPROVAL OF THE MINUTES OF THE REGULAR MEETING ON DECEMBER 1, 2000, AS MAILED.

ACTION OF THE BOARD:

Commissioner DeLoach moved to approve the minutes of the regular meeting on December 1, 2000, as mailed. Commissioner Rivers seconded the motion and it carried unanimously.

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2. CLAIMS VS. CHATHAM COUNTY FOR THE PERIOD NOVEMBER 22 THROUGH DECEMBER 6, 2000.

ACTION OF THE BOARD:

Commissioner DeLoach moved that the Finance Director is authorized to pay claims for the period November 22, 2000, through December 6, 2000, in the amount of \$20,317,207. Commissioner Rivers seconded the motion and it carried unanimously.

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3. REQUEST BOARD AGREEMENT WITH THE SCHEDULE FOR THE SUBMISSION OF THE TAX YEAR 2001 DIGEST BY AUGUST 1.

Chairman Hair recognized Commissioner Jackel.

County Attorney Hart asked, Mr. Chairman, is item number three an issue that there was some discussion about whether the Board of Assessors was going to ask for this and there was going –, the possibility of a tabling of that? Chairman Hair said, well, I mean, the request is to approve the extension of the deadline time, as I understand it. Is that not correct? County Attorney Hart said, correct. Chairman Hair said, okay. Chairman Hair recognized Commissioner Jackel.

Commissioner Jackel said, well, that's what, you know, this has been done in the past. Now, what concerns me in reading over the material here is why our delegation –, someone didn't go to our State delegation and say, look, these State laws just don't make any sense. There's a time line here that is not realistic at all, and it's up to the State delegation to fix that, and I wish I had known about it before because we could have asked at our meeting that they fix this time line here. How do you have a requirement of 1 June to submit the digest when other things don't come in until after 1 June that you need to figure in your digest. I mean, these laws –, I mean, you know, we've kidded about the Florida Supreme Court and the U. S. Supreme Court but these things just do not coordinate at all. They've got conflicting time lines for doing things, and that apparently has led to the extension. Now how do we –, how do you maneuver through these things and what is it going to take to get this thing fixed so there's a time line that makes some sort of sense here? Chairman Hair asked, well, is your question rhetorical? I don't know there's an answer –. Commissioner Jackel said, no. The County Attorney is part of it and –. Chairman Hair said, okay, the County –. Commissioner Jackel said, I thought we were going to have someone here from the Board of Assessors, but –.

Chairman Hair said, well, there's nobody here so –. Chairman Hair recognized County Attorney Hart.

County Attorney Hart said, basically, Chatham County has a two installment process and there's two options. Most people bill on a single installment. We're kind of unkind of unusual. They bill in a single bill with two installments. We bill with two actual installments. In this particular case Chatham County is also unique in that the Tax Assessor also serves the function as the Tax Receiver, okay, which is because we're one of the oldest counties in the State and that's the way it was set up a long time ago. So the various dates for what the Tax Assessors do and what the Tax Receivers do fall periodically through the calendar year. You are correct that in order to have digest the Commission gets sort of stuck in a Catch-22. If you say we're going to meet the June 1st deadline and send it to Atlanta, because of freeport and homestead exemptions when you send it up there, you're sending a digest up that when they go test it with their ratios you're running the risk of basically coming back with a digest that's deficient, and of course there's some penalties involved in sending up a bad digest. We have not done that, but technically you raised that problem. Additionally, if you try to meet the June 1st deadline, because of these other times coming in, you're putting a lot of staff pressure on and you're talking about having to resource more to make that June 1st deadline. It's as simple as that. The June 1st deadline, if you read the statute, it says shall, and it's in plain English. It says shall. Commissioner Jackel said, I read that. Commissioner Saussy said, that means it will. County Attorney Hart said, will, but the cases under that section, the case law under that section interprets that section as being a directatory [sic] statute, which means that if a public official has a public duty and does not meet that deadline, he can still go ahead and perform that duty and there's no penalty involved in that as long as he meets the August 1st deadline, which the law require that he –, that we have the digest up there. We've always met that deadline, so what always had happened, you can go back for about eight or nine, ten years now, we've never met the June 1st deadline, but we've done it about June 15th through the 21st, falls in that time frame, so there's no –, nothing bad can happen to you in that gap. You may not technically be –. Commissioner Saussy said, well, I think it can happen. It has happened. County Attorney Hart said, within that statute, but you can go ahead and file your digest and you'll be okay. Now, the down side to that is that you don't meet the technical part of that compliance, and the only other issue that comes up is there was a Glynn County case about two years ago and in that Glynn County case basically it said that if the Commission directed the Assessors to meet the June 1st deadline and they didn't meet the June 1st deadline, then that could technically be a reason to dismiss an Assessor, and I think –, I don't know. I don't know why the Assessors want direction here, but I would assume it would be because of this Glynn County case. That's about all I can say for that. Commissioner Saussy said, I think there are other things that –. County Attorney Hart said, so –.

Chairman Hair said, I think that, you know, what you're saying though is that for years the Board of Assessors has not followed the law. That's what you're saying. County Attorney Hart said, they haven't met that statutory deadline. Chairman Hair said, that's correct, and now they're asking us to in essence embrace their lack of following the law. Commissioner Saussy said, right. County Attorney Hart said, well –. Chairman Hair said, they're asking us to be co-conspirators, you know.

Commissioner Jackel said, it is not, it's not that simple. They came to us for an extension in prior years because you had to file the homestead exemption after the first of June –. Chairman Hair said, my understanding is they've never asked for this extension from the County Commission before. Commissioner Saussy said, no. Chairman Hair said, never, never. Commissioner Jackel said, all right, if they haven't, but the reason why they did file it late was they wanted the homestead exemption to come in and the freeport to come in so they could file a complete digest. That's the bind that they're put in, that's the –, that's what the statute does and –. Chairman Hair asked, well, are you going to make a motion? Commissioner Jackel said, well, I, you know, I –. Chairman Hair asked, what's your motion? Commissioner Jackel said, I want to have further guidance from the County Attorney. This has been the pattern. What is the chances of us getting

something done with the State delegation? Chairman Hair said, he's a good attorney, but I don't think he knows anything —. Commissioner Saussy said, don't get your hopes up. Commissioner Jackel said, well, I don't know whether it effects statewide, everybody's having this problem or just us having the problem. County Attorney Hart said, well, some of the people have problems and some don't. I can tell you this, Chatham County has historically been one of the first counties to submit their digest by August 1st, you know, so we've always been up there on the top end of that scale, but in that gap from June 1st through August 1st apparently we have not met that June 1st deadline. The question is is there any penalty for not meeting the June 1st deadline, and the answer is no unless you violate the August 1st deadline. Commissioner Jackel said, okay, so we haven't been penalized in any way for what's gone on in the past. All right. Do you see this as a reasonable request that we do it as of August 1st? County Attorney Hart said, well, that's a policy decision, it's not a legal issue.

Commissioner Saussy said, let me ask you another question. Chairman Hair said, Commissioner Rivers first and then Commissioner Saussy.

Commissioner Rivers said, what I —, if this presents a problem to us, then how do we rectify that problem? That's one. Now, if we don't have no alternative in rectifying it, then we go ahead and we do it and then proceed to try to rectify and put the house in order. That's plain and simple cause we don't have to go through a whole lot of rigamarole over that. County Attorney Hart said, if you keep the June 1st deadline, you're going to have to commit to the necessary staffing hours in time to meet it because you've got a short time frame there when freeport and homestead comes in because a lot of those people just wait to —, especially freeport, they wait until the last minute to put it in, okay. Commissioner Jackel said, everybody waits till the last minute, sure. County Attorney Hart said, okay, so you're going to have to commit to the staffing requirement and you're also going to have to pay attention to whether when you send your digest in, whether it can have some Department of Revenue challenges internally, and predicting that —, nobody can predict it. On the other hand, if you spread it out and give them the extra 20 days, say, mid-month or something like that, you have less chance of those things happening to you, but you would not be in technical compliance with the language of that statute.

Chairman Hair said, Mr. Hart, I respectfully disagree with the statement you made. You said, we've got to give them extra resources. Why should we have to give the department resources to do the job they're supposed to do anyway? Commissioner Saussy said, right. Chairman Hair said, I mean, they're supposed to be manned to do the job, why have we got to [inaudible] now to hire all these people to do what they're supposed to be doing anyway? County Attorney Hart said, I don't have the answer to that. All I know is that I am told that it is a lot of work involved. Commissioner Jackel said, the answer is because those come in a short period of time and the staff handled the work by spreading it out. If they've got to do it in that short period of time, they may need more staff. Chairman Hair said, that's not the answer. Chairman Hair recognized Commissioner Saussy.

Commissioner Saussy asked, once the digest goes in if it goes in, say, on —, it's supposed to be June 1st and say it goes in on the 15th to the 22nd, revisions are not allowed that goes in, right? County Attorney Hart said, I haven't researched that point. I don't know. I don't have the answer to that? Commissioner Jackel said, sure, you can amendment. Chairman Hair asked, well, why should [inaudible]? Commissioner Saussy said, that's not what the law says. Chairman Hair said, yes, the law says you can't. Commissioner Jackel said, listen, if you added up a column of figures wrong there's always room for amendment for clerical errors of the State —. Chairman Hair said, that's not what we're talking about here. We're not talking about clerical mistakes. Commissioner Saussy said, right. We're talking about going back in and redoing the whole thing. Chairman Hair said, exactly. Changing the value on some property. Commissioner Saussy said, changing the values. That has been done. That's against the law.

Chairman Hair asked, does anybody have a motion? Commissioner Jackel said, well, that's —. Chairman Hair said, I think —, let's have a motion. I'd make one, but I can't unfortunately.

Commissioner Saussy said, I make a motion that we do not do it. Chairman Hair said, all right, we have a motion to deny the extension. Do I have a second. Commissioner Jackel said, yes, I'd like to try and amend that motion. Chairman Hair said, well, we don't have a second yet. Do we have a second to that motion? Commissioner Price said, second. Chairman Hair said, all right, we have second. Do you want to try to amend it? Commissioner Jackel said, I'd like to amend it that if we require that and they need additional staff, we supply it. Commissioner Saussy said, well, that will have to come later. Chairman Hair said, yes. So you won't accept that amendment? Commissioner Saussy said, I won't accept that amendment.

Chairman Hair said, okay. All right, we have a motion and a second on the floor to deny the extension. All those in favor of the motion vote yes, opposed vote no. Chairman Hair and Commissioners Saussy, Rivers, Murray, Odell, Price, DeLoach and Thomas voted in favor of the motion to deny. Commissioner Jackel voted in opposition. The motion to deny carried by a vote of eight to one. Chairman Hair said, the motion passes.

Commissioner Rivers said, I would —, I would say this, Mr. Chairman. Chairman Hair said, okay, yes sir. Commissioner Rivers said, that if they do need additional help in order to get that done, that they come back and justify it to this Board. Chairman Hair said, absolutely. I totally agree with that, Commissioner. I totally agree with that.

ACTION OF THE BOARD:

Commissioner Saussy moved to **deny** the request for agreement with the schedule for the submission of the Tax Year 2001 digest by August 1. Commissioner Price seconded the motion. Chairman Hair and Commissioners Saussy, Rivers, Murray, Odell, Price, DeLoach and Thomas voted in favor of the motion to deny. Commissioner Jackel voted in opposition. The motion to deny carried by a vote of eight to one.

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4. REQUEST BOARD APPROVAL TO AMEND THE AGREEMENT WITH THE MPC FOR THE DIGITIZED TOPOGRAPHIC MAPPING FOR THE COUNTY-WIDE DRAINAGE IMPROVEMENT PROGRAM TO INCREASE THE AMOUNT FROM NOT TO EXCEED \$2.1 MILLION TO \$2.19 MILLION. [ALL DISTRICTS.]

Chairman Hair recognized Commissioner Jackel. Commissioner Jackel said, you know –. Commissioner DeLoach said, so moved. Commissioner Price said, second. Chairman Hair said, motion and second. Chairman Hair recognized Commissioner Jackel.

Commissioner Jackel said, here we go spending a lot more money than we were originally going to spend on something, and that bothers me why it's going to take the additional money to get this project–. Chairman Hair asked, Mr. Bungard, can you–?

County Manager Abolt said, I can quickly, this is the one, this is a money maker for us. As you recall, when we first started this, Mr. Bungard was the initiator along with John Brannen and others, we saved like \$7 million out of our drainage projects. In effect, it gives us very discreet and exact contours. We get great return on the investment. Certainly the contractual relationship with MPC means SAGIS, and that truly has been a money maker for the taxpayers of Chatham County. Commissioner Price said, I call the question.

Chairman Hair said, call the question. All those in favor vote yes, opposed vote no. Commissioner Jackel asked, why –, why does that –? Commissioner Saussy said, the motion's called. Chairman Hair said, the motion passes. Commissioner Rivers said, Mr. Chairman, don't run over Martin [Jackel] like that. The Clerk said, we need two more votes. The motion carried unanimously. Commissioner Rivers said, Martin [Jackel], he just ran over you and pushed you on the side. Commissioner Jackel said, we'll get him. Chairman Hair said, you know, Commissioner Jackel, I believe we could –, we could cut our meeting short by two hours if you'd submit your questions in advance and get the answers. I know they wouldn't be on television, but at least you'd get answers to your questions. Commissioner Jackel said, look, the people sent me up here to ask these questions. They sent me up here –. Chairman Hair said, I didn't see that in your brochures. Commissioner Jackel said, right, and if I hadn't pulled that last thing, you would have approved it the other way. Commissioner Saussy said, oh, no. I would have pulled it. Chairman Hair said, it would have been pulled by a lot of people.

ACTION OF THE BOARD:

Commissioner DeLoach moved to amend the agreement with the MPC for the digitized topographic mapping for the Countywide drainage improvement program to increase the amount from "not to exceed \$2.1 million" to "not to exceed \$2.19 million." Commissioner Price seconded the motion and it carried unanimously.

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5. REQUEST BOARD APPROVE AN AGREEMENT WITH GDOT FOR THE LIGHTING OF THREE INTERCHANGES ON TRUMAN PARKWAY, PHASE III. [DISTRICTS 1 AND 3.]

ACTION OF THE BOARD:

Commissioner DeLoach moved to approve an agreement with Georgia Department of Transportation (GDOT) for the design of the lighting systems of three interchanges on Truman Parkway, Phase III. Commissioner Rivers seconded the motion and it carried unanimously.

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6. REQUEST FROM THE ATTORNEY FOR THE DEVELOPER, DUTCH ISLAND L.L.C., FOR THE COUNTY TO FURTHER REDUCE THE AMOUNT OF THE CASH BOND FOR DUTCH ISLAND, PHASE 15.

[DISTRICT 4.]

ACTION OF THE BOARD:

Commissioner DeLoach moved to approve the request from the attorney for the developer, Dutch Island L.L.C. to the County to further reduce the amount of the cash bond for Dutch Island, Phase 15, from \$96,400 cash bond to \$13,661.50. Commissioner Rivers seconded the motion and it carried unanimously.

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- 7. REQUEST FROM KONCUL ENTERPRISES, THROUGH THEIR AGENT, JOHN S. KERN ENGINEERING, TO RELEASE THE REMAINING BOND AND TO ACCEPT THE PAVING AND DRAINAGE IMPROVEMENTS FOR COUNTY MAINTENANCE FOR BRANDLEWOOD, PHASES 5A AND 5B.**

[DISTRICT 5.]

ACTION OF THE BOARD:

Commissioner DeLoach moved to approve the request from Koncul Enterprises, through their agent, John S. Kern Engineering, to release the remaining bond and to accept the paving and drainage improvements for County maintenance for Brandlewood, Phases 5A and 5B. Commissioner Rivers seconded the motion and it carried unanimously.

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- 8. REQUEST FROM SAVANNAH QUARTERS, THROUGH THEIR AGENT, THOMAS & HUTTON, TO RECORD THE PLAT FOR STEEPLE RUN AT SOUTHBRIDGE, PHASE 14, LOTS 22, 24, 29, 31, 33, 35, 37, 39, 41 AND 43.**

[DISTRICT 7.]

ACTION OF THE BOARD:

Commissioner DeLoach moved to approve the request from Savannah Quarters, through their agent, Thomas & Hutton, to record the plat for steeple run at Southbridge, Phase 14, Lots 22, 24, 29, 31, 33, 35, 37, 39, 41 and 43. Commissioner Rivers seconded the motion and it carried unanimously.

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- 9. REQUEST BOARD APPROVE THE EARLY ACQUISITION REQUEST OF PATRICE PIERCE, 15 RIVER BLUFF DRIVE, FOR THE WHITFIELD AVENUE WIDENING PROJECT.**

[DISTRICT 1.]

ACTION OF THE BOARD:

Commissioner DeLoach moved to approve the early acquisition request of Patrice Pierce, 15 River Bluff Drive, for the Whitfield Avenue Widening Project. Commissioner Rivers seconded the motion and it carried unanimously.

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- 10. REQUEST BOARD APPROVE AND EXECUTE AN EASEMENT AGREEMENT WITH GEORGIA PACIFIC CORPORATION FOR THE CONSTRUCTION OF PHILLIPS AVENUE CANAL DRAINAGE IMPROVEMENTS.**

ACTION OF THE BOARD:

Commissioner DeLoach moved to approve and execute an easement agreement with Georgia Pacific Corporation for the construction of Phillips Avenue Canal Drainage Improvements. Commissioner Rivers seconded the motion and it carried unanimously.

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11. REQUEST BOARD APPROVAL TO ESTABLISH BUDGETS FOR ROAD PROJECTS INCLUDED IN THE SPECIAL PURPOSE LOCAL OPTION SALES TAX (SPLOST) FOR 1998-2003.

Chairman Hair recognized Commissioner Jackel.

Commissioner Jackel said, okay, now –. Chairman Hair said, 11. He forgot his question. Commissioner Jackel said, yes, I've got to get back on track here. Y'all got me –. Commissioner Saussy said, you're an attorney, you're not supposed to do that. Chairman Hair said, that keeps the clock running longer. You don't have a question now?

Commissioner DeLoach said, move for approval. Chairman Hair said, I have a motion. Commissioner Odell said, second. Chairman Hair said, second.

Commissioner Jackel said, I'm not sure what the \$22 million was for the East/West Corridor Project is. Chairman Hair asked, Russ [Abolt], can you answer his question?

County Manager Abolt said, okay, sir. There was an –, first of all, this is a ministerial act to set up the budgets based under voter approval. There was an amount that was identified, and the Chairman, I know, knows from our CUTS deliberation that it was somewhat, I don't want to say a swag, that's not being kind, but there was an estimate given –. Commissioner DeLoach said, it was a swag. County Manager Abolt said, okay, I'll stipulate it was swag, and it just creates a budget for it, and right now we'll be spending nothing out of this.

Chairman Hair asked, are you satisfied, Commissioner Jackel? Commissioner Jackel said, okay. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously. Chairman Hair said, the motion passes.

ACTION OF THE BOARD:

Commissioner DeLoach moved that the Board establish budgets for road projects included in the Special Purpose Local Option Sales Tax (SPLOST) FOR 1998-2003 as follows: Eisenhower widening and median construction, \$2,400,000; East/West Corridor \$22,174,000; Truman Parkway, Phase V, \$5,000,000; Abercorn Widening (Rio Road to Truman V), \$5,000,000; Bay Street Widening, \$6,000,000; Hodgson Memorial Widening, \$500,000; and Melinda Drive (Stiles Avenue Extension), \$544,000, for a total of \$41,618,000. Commissioner Odell seconded the motion and it carried unanimously.

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12. REQUEST BOARD APPROVE ANNEXATION OF PROPERTY KNOWN AS WILD CAT DAM ROAD INTO BLOOMINGDALE. [DISTRICT 7.]

ACTION OF THE BOARD:

Commissioner DeLoach moved to approve annexation into Bloomingdale of property known as Wild Cat Dam Road from Highway 80 to Main Street between the city limits of Bloomingdale and Pooler. Commissioner Rivers seconded the motion and it carried unanimously.

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13. REQUEST BOARD APPROVAL OF A JOINT AGREEMENT BETWEEN CHATHAM COUNTY AND THE SAVANNAH COLLEGE OF ART AND DESIGN TO IMPROVE EIGHT (8) TENNIS COURTS LOCATED AT LAKE MAYER COMMUNITY PARK AND TO AUTHORIZE THE CHAIRMAN TO SIGN THE AGREEMENT. [DISTRICT 3.]

ACTION OF THE BOARD:

Commissioner DeLoach moved to approve a joint agreement between Chatham County and the Savannah College of Art and Design to improve eight (8) tennis courts located at Lake Mayer Community Park and to authorize the Chairman to sign the agreement. Commissioner Rivers seconded the motion and it carried unanimously.

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14. REQUEST BOARD TENTATIVELY APPROVE CALENDAR FOR REGULAR COMMISSION MEETINGS IN 2001.

ACTION OF THE BOARD:

Commissioner DeLoach moved to tentatively approve the calendar for regular Commission meetings in 2001. Commissioner Rivers seconded the motion and it carried unanimously.

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

ACTION OF THE BOARD:

Commissioner DeLoach moved to approve a resolution to provide for the use of three (3) Boards of Equalization as authorized by Georgia law. Commissioner Rivers seconded the motion and it carried unanimously.

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

<u>ITEM</u>	<u>DEPT.</u>	<u>SOURCE</u>	<u>AMOUNT</u>	<u>FUNDING</u>
A. Change Order No. 1 to the contract to design and provide a document imaging system to delete the purchase of Sequel Server license and to add purchase of maintenance and warranty agreement	I.C.S.	Palmetto Microfilm and Imaging Systems	\$11,100	•CIP - ANG Renovations •CIP - Vehicle and Equipment Lease
B. Confirmation of emergency approval to extend, by one (1) month, contract for Employee Assistance Program	Human Resources	Resource EAP	\$1,132.84	General Fund/M&O - Human Resources
C. Change Order No. 5 to the contract to provide an engineering study as part of the Fawcett Canal Project for additional engineering services	SPLOST	Hussey, Gay, Bell and DeYoung	\$26,940	SPLOST (1998-2003) - Fawcett Canal
D. First renewal option to annual contract to provide maintenance, which exceeds the capability of the "in-house" work force, of the three draw bridges	Bridges	Alloy Industrial Contractors, Inc.	Varies by service	General Fund/M&O - Bridges
E. Fifty 21" monitors	I.C.S.	Entré Computer Center (MBE)	\$34,300	CIP - ANG Renovations
F. Server software	I.C.S.	Comp USA	\$14,657.02	CIP - ANG Renovations
G. Server	I.C.S.	Dell Marketing Center	\$10,657.32	CIP - ANG Renovations
H. Annual software license and support services agreement	Tax Commissioner	VisiCraft Systems, Inc.	\$35,000	General Fund/M&O - Tax Commissioner
I. Contract for the construction of the Westlake/South Springfield Canal drainage improvement project	SPLOST	TIC, Inc.	\$1,614,136	SPLOST (1998-2003) - Westlake/South Springfield Canal Drainage project
J. Professional services contracts for four road design projects	SPLOST	•Hussey, Gay, Bell and DeYoung •Jones and Goulding	•\$428,985 •\$592,017.45	SPLOST (1998-2003) - Road Design Projects
K. Change Order No. 1 to the contract for the construction of the new Tag Office for the construction of a landscape irrigation system	SPLOST	Collins Construction	\$9,400	SPLOST (1993-1998) - Tag Office

ITEM	DEPT.	SOURCE	AMOUNT	FUNDING
L. Change Order No. 2 to the contract for the construction of the new Tag Office to reroute the existing 4" sewer line currently located within the new proposed detention pond "A"	SPLOST	Collins Construction	\$1,088	SPLOST (1993-1998) - Tag Office
M. Change Order No. 3 to the contract for the construction of the new Tag Office to use 5/8" BC plywood in lieu of 5/8" gypsum drywall as specified on the plans in the computer room	SPLOST	Collins Construction	\$380	SPLOST (1993-1998) - Tag Office
N. Deductive Change Order No. 4 to the contract for the construction of the new Tag Office to use VCT in breakroom #115 instead of sheet vinyl with heat welded seams as specified in the plans and specifications	SPLOST	Collins Construction	(\$900)	SPLOST (1993-1998) - Tag Office
O. Confirmation of emergency purchase of 1,000 tons of #57 crushed stone to be used for the installation of methane monitoring trenches at Wilmington Island Landfill	Solid Waste Management	Martin Marietta Aggregates	\$14,500	Solid Waste Management
P. Confirmation of emergency purchase to conduct surveys at the Wilmington Island Landfill required by EPD in connection with the methane gas at Wilmington Island Landfill	Solid Waste Management	Stevenson and Palmer Engineering	\$10,200	Solid Waste Management
Q. Agency membership agreement for a web based procurement system	Purchasing	Demand Star.Com, Inc. (sole source)	No cost to the County	N/A
R. Fitness trail equipment for Lake Mayer, L. Scott Stell Park, and Tom Triplett Community Park	Parks and Recreation	Leisure Lines, Inc. (FBE)	\$24,624	General Fund/M&O - Parks and Recreation
S. Change Order No. 2 to the annual contract for elevator maintenance and service for servicing hydraulic book lift	Library	Atlantic Coast Elevator Service (FBE)	\$716.76 per year	General Fund/M&O - Library
T. Change Order No. 6 to the contract for the design of the Middleground Road/Montgomery Crossroad Widening Project for additional design services	SPLOST	Hussey, Gay, Bell and DeYoung	\$54,082	SPLOST (1993-1998) - Middleground Road Widening Project
U. Deductive Change Order No. 2 to the contract for the operation and management of the Aquatic Center	Aquatic Center	Champion Corporation	(\$13,833.34) per month	General Fund/M&O - Aquatic Center

As to Items 16-B through 16-T, except 16-C, 16-E and 16-J:

Commissioner DeLoach moved to approve Action Calendar Items 16-B through 16-T with the exception of Items 16-A, 16-C, 16-E, and 16-J. Commissioner Rivers seconded the motion and it carried unanimously.

As to Item 16-A:

CHANGE ORDER NO. 1 TO THE CONTRACT TO DESIGN AND PROVIDE A DOCUMENT IMAGING SYSTEM TO DELETE THE PURCHASE OF SEQUEL SERVER LICENSE AND TO ADD PURCHASE OF MAINTENANCE AND WARRANTY AGREEMENT; ICS; SOURCE: PALMETTO MICROFILM & IMAGING SYSTEMS; AMOUNT: \$11,100; FUNDING: CIP - ANG RENOVATIONS; CIP - VEHICLE AND EQUIPMENT LEASE.

Chairman Hair recognized Commissioner Jackel.

Commissioner Jackel said, okay. I'm very disturbed here. In paragraph two we have said we're told this is a standard in the industry, and we've got to spend over 10% of the value to make sure everything's okay. That seems kind of high and I don't know that that's --, why don't these people back their products instead of making us spend an additional 10%? Commissioner DeLoach said, because they want to make the money. Chairman Hair asked, do you guarantee your legal representation? Commissioner Jackel said, yes, I do. Commissioner Price said, because they asked for a recount. Commissioner Jackel said, I just --, I mean, that --. Chairman Hair asked, what's your question? Commissioner Jackel said, that is the question. Do we --, why won't they just back --, do we have to go with this 10% that they're holding us up for --? Chairman Hair recognized Mr. Lynch. Commissioner Jackel said, and they're telling us that's the standard in the industry.

Mr. George Lynch said, I think the standard in the industry referred to the warranty period. It is normal in the software area, and I will look at my friend Lewis Leonard, please disagree with me --. Chairman Hair asked, and is it a standard or not, Mr. Lewis? Mr. Leonard said, typically 10 to 15% per annum for software maintenance. Chairman Hair said, so it is standard.

Commissioner Jackel asked, and we can only get a 20-day warranty, that's all they'll give us? Mr. Leonard said, the dealer for the software that we're buying says that's all the manufacturer is providing. In other words --. Commissioner Jackel asked, well, can't we negotiate a better deal? Don't we want a one-year warranty? Mr. Leonard said, we went through a procurement process with three different companies, and their software met our needs better and was more affordable than the others, and so we're doing it this way.

Commissioner DeLoach said, I move for approval. Chairman Hair asked, second? Commissioner Price said, second. Commissioner Thomas said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously.

As to Item 16-C:

CHANGE ORDER NO. 5 TO THE CONTRACT TO PROVIDE AN ENGINEERING STUDY AS PART OF THE FAWCETT CANAL PROJECT FOR ADDITIONAL ENGINEERING SERVICES; SPLOST; SOURCE: HUSSEY, GAY, BELL AND DEYOUNG; AMOUNT: \$26,940; FUNDING: SPLOST (1998-2003) - FAWCETT CANAL.

Chairman Hair recognized Commissioner Jackel.

Commissioner Jackel said, this is the thing that just keeps coming up and spending more and more and more change orders on and more and more money. Is this a bottomless pit here or is there some end to this? Commissioner Saussy said, it's a bottomless drainage pit. Commissioner Jackel said, it apparently is.

Mr. Lynch asked, sir, are you asking is this just throwing more money at the project? Commissioner Jackel said, yes. Mr. Lynch said, and if that is the question what this does is to provide, if you would, the supervision and things of that nature, the observation of it. It is additional scope that's being put on. In other words, we are getting an additional service which was not in the initial contract, and that's valuable. Chairman Hair said, if you ask for more, you pay for more. Mr. Lynch said, you give new scope, you pay the gentleman more money. Chairman Hair asked, does that satisfy you, Commissioner Jackel?

Commissioner Jackel said, well, if we could --, if we could have in the presentation of this thing that it's not --, can't we differentiate between a change order in material and in additional requirements? Commissioner Saussy said, that's what it says. Commissioner Jackel said, I read a change order is --. Commissioner Saussy said, read the last three words. Commissioner Jackel said, as you wanted your kitchen set up this way and you moved the appliances around or something like that. I mean, that's the way I read a change order and additional requirement is --. Mr. Lynch said, is a change of scope, which we --. Commissioner Jackel said, yes. Mr. Lynch said, handle through a change order. Sir, if we haven't been clear, I apologize and will do better in the future.

Chairman Hair said, you were clear to most of us. Mr. Lynch said, thank you, sir. Chairman Hair asked, all those in favor vote yes, opposed vote no. The Clerk said, I don't have a motion on that. Commissioner Price said, move. Commissioner Odell said, second. The motion carried unanimously. The Clerk said, thank you.

As to Item 16-E:

FIFTY 21" MONITORS; ICS; SOURCE: ENTRE' COMPUTER CENTER (MBE); AMOUNT: \$34,300; FUNDING: CIP - ANG RENOVATIONS.

Chairman Hair recognized Commissioner Jackel.

Commissioner Jackel asked, who is going to be using these computers when we go to 21" monitors? Chairman Hair said, Inspections. Mr. Leonard said, sir, this is for our document imaging project. The people in the pilot project and the Inspections Department and the State Court, who will be using that product will have larger monitors so they can display the pages side by side. Commissioner Jackel said, but I don't think anybody's going to be using this thing for long periods of time are they? Mr. Leonard said, yes sir. Mr. Lynch said, yes sir, yes sir. Chairman Hair said, it will benefit the courts, Commissioner Jackel. Commissioner Jackel said, I see --, just wait just one second here now. I'm over at that courthouse. I'm over there several times a week and I go all over that courthouse and I see all kinds of computers and monitors that just sit there and grin, collect dust. Maybe someone will come over and use it for a minute or two as they need some information, and it just sits there. You know, those are not the ones that need these big monitors. Now if it's a computer that someone's working on all day, then that is, and that's what I wanted to make sure that these are the ones that people are working on versus those that are just going to be access to the public that stay vacant most of the time. Chairman Hair asked, Mr. Leonard, can you answer --. Mr. Leonard said, that is --, that's true. Chairman Hair said, all right. Commissioner Jackel said, that's what I needed to know.

Commissioner Odell said, so moved. Chairman Hair said, motion. Second? Commissioner Price said, second. Commissioner Saussy said, call the question. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously.

As to Item 16-J:

PROFESSIONAL SERVICES CONTRACTS FOR FOUR ROAD DESIGN PROJECTS; SPLOST; SOURCE: HUSSEY, GAY, BELL AND DEYOUNG - \$428,985; ~~JONES AND GOULDING - \$592,017.45~~; FUNDING: SPLOST (1998-2003) - ROAD DESIGN PROJECTS.

Commissioner Jackel said, we've got --. Chairman Hair said, first of all, this has been modified. This has been modified and put on the awarding two to Hussey, Gay, Bell. We're not awarding to James --, Jones and Goulding. Those two will be rebid based on what Mr. Lynch told me.

Mr. Lynch said, through RFP, yes sir. Chairman Hair said, so this is only to award --.

Commissioner Price asked, which projects are being rebid? Mr. Lynch said, I beg your pardon, sir. Chairman Hair said, we're bidding --. Commissioner Price asked, which projects --? Chairman Hair said, Melinda and --. Mr. Lynch said, the rebids are going to be Melinda and Bay Street. Chairman Hair said, and Bay Street, yes. Commissioner Price said, okay. Chairman Hair said, okay, and --.

Commissioner Jackel asked, isn't there some sort of accommodations we can work out because that price that Hussey, Gay and Bell has given us is so much lower? Chairman Hair said, but it's a scheduling problem. Commissioner Jackel said, I understand it's a scheduling problem, but I was just trying to still see if there was some accommodation because when I can buy that cheap I like to do it. Chairman Hair said, but they said they couldn't do it. Mr. Lynch said, sir, we met with them, specifically offered them all three of the contracts and very straightforward they said we can meet the schedule, which is important, on two. If we take three, we saturate and you're getting into a long, extended schedule. So unfortunately we can't force them to do it, and --. Chairman Hair said, that's correct. Mr. Lynch said, I admire them for their candor. Commissioner Jackel said, all right, so we're only going with then --. Chairman Hair said, those two. Commissioner Jackel said, the two and we'll rebid the others. Chairman Hair said, that's correct. Mr. Lynch said, yes sir. Commissioner Jackel said, okay.

Chairman Hair asked, do I need --? Certainly, certainly, Commissioner DeLoach.

Commissioner DeLoach said, I missed out on what they're being pulled. Commissioner Odell said, quickly. Mr. Lynch said, yes, sir. Chairman Hair said, that was Commissioner Odell, that wasn't me. Mr. Lynch said, well, I say yes sir to him also, sir. We, in this case, are referring to a situation where we had a tie vote. We resolved it. When you resolve the tie vote, you suddenly find if the remaining person, not on Abercorn, not on Eisenhower, but on Bay, is asking \$142,000 more in fee than a lower ranked, bear in mind now we're RFP not bids, in there, doesn't make real good sense. So what we are saying is, okay, we can't reach them. We certainly are not going to wiggle and play games with the system, but it still doesn't benefit us. We have the right to reject any proposal. We're exercising that option. We will go ahead and put it on the street and see if it comes back at a lower price.

Chairman Hair said, I would just also say, Commissioner DeLoach, I raised this question yesterday and really what happened was when Hussey, Gay, Bell took their bid off the table, they were still using that figure through the point system instead of using the main three, which I didn't think was fair, and they agreed so that was why we --. Okay, motion and second. Do I have a motion and --? Commissioner Saussy said, so moved. Commissioner DeLoach said, second. Commissioner Price said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously.

Commissioner Jackel said, I'm not sure that the motion --, because that motion wasn't in my book. I think we need a motion that we're just moving forward with the two. Chairman Hair said, I made that clarification. I would hope --. You understand it's just the two and not --? Mr. Lynch said, yes sir. Chairman Hair said, all right.

As to Item 16-U:

DEDUCTIVE CHANGE ORDER NO. 2 TO THE CONTRACT FOR THE OPERATION AND MANAGEMENT OF THE AQUATIC CENTER; AQUATIC CENTER; SOURCE: CHAMPION CORPORATION; AMOUNT: (\$13,833.334) PER MONTH; FUNDING: GENERAL FUND/M&O - AQUATIC CENTER.

Chairman Hair recognized Commissioner Jackel.

Commissioner Jackel said, all right, I understand that there are problems at the pool with the HVAC and several of those things and we're working on them to try and get this down, but are we becoming some sort of guarantor here for what these people's income is going to be by changing to this new system? Commissioner Price asked, may I respond? Chairman Hair said, yes. Commissioner Price said, David [Saussy] and I have had discussions with the Whites regarding this situation and it is in no way the County becoming a guarantor. Chairman Hair said, exactly. Commissioner Price said, we've got a situation where I'm afraid the original design of the Aquatic Center was done in such a manner that we're having structural problems, we're having facility problems, we're having HVAC problems. You know, the mechanical system and the entry door maintenance, these are all problems that should not be borne by the contractor that they had no idea were going to exist. They were assuming that they had a --, and this was a new facility, that they had an up and running adequately built new facility. It was poorly designed is what the bottom line is, and I'm embarrassed to say that. Commissioner Jackel said, okay. What was --, my concern is if they're responsible for the utilities, maybe they turn the air conditioning down to 76. Commissioner Saussy said, well, I can guarantee you I'm over there twice a week and that does not happen. Commissioner Jackel said, if they are not responsible for the utilities and we are picking up the bills, maybe they'll turn it down to 72, maybe they'll turn it down to 70. Commissioner Saussy said, and then you have these older people like myself that go in there and they want it to go up. Commissioner Jackel said, I want to take the view that's often expressed over here, you know, when someone else is paying then people aren't careful with the money, and that's my concern about when we start picking up these additional bills and someone else's hand is on the throttle.

Chairman Hair said, you know, Commissioner Jackel, I can assure you, I've looked at these records and I can tell you it's quite the opposite of what you're saying. Commissioner Saussy said, absolutely. Chairman Hair said, it's costing these people money. I think if it's --, we promised them a facility that was of a certain standard and we didn't deliver that facility, I don't think they should have to pay the cost of it. Commissioner Jackel said, what I --, I don't have any problem with --. Chairman Hair said, well, that's all this does. Commissioner Jackel said, no, this somewhat shifts it over that we're going to pay all these bills, and we're not --, we don't have our hand on the throttle and that --. Chairman Hair asked, well, do you want to make a motion to deny? Commissioner Jackel said, well, I --. Chairman Hair asked, what do you want --, what's your motion? Commissioner Jackel said, I was --, I would like to see some controls put in place is what I would like to see and come back with a recommendation.

Mr. Lynch said, sir, if I could, this is a deductive change order. The costs which we hoped to heaven we were going to be able by some of the actions to reduce in terms of utility costs, we have taken the money out of their contract --. Chairman Hair said, that's right. Mr. Lynch said, so that we have that to use it. It is a balance deducted. If I had my own particular way and if funds were available, I would recommend providing some additional financing to them. Unfortunately, given our financial challenges right at the moment we can't do it, but I think we're going to have to recognize in the future that we may have to reach in and pick this up. Chairman Hair said, absolutely. Mr. Lynch said, this is no bail out. Chairman Hair said, no question. Mr. Lynch said, this is an effort, I think, to work a problem that is very sincere, but we are not bailing them out and the problem with high utility bills has not been turning the thermostat up too high.

Commissioner Jackel said, well, it's not only the utility bills, it's also the maintenance and repairs to the structure and the mechanical system. Mr. Lynch said, most of those --. Chairman Hair said, it wasn't done right the first time, which was our fault not their fault. Commissioner Jackel said, it may have been, but then if we've got to keep charging in and fix everything, it's a question of when and how and how long --. Chairman Hair said, well, make a motion if you want to make a motion. Commissioner Jackel said, well, that's what I would like to get a different --. Chairman Hair asked, what's your motion. Commissioner Jackel said, I would like to table this until we can get a different presentation on how we might control these costs. Chairman Hair asked, is there a second to the motion to table? Hearing no second, the motion fails.

Commissioner Price move for approval. Commissioner Saussy said, move for approval --, second. Chairman Hair said, motion and second. Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, Martin [Jackel], I understand your concerns and I think they're valid, but at the same time I've been out there and I know they do have some serious problems. It was caused in the design process and that heating and air conditioning system is not working properly, it is not adequate for what's going on and the maintenance stuff out there is not any fault of the people that operate it. It's a design problem totally, and it's --, I guess my question, George [Lynch], what --, how soon before we'll be able to start really correcting these problems that are out there and solve it? Mr. Lynch said, I think we have taken two actions. These were recommended by the engineer from the manufacturer, the manufacturer of record. One involved diverting air that was going on the pool and stirring up a whole of a lot of humidity, which becomes an additional drag. We have gotten that done. He also recommended, and don't ask me to go into the physics of it or I'll flunk the course, that we relocate the air intake, sucking the air out of the pool and taking it through the system. The way that it had been designed and built was to have that right at floor level. When you do it at that point, you get more humidity going through. Now, we expect it to help. I'm not sure that is a panacea or the end of it. Chairman Hair said, but at least you're working on it. Mr. Lynch said, but we're working the problem. We may, and I do not want to alarm

you, but I want to make sure that you're aware of it, we may find that we will have to go in with perhaps as much as 60 tons of additional dehumidification and air conditioning. We aren't prepared to say it, we don't know it, we aren't at that point, but just in the line of full disclosure, I want you to be aware that that could be in front of us in the future.

Chairman Hair said, okay, we have a motion and a second already. Thanks. Any other questions? All those in favor vote yes, opposed vote no. Commissioner Saussy seconded the motion. Chairman Hair and Commissioners Saussy, Rivers, Murray, Odell, Price, DeLoach and Thomas voted in favor of the motion. Commissioner Jackel voted in opposition. The motion carried by a vote of eight to one. Chairman Hair said, the motion passes.

ACTION OF THE BOARD:

1. Commissioner DeLoach moved to approve Action Calendar Items 16-B through 16-T with the exception of Items 16-A, 16-C, 16-E, and 16-J. Commissioner Rivers seconded the motion and it carried unanimously.
2. Commissioner DeLoach moved to approve Item 16-A. Commissioners Price and Thomas seconded the motion and it carried unanimously.
3. Commissioner Price moved to approve Item 16-C. Commissioner Odell seconded the motion and it carried unanimously.
4. Commissioner Odell moved to approve Item 16-E. Commissioner Price seconded the motion and it carried unanimously.
5. Commissioner Saussy moved to approve Item 16-J. Commissioners Price and DeLoach seconded the motion and it carried unanimously.
6. Commissioner Price moved to approve Item 16-U. Commissioner Saussy seconded the motion. Chairman Hair and Commissioners Saussy, Rivers, Murray, Odell, Price, DeLoach and Thomas voted in favor of the motion. Commissioner Jackel voted in opposition. The motion carried by a vote of eight to one.

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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 RALPH L. FORBES, AGENT (FOR UNION CAMP REALTY CORP., OWNER), IS REQUESTING REZONING APPROXIMATELY 75 ACRES WITHIN A 1,911 ACRE TRACT KNOWN AS BERWICK PLANTATION FROM THE EXISTING PUD-B (PLANNED UNIT DEVELOPMENT-BUSINESS), PR-1 (PLANNED RESIDENTIAL-SINGLE FAMILY), AND PUD-IS (PLANNED UNIT DEVELOPMENT-INSTITUTIONAL) CLASSIFICATIONS TO PUD-B (C) (PLANNED UNIT DEVELOPMENT-BUSINESS-COMMUNITY), PUD-M-8 (PLANNED UNIT DEVELOPMENT-MULTI-FAMILY), PUD-M-12 (PLANNED UNIT DEVELOPMENT-MULTI-FAMILY), AND PR-1 (PLANNED RESIDENTIAL-SINGLE FAMILY) CLASSIFICATIONS FOR THE PURPOSE OF AMENDING THE LAND USE DEVELOPMENT PATTERN OF THE BERWICK PLANTATION MASTER PLAN. THE MPC RECOMMENDED DENIAL OF THE PETITIONER'S REQUEST BUT FURTHER RECOMMENDED THAT THE PETITIONER'S ENTIRE 1,911 ACRE TRACT BE REZONED TO A PUD-C (PLANNED UNIT DEVELOPMENT-COMMUNITY) CLASSIFICATION AND THAT THE BERWICK PLANTATION MASTER PLAN BE APPROVED AS REQUESTED. MPC FILE NO. Z-001019-53586-1 [DISTRICT 7.]**

ACTION OF THE BOARD:

Chairman Hair read this item into the record as the first reading.

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- 2. **AN AMENDMENT TO THE CHATHAM COUNTY ZONING ORDINANCE AND TO THE CHATHAM COUNTY CODE CHAPTER 9, ARTICLE 1, MANUFACTURED MOBILE HOME PARK STANDARDS TO REVISE THE LANGUAGE OF THE ORDINANCE TO ASSURE THAT CURRENT DEFINITIONS CONFORM WITH STATE AND FEDERAL STATUES. THE MPC RECOMMENDED APPROVAL OF THE AMENDMENTS. (NOTE: MEDICAL HARDSHIP ISSUE IS NOT INCLUDED IN THIS AMENDMENT.)**
MPC FILE NO. Z-001010-34439-1
[NO DISTRICT - UNINCORPORATED AREA.]

ACTION OF THE BOARD:

Chairman Hair read this item into the record as the first reading.

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XII. SECOND READINGS

- 1. **AMENDMENT TO ARTICLE VII OF THE CHATHAM COUNTY TAXATION AND REVENUES ORDINANCE.**

Chairman Hair recognized County Manager Abolt.

County Manager Abolt said, I'll defer to Mr. Hart. County Attorney Hart said, this is a --, this is something that I met with the Tax Commissioner about and reviewing some of the items we have basically all we're doing is taking the local ordinance, and there have been some changes in the State law, and we're just bringing the ordinance up so it complies with some of the deletions and additions in the State law.

Commissioner Jackel said, all right, I've got some questions about this. Commissioner DeLoach said, move for approval. Commissioner Price said, second. Chairman Hair said, motion and second. Commissioner Jackel asked, [inaudible] about those manufactured home things? County Attorney Hart said, no sir, it does not. Commissioner Jackel said, all right.

Chairman Hair said, okay, we have a motion and a second. All those in favor vote yes, opposed vote no. The motion carried unanimously. Chairman Hair said, the motion passes.

ACTION OF THE BOARD:

Commissioner DeLoach moved to approve the amendment to Article VII of the Chatham County Taxation and Revenues Ordinance to ensure that it carries out the intent of the local constitutional ament, Ga. L. 1971, p.964, which authorizes the payment of taxes in installments.

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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:

Written 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:

Written report received as information.

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EXECUTIVE SESSION

Upon motion made by Commissioner DeLoach, seconded by Commissioner Price and unanimously approved, the Board recessed at 12:30 p.m., to go into Executive Session for the purpose of discussing litigation, land acquisition and personnel.

Following recess of the Executive Session, the meeting of the Board of Commissioners was reconvened at 1:48 p.m.

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ITEMS FROM EXECUTIVE SESSION

1. REQUEST BOARD APPROVE PURCHASE OF RASPBERRY CANAL PROPERTY.

ACTION OF THE BOARD:

Commissioner DeLoach moved that the Board approve the purchase of the Raspberry Canal property for \$400,000. Commissioner Thomas seconded the motion and it carried unanimously.

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2. 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 Rivers moved to authorize the Chairman to execute an affidavit that the Executive Session was held in compliance with the Open Meetings Law. Commissioner Price seconded the motion and it carried unanimously.

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APPOINTMENTS

1. ECONOMIC OPPORTUNITY AUTHORITY

ACTION OF THE BOARD:

Commissioner Thomas moved that the Board appoint Christopher E. Worel to the Economic Opportunity Authority to a term which will expire December 31, 2005. Commissioner Odell seconded the motion and it carried unanimously.

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RECESS/ADJOURNMENT

Chairman Hair recessed the meeting until Monday, December 18, 2000, at 11:30 a.m., to go into Executive Session for the County Manager's performance evaluation.

=====

APPROVED: THIS _____ DAY OF _____, 2001

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

SYBIL E. TILLMAN, COUNTY CLERK

Meeting continued on December 18, 2000. Minutes follow.

MINUTES OF THE MEETING OF THE BOARD OF COMMISSIONERS OF CHATHAM COUNTY, GEORGIA, HELD ON MONDAY, DECEMBER 18, 2001, IN THE COMMISSION MEETING ROOM ON THE SECOND FLOOR OF THE CHATHAM COUNTY COURTHOUSE, LEGISLATIVE AND ADMINISTRATIVE BUILDING, 124 BULL STREET, SAVANNAH, GEORGIA.

CALL TO ORDER

The meeting which was recessed on December 15, 2000, was reconvened by Chairman Billy B. Hair at 11:35 a.m., Monday, December 18, 2001.

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ROLL CALL

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 [Arrived approximately 11:55 a.m.)
Martin S. Jackel, District Three
Harris Odell, Jr., District Five
Ben Price, District Six
Eddie W. DeLoach, District Seven

IN ATTENDANCE: Sybil E. Tillman, County Clerk

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EXECUTIVE SESSION

Upon motion being made by Commissioner Price, seconded by Commissioner Saussy and unanimously approved, the Board recessed at 11:37 a.m., to go into Executive Session for the purpose of discussing the County Manager's performance evaluation. [NOTE: Commissioner Rivers was not present.]

Following adjournment of the Executive Session, the meeting of the Board of Commissioners was reconvened at 12:52 p.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:

MONDAY
2000

DECEMBER 18

Commissioner DeLoach moved to authorize the Chairman to execute an affidavit that the Executive Session was held in compliance with the Open Meetings Law. Commissioner Price seconded the motion and it carried unanimously.

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ADJOURNMENT

Commissioner DeLoach made a motion that the meeting be adjourned. Commissioner Saussy seconded the motion and it carried unanimously.

Chairman Hair declared the meeting adjourned at 12:53 p.m.

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APPROVED: THIS _____ DAY OF _____, 2001

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

SYBIL E. TILLMAN, COUNTY CLERK